

Agenda Item No 6

Planning and Development Board

9 October 2017

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.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 6 November 2017 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2016/0725	4	<p>Holiday Cottage at Radford, Land adj to 66 Old House Lane, Corley, Removal of condition no's:- 3 & 4 of planning permission PAP/2014/0473 relating to occupancy solely for holiday purposes and the keeping of a register of visitors staying in the accommodation</p>	General
2	PAP/2017/0104	15	<p>Land 260m South East Of Northbound, Smorrall Lane, Corley, Change of use of land to HGV parking incorporating associated infrastructure and works</p>	General
3	PAP/2017/0352	94	<p>Land East of, St Lawrence Road, Ansley, Outline application - erection of up to 70 dwellings with details of access, layout, scale, appearance and landscaping as reserved matters</p>	General
4	PAP/2017/0412	111	<p>61 Coventry Road, Coleshill, Warwickshire, Prior Approval for change of use from office use (class B1a) to nine residential apartments (class C3)□</p>	General
5	PAP/2017/0471	114	<p>Land East of 68, Vicarage Lane, Water Orton, Variation of condition no's: 3 and 30 of planning permission ref: PAP/2016/0709 relating to events that may not be rugby in nature and opening hours; in respect of Relocation of Rugby club, new clubhouse with clubroom and changing facilities, playing pitches for Senior and Junior Rugby with flood lighting to one pitch and associated parking for cars and coaches with access road</p>	General

General Development Applications

(1) Application No: PAP/2016/0725

Holiday Cottage at Radford, Land adj to 66 Old House Lane, Corley, CV7 8BS

Removal of condition no's:- 3 & 4 of planning permission PAP/2014/0473 relating to occupancy solely for holiday purposes and the keeping of a register of visitors staying in the accommodation, for

Mr Nicholas Fletcher

Introduction

This application was reported to the last meeting but a determination was deferred such that Members could visit the site. That has now taken place and a note of this will be circulated at the meeting.

A copy of the previous report is attached at Appendix A for convenience.

Observations

There has been no further information submitted since the last meeting.

Recommendation

That the recommendation as set out in Appendix A be agreed.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0725

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letter	5/9/17

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.

The Proposal

This relates to the removal of conditions 3 and 4 of planning permission PAP/2014/0473 which restricts occupancy solely for holiday purposes and a consequential requirement to keep a register of visitors staying in the accommodation

In support of the application the applicant has submitted evidence to show that the recent rental history of the building makes its further use unviable. That evidence confirms that it has only been let twice during the past year, and that despite lowering the rent asked for, there has still been no uptake. None of the prime holiday periods were let.

Background

Radford was initially granted permission in 1965. A subsequent permission in 1989 led to the construction of a triple bay garage and it is this building that is the subject of this application. It was approved within the curtilage of Radford. A further permission in 2010 allowed for a replacement triple bay garage. Planning permission was granted in 2012 which allowed its conversion to a holiday let using the access through Radford, though a separate access serving the land on which the garage is sited was previously established.

The permission for the holiday let was taken up.

Radford' was subsequently sold to a new owner and the house is now in a different ownership to that of the holiday let. The former owner of Radford however has retained ownership of the holiday cottage and the adjoining paddock with its own established vehicular access. The layout of the site uses a pedestrian route to the holiday let permitted in 2014. Presently there are no unauthorised uses occurring at the site. The site has been subdivided from its former host dwelling. As such, agreement here to the removal of the conditions would lead to an independent dwelling with its own curtilage.

Development Plan

The Core Strategy - NW 1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV13 (Building Design); ENV14 (Access Design), ECON9 (The Re-use of Rural Buildings) and HSG3 (Housing Outside of Development Boundaries)

Other Relevant Material Considerations

The National Planning Policy Framework 2012 - (the "NPPF")

Consultations

Warwickshire County Council as Highway Authority – No objection

Representations

Corley Parish Council – It objects on the following grounds:

- It is in our view essential to summarise the events which have led to this totally unacceptable application. The applicant was the previous owner of Radford and some while ago applied for permission to create a holiday home adjacent to the main property.
- The 'outbuildings' or garages were, with planning consent converted into a holiday let which still was part of the overall property originally purchased by the applicant.
- There was also a request for a further driveway access to this 'holiday' let. A separate driveway was constructed to provide separate access – we understand the applicant was advised by the council that this new access could not be used, that the main access should be used by the main house and holiday let. Whilst in principle the parish council did not have major concerns at the creation of the holiday let, we did submit representations and make the point there should be strict conditions put on this, we were worried that these conditions would be eroded over time and a 'new permanent' dwelling created.
- The applicant then sold the main property, the applicant retained the holiday let as a separate property – specifically and according to planning consent definitely a holiday let and not a residential property and it is now clear that our concerns and fears about the 'end game' have become a reality. It is totally unacceptable and the existing conditions on this property maintained.
- This latest application, seeks to remove the condition that the property is purely a holiday let and therefore reclassify it as a residential property – which could presumably be sold on the open market. The rationale for this change is as we understand that the holiday let is not viable and therefore the applicant has little option. Perhaps the applicant should have researched the viability and marketing strategy of a holiday let in our village before this development route for his property was embarked on.
- Given our village is located very close to the NEC, Motorcycle Museum and other major event centres we know for a fact that the demand for hotel and other rental property is high at many times throughout the year. It is therefore with surprise that a property in such an ideal commuter location for such events is deemed not viable to be very questionable. We would suggest that if

the property was advertised and marketed correctly it would indeed become viable and take away the rationale for any reclassification away from its current status

- Any other action would create a very dangerous precedent for others in our community who see a path to creating more fully fledged residential properties by adopting this strategy. As a parish council we predicted this event would occur and it must not be allowed to be successful.

Observations

a) Introduction

The request to remove controlling conditions imposed on the earlier permission for a holiday let would result in full residential use of the building under a C3 use class.

It should be noted that the building already has full residential characteristics both internally and externally. There have been no extensions or alterations made. In planning terms, it is already in a C3 use – both in terms of its lawful Use Class and the actual situation on the ground. The conditions only limit the occupancy of this C3 use, such that residency is not permanent.

b) Material considerations

Whilst the concerns of the Parish Council are understood, it is not considered that there are not the planning grounds here for a refusal. There are several reasons for this.

Firstly, the starting planning position is that set out above. The building already has a C3 use albeit its occupancy is conditioned. It can therefore be occupied residentially in the same way as any other dwelling other than its occupants would change on a regular basis, or indeed the same occupier could occupy the building for several rental periods within a year. In all these cases the buildings' use is wholly residential in character and appearance with all of the same associated activity as for dwelling occupied by a permanent household. In these circumstances it is almost impossible to distinguish whether there would be any adverse visual or amenity impact on the local area between a full residential use and a property that is let.

The second follows on from this. The site is in the Green Belt. The NPPF makes it quite clear that the re-use of existing buildings is appropriate development, provided that there is no worse impact on the openness of the Green Belt as a consequence. That would be the case here not only in the general terms described above but also in actual terms as the site is hardly visible to the public being self-contained by high hedges and road banks.

Thirdly, the evidence submitted by the applicant suggests that the demand for the holiday accommodation is no longer viable. Evidence submitted by the applicant in the form of an independent financial appraisal and marketing evidence through a rental firm suggests that demand for the holiday accommodation has not been taken

up even with a reduction in the rent asked for. This also suggests that there would be very little in the way of impact on the local rural economy if this holiday let was "lost" to the area.

Finally the site is not considered to be wholly isolated as it within a cluster of existing housing.

c) Other Harm

As outlined the site is well screened along its boundaries. It also sits some distance away from neighbouring properties. There is not considered to be a privacy issue, nor are vehicle movements associated with the use likely to cause problems on the local highway network. Indeed the Highway Authority has not objected.

d) Summary

Overall the considerations outlined above, when treated cumulatively, do strongly support the proposal to remove the limiting occupancy conditions of the previous permission. The impact on the Green Belt is the same whether the building continues as a holiday let or whether its use is fully residential. The appearance of the building does not alter in its rural context and neither does its residential curtilage. The site already benefits from its own access.

Whilst the concern of the Parish Council in understood it should be recognised that the holiday let permission was taken up and the building has been used as such. Unless the Parish Council has robust evidence that the building has a reasonable prospect of being let on a viable basis and show that its use a single dwelling would have an adverse Green Belt or other impact there is no weight that can be attached to those concerns.

Recommendation

Planning permission is **GRANTED** subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with the revised plans numbered 317/214/05 Rev B and 317/214/03 Rev B received by the Local Planning Authority on 18 May 2017 and the Viability Appiasal received by the Local Planning Authority on 22 May 2017.

REASON

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

2. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (Gernaral Permitted Development Order) 2015, or as may be subsequently amended, no development under Classes A, B, or E of that Part shall commence on site unless details are first submitted to and approved in writing by the Local Planning Authority.

REASON

In order to protect the visual amenities of the area and to protect the appearance of the building.

3. For the avoidance of doubt this permission permits the use of the building shown on the plans approved by Condition 1 as one dwelling house as defined by Class C3 of the Town and Country Planning (Use Classes Order), 1987 (as amended).

REASON

For the avoidance of doubt so as to prescribe the limits of the permission.

4. The building shall not be occupied until the car parking and manoeuvring areas have been laid out and are available for use in accordance with the approved plan and such areas shall be permanently retained for the parking and manoeuvring of vehicles. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of highway safety

5. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site in accordance with drawing number 317/214/03 Rev B. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of highway safety

6. No gates shall be hung within the vehicular access to the site so as to open within 6.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety

INFORMATIVES

1. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
 - b. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
2. The Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking additional information in order to overcome planning issues, as such the Council has met the requirements of paragraphs 186 and 187 of the National Planning Policy Framework

BACKGROUND PAPERS

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

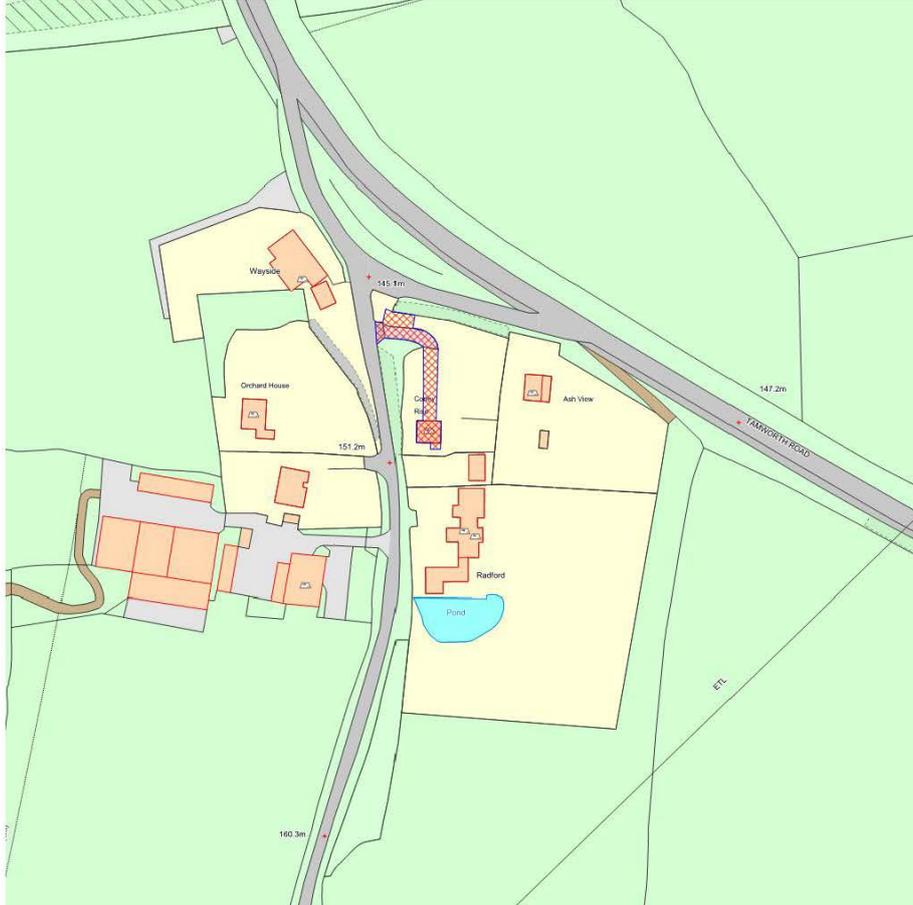
Planning Application No: PAP/2016/0725

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21.12.16
2	Corley Parish Council	Representation	17.1.17
3	Case officer to agent	e-mail	8.2.17
4	NWBC Environmental Health	Representation	22.2.17
5	Agent to case officer	e-mail	1.3.17
6	Agent to case officer	e-mail	2.3.17
7	WCC Highways Authority	Representation	6.3.17
8	Case officer to agent	e-mail	31.3.17
9	Case officer to agent	e-mail	27.4.17
10	Agent to case officer	Revised plan and viability appraisal	18.5.17
11	Agent to case officer	e-mail	22.5.17
12	Corley Parish Council	Representation	13.6.17

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Appendix A



(2) Application No: PAP/2017/0104

Land 260m South East Of Northbound Motorway Services Area, Smorrall Lane, Corley,

Change of use of land to HGV parking incorporating associated infrastructure and works, for

Welcome Break Group Ltd

Introduction

The receipt of this application together with a summary of the proposals was reported to the September Board meeting. It is now reported for determination following the Board's decision to visit the site. Apart from the site itself, Members included a night time inspection of the existing HGV parking area and its surrounds together with viewing the site from the higher ground to the south.

For convenience the initial sections of the report below include the content of that earlier report. A note of the site visits will be circulated at the meeting.

The Site

The site is an area of some 2.08 hectares of grazing land immediately to the south-east of the northbound half of the Corley Motorway Services on the M6 Motorway. There is further pasture land to the south before the rear gardens of the residential frontage in Bennetts Road North is reached. A public footpath – the M327- runs around the southern boundary of the present service area and overhead electricity transmission cables also cross the site. The site boundaries are marked with fences and hedgerows including mature trees and a small watercourse within a ditch. The other half of the service area – southbound – is on the opposite side of the Motorway. There is scattered housing on this side. Bennetts Road North and Smorrall Lane – to the north of the Motorway – join at a bridge, crossing the Motorway to the west of the service area.

The northbound area comprises car parking areas at its eastern end as well as an existing 60 space HGV park at its western end and the usual built facilities. It is open twenty four hours and is lit.

The present HGV parking area is 190 metres from the nearest residential property in Bennetts Road North. The closest HGV parking to existing residential property would be 115 metres.

The site rises slightly over three metres from the Motorway to the houses in Bennetts Road North.

A location plan illustrating most of these features is at Appendix A, and photos of the site are at Appendix B. Appendix C is a selection of wider views towards the site.

The Proposal

a) Description

The scheme is for the change of use of land to provide an additional HGV parking area incorporating associated infrastructure and works. This would provide 82 spaces of which 12 would be reserved for oversized vehicles. All access into this extended area would be via the existing circulatory system within the service area. This would involve the loss of trees and a length of mature hedgerow, but the existing boundary hedgerows around the site would be enhanced – a ten metre landscaped buffer is shown to include new banking. The extreme south-west part of the site tapers towards Bennetts Road North, but it is not to be used for parking or would it be hard surfaced. It too would be planted around its boundary and it would be retained as pasture.

The scheme will also include floodlighting to the parking area. This would involve twelve 15 metre lighting columns located around the site together with four 10 metre columns where the site joins the existing service area.

Surface water drainage would be to a new balancing pond at the northern end of the site from which discharge would be to the adjoining water course and thence to the Breach Brook on the other side of the motorway.

It is proposed that the development would only be operational during the week and therefore be closed at weekends.

The proposed layout and landscaping plans are attached at Appendices D and E. There is also a series of cross sections at Appendix F.

b) Supporting Documentation

The application is accompanied by several supporting documents.

A Flooding and Drainage Statement concludes that the proposals would not cause adverse impacts. It is within Flood Zone 1 where new development is deemed to be appropriate. There is a watercourse ditch that runs along the south-eastern site boundary which passes in culvert under the Motorway to discharge into the Breach Brook to the north. A Flood Risk Assessment has been undertaken and the applicant's report concludes that the development would not worsen the wider catchment area because of the attenuation measures proposed – the balancing pond at the north of the site which would “catch” the run off for the hard surface and then control discharge into the watercourse referred to above.

An Ecological Appraisal describes the site as improved grassland with hedgerows, fences, scattered trees and a stream with some mixed woodland. It concludes that there would be loss of bio-diversity here, but that the boundary landscaping and tree planting together with the new balancing pond would compensate and improve diversity. There were no badger setts found on the site and the enhanced hedgerow planting would assist in retaining bat foraging habitat.

An Archaeological Assessment concludes that the potential of the site is low but that pre-construction trenching would be useful.

A Landscape and Visual Assessment describes the overall Service Area as lying within a “bowl” of lower lying ground with distinct ridge lines to the south (Corley Rocks); the north (Breach Oak Lane), to the west (towards Fillongley) and the land falling away towards the east (towards Bedworth). The site itself is in the “Corley Hills and Valleys” area as described by the North Warwickshire Landscape Character Appraisal. The Assessment concludes that overall in terms of impact on the character described in the Appraisal there would be minor to negligible impacts. In terms of impact on visual amenity the Assessment concludes that the impact would be higher in that there would be adverse impacts but these are described as being minor and localised. This is because of the setting of the site being well contained visually, and in landscape terms because of the local topography and existing uses.

A Noise Impact Assessment concludes that because of the cumulative impact of the proposed extension on the existing noise environment there would be minor impacts, but that these would fall within existing recognised guidelines.

A Lighting Impact Assessment concludes that there would be little likelihood of light spillage beyond the site.

A Transport Assessment has been submitted. This is the major piece of supporting documentation as it sets out amongst other things, the reasons behind the proposal. In general terms this is summarised as being a pressing need for the development which has triggered the applicant to re-assess the requirement for parking across the site. The current HGV parking area – northbound - is marked out for 60 HGVs or any other vehicle which is larger than a standard car or small van that would otherwise park in the main car park. It is said that due to the over-whelming demand for spaces at the site, HGVs try and park in other locations, both within the site and on the exit slip road to the motorway. This causes highway safety issues. There are also times (mainly overnight) when HGVs enter the site, circulate and leave because they are unable to find a parking space. There is also a highway safety issue which relates to driving times for HGV drivers. Significant survey work of the site has been undertaken and based on this and the long term increase in traffic on the highway network, the applicant concludes that there is substantial need for the provision of additional HGV spaces at the site.

This overall case is supported by evidence submitted with the Assessment. This looks at a variety of different sources of data.

Firstly it points out that the HGV traffic numbers nationally are expected by the Department of Transport to rise on average by 22% up to 2040. During 2006 to 2015 the increase along the M6 in the vicinity of the site was 13%.

Secondly, the actual site survey work using traffic counters and CCTV coverage shows that the site has insufficient space to even accommodate existing demand. This evidences that the site is presently over capacity both during the day and during the night. On occasions as many as 70 HGV's entered the site between 2200 and 0700 hours – the peak period for parking – circulated the existing parking area and then left the site unable to find a space. This figure excludes HGV's that entered, re-fuelled and then left again. The survey work also showed that the lack of capacity led to unauthorised parking around the site. As many as 50 unauthorised spaces are being “created” by parking on the circulatory internal roads, the egress slip road, its' hard shoulder and in refuge bays. The report concludes that as many as 20 hazardous incidents occur on a daily basis as a consequence. This “unauthorised” parking is said to be a result of HGV driver hours' requirements – eg. drivers not being able to continue because they have or will have met their required driving time periods.

Thirdly the survey showed that this service area has a large percentage of HGV usage with between 39% and 47% of entering vehicles being HGV's. These figures are on Mondays through to Wednesdays and are greater than most other service areas. At weekends, the figures drop to 18%. This is said to reflect the geography of the motorway network and the location of Corley in particular. The report describes that the M6 suffers from congestion in the West Midlands and that there are often significant delays. These are advised through the advanced directional overhead signage. HGV drivers, it is said, are likely to make a decision at Corley, based on that signage, whether or not to stop at Corley. These decisions will be determined by likely journey times and the need to take a break based on the legal journey time requirements for HGV drivers (a 45 minute break every 4.5 hours as well as overnight stops). Distances to the next service areas are all close to or exceed this distance. Citing journey times from Dover and Felixstowe the assessment concludes that Corley is on the 4.5 hour limit from Dover and 3 hours from Felixstowe. As a combination of these factors, it is said that Corley becomes a major "decision" point for HGV drivers.

Fourthly, the HGV parking requirement calculation from Annex B in the Department of Transport's Circular 02/2013, shows that the site's current provision of HGV parking is 35 spaces below what it should be based on 2016 M6 northbound daily HGV flows. Taking into account HGV traffic growth projections, the facility would have a shortfall of 47 spaces by 2027 - hence the additional 82 spaces now being proposed.

Finally the assessment looks at alternatives. It is pointed out that there are no realistic alternatives in respect of the Corley site. The north bound Watford Gap HGV park on the M1 to the south (24 miles to the south) was found on average to be 74% at capacity during the night, but because of the constrained nature of the site it is unable to expand. The HGV parking at Hilton Park on the M6 north (29 miles from Corley) has less space than at Corley and is regularly "full". The Dordon service area on the M42 north (17 miles) is at 80% capacity during the night but its use is in doubt because of the disruption likely to be caused by the HS2 construction. Hopwood Park on the M42 south is 24 miles from Corley and was 80% at capacity during the night, but off-site on-street parking was also taking place as well as use of the coach park. Norton Canes on the M6 Toll it is agreed is underused. Alternative truck stop locations were also assessed – the Lincoln Farm stop on the A452 at Balsall Common; the PJM stop on the A46 at Baginton and the Rugby truck stop on the A5. All were considered to be too far off the strategic road network and also would cause increased HGV traffic on other roads – particularly the A5 and A452. The Assessment also looked at a proposed new service area at Junction 1 on the M6 at Rugby, but the report concludes that does not presently have a planning permission and that it is the subject of an objection from both relevant highway authorities - Highways England and the Warwickshire County Council. It is also said not to be located at the critical decision making point of drivers, being too far to the east in driving time and in mileage vis-à-vis the Birmingham conurbation.

A Road Safety Audit is also submitted which concludes that the proposal is satisfactory.

The applicant has also responded to objector's suggestions that the existing layout within the present service area could be laid out more efficiently thus gaining additional HGV parking spaces. They put forward two alternatives. The applicant considers that these would result in greater road safety issues for all road users and materially impact on the functioning of space for delivery and service vehicles attending the amenity building.

For the benefit of Members, Appendix G contains much of the background to the above and it is taken from the Transport Statement. Appendix H is the response by the applicant to the objector's comments, amongst other things, on the suggested alternative layouts.

Background

There have been a number of proposals for minor development at the service area in the last two years - an extension to the amenity building to provide enhanced wash room facilities and the provision of a Starbucks drive-thru' coffee shop. The fuel filling station has also been refurbished.

In 2008, Welcome Break applied for planning permission to extend the HGV parking area from the current provision of 60 spaces to provide a further 75 spaces on the same site as the present application (planning application reference PAP/2008/0658). This application was refused planning permission because that application was insufficiently evidenced such that there were no clear circumstances overriding Green Belt and other harm. This decision was not appealed. The applicant considers that he has now addressed the outstanding matters raised by the refusal.

Reference is made in the supporting documentation to the Department of Transport's Circular 02/2013. This is a material planning consideration too. It sets out the Government's policy of spacing service areas no more than 28 miles apart or a 30 minute travel time, whichever is the lesser. It also sets out policy on proposed HGV parking provision – this is related to the % of HGV traffic actually using the Motorway. This forms the basis for the extent of the current application.

Driver's Hours and Tachograph rules are also a material planning consideration here. In essence these state that after a period of no more than 4.5 hours, a driver must immediately take an uninterrupted break of at least 45 minutes. There are alternatives to the 45 minutes, but only on dividing it up with two and two and a half hour drive times. The maximum daily driving limit is 9 hours a day and 56 hours in a week.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment) and NW15 (Nature Conservation)

The Warwickshire Local Transport Plan 2011- 2026

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), ENV15 (Nature Conservation), ENV16 (Listed Buildings) and TPT5 (Sustainable Freight Movement)

Other Material Planning Considerations

The National Planning Policy Framework 2012 - (the "NPPF")

National Planning Policy Guidance 2016

Circular 2/2013 from the Department for Transport: "Strategic Road Network and Delivery of Sustainable Development "

Consultations

Warwickshire County Council as Highway Authority – No objections.

Warwick Museum – It requested additional information which was provided and as a consequence there is no objection in principle subject to a pre-commencement condition for evaluation work.

National Grid - No objection

Warwickshire Police – No objection

Environmental Health Officer - No objection. The earth bund and close board fence would mitigate noise so as to comply with national guidelines. However the details of the type of fencing should be conditioned to an acoustic close board fence with sufficient height. There is unlikely to be a detrimental air quality impact.

Highways England – No objection to the technical detail of the proposals. It also considers that the proposed development would alleviate HGV parking pressures at the Service Area. The findings of the applicant's Transport Assessment show that the proposed development would alleviate HGV parking pressures at this Service Area and that the current provision is below that advocated by Government guidance.

Warwickshire County Council as Lead Local Flood Authority - No objection subject to conditions.

Warwickshire Wildlife Trust – No objection but there was concern about a potential bat roost in an oak tree and that no overall bio-diversity assessment had been undertaken. Survey work has revealed no bats roosting in the tree. An Assessment was also undertaken showing a positive impact because of the enhancements proposed on site. Further off-setting should also be considered.

Warwickshire County Council as Highway Authority - No objection following additional information being provided.

The Council's Tree officer – No objection

Representations

Corley Parish Council – It objects referring to the following matters:

- The Parish Council does not contest that there may be a requirement for some additional capacity but the application submitted and the scale of what is being proposed, is unacceptable.
- The proposal has been revised throughout the process and the revisions have not allayed objections.

- The Parish Council would suggest the alternatives are fully investigated before any decision is taken as this may have a fundamental effect on what is actually required. Reference is made to the proposed site at Rugby.
- Based on the above, the 'special circumstances' required to use Green Belt Land have in no way been met and this in itself warrants the application to be refused.
- Residents who live nearby would be subject to considerable light, noise and emission pollution and would be subject to considerable loss of amenity in their homes and gardens and face increased security risks.
- HGV's will not walk to the MSA Building to use the facilities as its too far.
- The existing site layout could be better revised.

Twenty two letters from local residents raise the following issues:

- Green Belt – the scheme encroaches onto Green Belt land before exhausting the alternatives within the main site.
- If approved there will be pressure for later extensions in the future.
- The land is a buffer between the Motorway and residential housing. This buffer helps to ease noise, smell and pollution. This site will bring lorries even closer to the housing.
- Current use of land is for horses.
- The scheme suggests that 'Active management' will see this HGV park closed at weekends. This approach to the existing car parking areas which are very under used at night could provide more than enough overflow parking for HGVs overnight on weekdays, if the will existed to implement such measures, and would only require modification of car park entrances and some active signage.
- Noise from HGV reversing alarms.
- Proposal would de-value the residential properties.
- The site as proposed is too large
- Impact from lighting to the HGV area.
- Security threat to dwellings on Bennetts Road North.
- HGV driver using the field as public loo, which could increase with no facilities on the application site.
- The existing motorway noise is constant and the proposal would make the situation worse.
- The Noise Assessment shows that the current noise levels are at best marginal for those of us that have to sleep in the adjacent properties, and measurements were not taken on a wet winter night when tyre noise from the main carriageway is at its highest and the HGVs in the current lorry park leave engines running in order to generate heat and power for the drivers in their cabs. This assessment shows that there will be an increase in noise, this is of course a theoretical model and cannot model real circumstances. The reality is that recommended noise levels will be frequently exceeded.
- The previous application for a slightly smaller scheme was refused on the grounds of being inappropriate development within the green belt and has the situation changed?
- There has also been a noticeable increase of littering along Bennetts Road North by people walking to the MSA for work since the previous set of developments on the site.
- There are no public transport services available for workers at the sites outlets and facilities.
- Impact on local wildlife.
- Possible impact upon the public footpath.

- Proposed landscaping will take 10-20 years to mature and is currently not adequate during summer or winter. Previous on site development has not replaced lost vegetation.

Observations

a) Green Belt – Appropriate or Not Appropriate Development

The site is in the Green Belt. As Members are aware there is a presumption of refusal for proposed new development here in the case where that development is considered not to be appropriate. This is because inappropriate development is harmful to the Green Belt by virtue national planning policy as set out in the NPPF. The first issue therefore is to establish whether this proposal is appropriate or not appropriate development. The NPPF again provides the means of doing so. Taken as a whole the development here is considered to be a material change of use of land – that is from agricultural to one of an HGV parking area. The applicant agrees, as the application description is that of a change of use of land. That change of use also involves building operations – the lighting columns and the boundary fences. Changes of use are not appropriate development in the Green Belt according to the NPPF and the erection of the lighting columns and fences would not fall into one of the exceptions identified therein in respect of the construction of new buildings. As a consequence the proposal here would be treated as not being appropriate development. However before coming to that conclusion it is important that Members consider an argument put forward by the applicant that this development is “local transport infrastructure”. The reason this is put forward is that if this is the case, then the NPPF recognises that such developments might be appropriate development. Unfortunately there is no definition of this term in the NPPF. However the advice to Members is that it is not. There are two reasons for this. Firstly and of substantial weight, is the fact that this is not “local” infrastructure. It is being put forward in terms of a meeting a national or regional need with no local connection at all. The local community will not use the facility nor will it be of community benefit in transport terms. It does not enhance or promote local transport provision. Secondly, much of the evidence from appeal decisions suggests that this term has taken to apply to facilities such as town “Park and Ride Schemes” and/or Parkway Stations. Nevertheless even if it is treated as such it still cannot be automatically deemed to be appropriate development, as such schemes still have to show preservation of the openness of the Green Belt and no conflict with the five purposes of including land within the Green Belt. These two conditions therefore need to be explored further.

There is again no definition of “openness” in the NPPF. In planning terms however it has generally been taken to mean “the absence of development”. The site is presently an open field, a wholly open space adjacent to the existing service area, which has a very firm physical and visual boundary and provides an open space between the service area and housing further to the south. It also connects to other open countryside to the east and to the west. However it is also within a shallow valley which means that it is not visible over a wider geographic area; it is also an extension to an existing built area, rather than being a separate or free-standing site and it has to be seen in the context of the Motorway itself, the road bridge and the overhead line and pylons. The new development would not introduce new buildings here but there would be a significant extension of the service area with all of its associated vehicle and human activity and with the additional lighting columns. Parked HGV’s whilst not being buildings as such, would necessarily however introduce a third dimension in terms of height and continuity to the concept of openness. When all of these elements are put together, it is

considered that the development would not preserve the openness of the Green Belt and thus it would have an adverse impact. However that impact would be to cause moderate harm to openness because of the setting of the site as described above.

In looking at the five reasons for including land within the Green Belt, then it is considered that there would be conflict with the third purpose – that of safeguarding the countryside from encroachment. This is because of the cumulative impact of the proposal taken together with existing developments and the importance of the countryside gap between these various elements.

As a consequence it is concluded that the two conditions identified above would not be satisfied even if it were accepted that the development constituted “local transport infrastructure”. The proposal is thus by definition not appropriate development in the Green Belt.

Apart from establishing definitional harm, Members will also need to assess the degree of actual harm to the Green Belt dependent upon the nature of the proposal. This has already been explored above by looking at the impact on openness and on the five purposes of including land within the Green Belt. When taken together it was concluded that there would be moderate actual harm to the Green Belt.

As a result of this overall assessment it is confirmed that the proposed development is not appropriate development in the Green Belt and thus there is substantial definitional harm to the Green Belt, but that the degree of actual Green Belt harm was moderate. As such the presumption of refusal remains. In these circumstances it is necessary for the applicant to put forward those planning considerations which when put in the final balance against the harm caused, would clearly outweigh that harm such as to amount to the very special circumstances to warrant overriding the presumption of refusal. However before looking at these considerations, Members will be aware that they also have to establish whether there is other non-Green Belt harm caused. If there is, then that has to be added to the “harm” side of the final planning balance.

b) Other non-Green Belt Harm

There are several impacts that need to be considered here.

Landscape Character - Looking first at the impact of the character of the landscape, then the applicant has properly drawn attention to the fact that the site lies in the “Church End to Corley Hills and Valleys” landscape character area in North Warwickshire. It is against the description of the landscape in this area that the Board will have to assess the impact of the proposal.

The key characteristics of this area are described in the Appraisal as, “an elevated landscape of low rounded hills, steep scarps and small incised valleys combining hilltop woodlands and tree cover with an intricate and small scale character punctuated by numerous scattered farms and hamlets. These settlements are linked by a network of lanes which link to the nearby urban areas. The southern and eastern part of this area is however marked by the M6 motorway and lines of pylons which give this section many suburban elements.”

The applicant has considered the potential impact of the development on this landscape. It is agreed that because the site itself is within a valley, there would be no impact on the wider landscape character area as any impacts would be confined to the valley and its environs. The applicant looks at these more “local” impacts from a

number of locations around the site. Importantly they include the higher ground around the site, particularly the rising ground towards the south. It is agreed that this is where the most significant landscape impacts would occur. However a combination of distance, topography and intervening vegetation provide a high degree of physical and visual separation between the site and that higher ground. Moreover the mitigation proposed in the way of perimeter landscaping is significant as it reinforces one of the characteristics of this landscape area – “woodlands and tree cover”. Additionally as reported above, this valley does exhibit identified features such that the valley is marked by the “suburban” elements more so than practically all of the other valleys within the landscape area. In this regard it is agreed with the applicant that the sensitivity of the landscape to change in this particular part of the landscape area is less than in other parts. This would tie in with the Appraisal’s description. As a consequence it is considered that the key characteristics of this landscape area, when taken as a whole, would not be materially affected by this proposal. This same conclusion would apply to the particular part of the area identified as having “suburban elements”. The proposal is not a stand-alone or new free standing development. It is an extension of a much larger built form of development and thus can be better “absorbed” into the landscape without substantially altering the landscape character of this particular valley.

Overall therefore it is agreed with the applicant that this proposal would have a minor impact on landscape character, thus causing limited harm.

Visual Impact – The applicant’s assessment considers this from a variety of different locations around the site. Again these included viewpoints to the south – the footpaths in particular - and also from the rear of residential property along Bennetts Road North. There would be some visual harm caused as much by the size of the proposal such that it would be partially visible from a number of these locations. However much of the potential impact from these locations is mitigated through the location of the site being adjacent to an existing and very similar development; the topography of the setting of the site, the existing significant tree and woodland character of the surrounding area, the existing overhead lines and pylons together with the existing on-site lighting columns. The fact that no buildings are proposed and that there is to be substantial additional new perimeter landscaping are strong mitigating factors. It is agreed that these features all carry weight and that cumulatively in general terms, they would give rise to a conclusion that visual harm here is less than significant.

In more detailed terms, then it is important to consider several different aspects here. From the point of view of the driver then there would be negligible visual impact from those on the Motorway itself. Those using Bennetts Road North and Smorrall Lane would have much of their visibility of the site obstructed by trees or built development. The additional lighting columns would perhaps be the only visible new feature. The same would apply to drivers on the surrounding network. However in all instances these would be very transitory impacts.

There would be far greater impact to those using the surrounding public footpath network. Again the features referred to above would mitigate visual impact and these would be transitory. There would however be far greater impact to the users of the immediate footpaths between Bennetts Road North, the existing service area and the site itself. If the path through the site is diverted, then that would benefit visual amenity as walkers would pass around the site protected eventually by the new perimeter planting. If it is not, then there would be significant visual impact. However walkers in this area are already subject to the presence of the existing service area and the Motorway, so overall the degree of visual impact would not overall be significant.

The impact on local residents would be greater because of proximity and because the impact would be permanent. However it is the weight given to this impact that is important. All of the mitigation matters referred to above are relevant here as well. In particular it is material that the application site extends to the north by the side of the existing service area, away from the existing residential frontage to Bennetts Road North. Additionally the ground levels are generally equivalent and there is significant additional perimeter landscaping proposed. The cross sections illustrate this. It is also agreed that the southern section of the site extends closer to some houses in Bennetts Road North and that there would be additional lighting columns included. However, taking all of these factors into account it is considered that the level of harm to visual amenity would be minor. This conclusion does not relate to lighting impacts which will be considered separately below. As far as occupiers of residential property further afield then the issues are far more do to with whether the internal features and functioning of the site itself would be visible from the higher ground and secondly the impact of additional lighting, which as indicated will be dealt with separately below. It is not considered that there would be direct visibility into the site from these more distant properties. This is because of the separation distances; the low incline of the slopes, the degree of existing intervening tree and woodland cover and the proposed perimeter planting.

Overall therefore it is considered that in terms of impact on visual amenity there will be an adverse impact but that this would be minor and localised.

Highways – It should be made clear that this section will only be looking at the highway engineering parts of this proposal rather than the matters raised in the applicant's Transport Assessment supporting the proposal. That will be looked at later in the report.

It is of substantial weight that neither the Warwickshire County Council as Highway Authority or Highways England have objected to the geometry of the layout; the adequacy of the access arrangements into the site from the present service area or the capacity of the service area slip roads to accommodate additional HGV movements. As a consequence it is concluded that there is no highway harm caused.

The public footpath that runs along the present southern boundary can be diverted if requested by the applicant if a planning permission is granted. This would be under Section 257 of the Planning Act 1990. It is agreed that a reasonable alternative could be found. The footpath network here has already had to be adjusted to accommodate both the Motorway and the service area.

Flooding – The site is in Flood Zone One where new development is deemed to be appropriate. Nevertheless the applicant has carried out a Flood Risk Assessment as well undertaking a study of how surface water can best be disposed of. This is critical given the nature of the application – a large area of hard surfacing. It is of substantial weight that the Warwickshire Flood Authority has not raised an objection to the proposal to introduce a balancing pond with the necessary discharge arrangements into the adjoining water course. It is also significant that Highways England has not objected to this proposal either, given that this watercourse is culverted under the motorway. As a consequence it is concluded that there is no harm caused by the proposal.

Archaeology and Heritage – The site contains no heritage assets. The closest Conservation Area is in Fillongley (3 km distant to the west) and the closest Scheduled Ancient Monument is Burrow Hill Fort (900 metres distant to the south). The closest Listed Buildings are at Holly Farm some 500 metres to the south-east on Bennetts Road North and Corley Hall, some 400 metres to the southwest on Rock Lane.

In respect of the Conservation Area then there will be no impact or harm on its setting given the separation distance and the intervening topography. The Warwick Museum has not raised any issue with the potential impact on the Fort given the separation distance and that the Fort is very much a hill-top feature rather than a valley one. Holly Farm is a Grade 2 18th Century farmhouse dating from 1725. Its significance lies in the retention of architectural characteristics of its age and representative of its past use. There would be no harm directly caused to this significance or to the setting of the building which is to some degree already compromised by the overhead lines and the motorway with its service area. There would thus be less than substantial harm caused here. Corley Hall is a grade 2 star early 16th Century house with later 17th Century additions. Its significance lies in the retention both internally and externally of extensive architectural characteristics of its age and evolution as well as reflecting its significance in the local community as an important property. There would be no direct impact on the architectural significance of this asset. Its setting, like Holly Farm, is already compromised, but in this case there is significant built development between the site and Corley Hall such that any impact is less than substantial.

On-site evaluative work shows low possibility of archaeological features and as such a pre-cautionary approach can be taken with a pre-development planning condition if a planning permission is forthcoming.

As a consequence it is considered that overall there would be less than substantial harm caused to local heritage assets by this proposal.

Ecology – The applicant’s assessment concluded that there would be no ecological harm caused by the proposal. It is of substantial weight that the Warwickshire Wildlife Trust has not objected to the proposal. The existing value of the site is limited to the boundary hedgerows and trees and these will be retained and significantly enhanced by the proposals thus enhancing bio-diversity and retaining wildlife corridors. The addition of the balancing pond is seen as a positive benefit. The survey work also showed that no protected species were to be put at risk. The closest Ancient Woodlands to the site are Bob’s Wood, 750 metres to the south-west of the southern end of the site and Many Lands Wood some 500 metres to the north east of the northern edge of the site. These are not affected by the proposals because of the separation distances. As a consequence it is concluded that no harm would be caused by the proposal but to the contrary, there may be some bio-diversity benefit.

Warwickshire Wildlife Trust has also requested that the applicant consider bio-diversity off- setting related to the proposal. He has agreed to this and it is proposed to cover this by a condition for a scheme on land owned by the applicant adjacent to the Motorway Service Area.

Residential Amenity – It is considered that the impact on residential amenity is the matter that has most affected the local community in terms of potential harm. There are three elements to this – noise; lighting and air quality. Each will be looked at in detail.

The applicant has submitted a Noise Impact Assessment. It sets out the methodology behind establishing the existing ambient noise levels; the background to the assessment of predicted noise levels and the accepted guidance on how to assess the impact between the two, if any. It is of significant weight that the Council’s own Environmental Health Officers were engaged in scoping this assessment, such that the criteria used and assumptions made were common ground. The Assessment therefore includes a range of agreed receptors or “survey points”; survey work over a relevant

and agreed period of time, inclusion of noise coming from HGV's idling, manoeuvring and reversing, night time assessments, worst case scenarios as well as agreed noise measures. It concludes that noise level changes would be "minor" and within national guidelines. This is because of the higher ambient noise environment even in the night time; the separation distances, particularly as the site extends away from existing housing, the mitigation measures and that the park would not be used as weekends.

The Council's Environmental Health Officers agree with this overall conclusion. However in view of there still being minor impacts, they have asked for an acoustic fence to be included in the proposal running around the southern and eastern boundaries – the "open" boundaries - so as to supplement the already proposed bund and new landscaping. The applicant has agreed to the inclusion of the fence. The absence of an objection from the relevant officers here carries substantial weight. Development Plan policy NW10 (9) says that development should not cause "unacceptable impacts" arising amongst other things from noise. The NPPF says that planning decisions should "mitigate and reduce to a minimum adverse impacts arising from noise from new development including through the use of planning conditions". It is considered that in these circumstances there is no demonstrable evidence with which to defend a refusal reason based on potential adverse noise impacts.

Turning next to the issue of lighting, then again details are provided. This shows twelve 15 metre columns around the perimeter of the site with four ten metre columns around the new access from the existing service area into the site. All of the lighting sources would be set at an angle horizontal to the ground. The levels of lighting would range from 25 lux - immediately under the columns - to 20 lux throughout the car park and 10 lux around the perimeter. With the angle of the luminaries being horizontal to the ground therefore, light spillage would be confined to a few metres around the perimeter of the site. So that Members can compare lighting levels, the greatest level of lighting at the JLR site at Baxterley with which Members are familiar, is 50 lux. The bulk of that site's lighting is at 5 lux.

Again it is of significant weight that the Council's Environmental Health Officers do not object to the lighting proposals. It is acknowledged that there will be additional lighting; that it would be over a wider area than presently and that the downward light will be visible. As a matter of course, there will be a greater impact, but a refusal reason would have to demonstrate "unacceptable impacts" according to Policy NW10 (9) of the Core Strategy. There is no supporting technical evidence to defend a potential refusal here using this policy. The NPPF says that developments, "should limit the impact of light pollution on local amenity". That has been done here through the use of the minimum number of lighting columns and the minimum lighting levels to secure health and safety and security concerns together with substantial perimeter landscaping.

In terms of Air Quality then the Environmental Health Officers are satisfied that the thresholds for air quality will not be breached. This is because the levels arising from the M6 itself do not do so; the separation distances with the bulk of the parking extending away from existing housing, the HGV's using the site are already mobile using the M6 and thus would not be additional traffic, the HGV park not being used at weekends, and that the situation of starting; idling and turning of vehicles already occurs without air quality thresholds being exceeded.

As a consequence it is considered that the residential amenities of neighbouring occupiers will be affected because there will be additional impacts. That however is considered to amount to limited harm given the evidence that is available. The lack of an objection from the Environmental Health Officer is thus of substantial weight here.

Members are reminded that a refusal reason will need to be accompanied by the appropriate technical evidence to show demonstrable harm, if it is to be defended in any appeal proceedings.

c) The Level of Harm

As a consequence of this assessment of harm, it can be concluded that there is substantial “definitional” Green Belt harm because the proposal is not appropriate development, but that the actual level of Green Belt harm is moderate. There is no highway or flooding harm; minor landscape and visual amenity harm, less than substantial harm to heritage assets and limited harm to residential amenity. This therefore constitutes the harm side of the planning balance.

d) The Applicant’s Planning Considerations

The applicant has set out those planning considerations which he puts forward for the other side of the planning balance. These will now be identified and weight will once again be attributed to them.

The first of these is the site specific shortfall of HGV parking spaces required to meet existing demand alongside future growth forecasts for HGV traffic on the Motorway network. It is not necessary to repeat the arguments set out above within the applicant’s supporting Transport Assessment. These set out the national growth predicted as well as that experienced recently; actual survey work of the northbound service area itself looking at numbers and driver behaviour as well as Government guidance on motorway parking provision. This consideration is supported by a strong relevant evidence base and thus it is considered that this carries significant weight.

The second of the considerations is the very specific circumstances affecting this service area due to driver choice; route choice and traffic delays. These are set out above and are based on actual evidence and are peculiar to this particular service area because of its location on the regional motorway network and its location vis-s-vis other suitable parking areas. This consideration is also supported by a strong relevant evidence base and it too carries significant weight.

The third of the considerations is the question of alternatives that might not involve a Green Belt site. The applicant’s Assessment has looked at the relevant existing service areas on the motorway network associated with this service area and studied their capacity and potential for expansion; alternative non-motorway HGV parking areas and the re-arrangement of the existing parking provision within the service area to accommodate additional HGV spaces without the need for extension. It is considered that this analysis is relevant and robust and has been undertaken appropriately. It thus should carry significant weight.

In conclusion it is considered that cumulatively these considerations carry substantial weight.

e) The Planning Balance

The final assessment the Board has to make is to conclude which side of the balance has the greater weight. However the NPPF makes it explicit that if the applicant's considerations and any other benefits are to amount to the very special circumstances necessary to outweigh the total harm caused, then those considerations have to "clearly" outweigh the level of harm. Here the overall level of harm is set out in section (c) above and the applicant's considerations are set out in section (d).

The "test" set out in the NPPF for Members to assess this balance is to decide whether the applicant's case "clearly" outweighs the total level of harm caused. It is considered that it does and there a number of reasons for this,

Firstly, the actual level of Green Belt harm caused is "moderate". This is due to a combination of the existing topography of the site itself, its setting, the nature of the surrounding built form and activity and the content of the proposal with it being an extension to an existing large site and with it containing no new buildings. If this were a free-standing proposal or a proposal for a new HGV park and new amenity buildings elsewhere in the Green Belt, then the conclusion on Green Belt harm would be different.

Secondly the overall level of non-Green Belt harm too is not considered to be high. There would be change if this proposal is allowed, but that is not a reason for refusal. The existing site and its setting already experience the impacts of the M6 Motorway and the service area. The issue is whether this proposed extension would materially worsen or add to the impacts already experienced. The technical evidence on these impacts does not suggest that this would be the case.

Thirdly the applicant's case is substantial. It is supported by actual evidence of the use of the current service area and national guidance on HGV parking provision and predicted growth in the use of HGV's. This shows a site that is frequently under "stress" resulting in consequential highway safety concerns. Reasonable alternatives have been explored and appropriate evidence submitted to show that there are issues with these. It shows that these carry little weight as reasonable alternatives. The crucial or key factor here is the particular circumstances that apply to this service area. If the application was for an HGV extension without this site-specific evidence, then the weight to be given to it would be less. That evidence is sound and based on actual events and survey work. It is supported in general terms by Highways England. As a consequence it is sufficient to show that there are unusual circumstances occurring at this particular site.

Fourthly, the applicant has addressed the three refusal reasons set out in the earlier 2008 decision. Those reasons were essentially around the conclusion that the case at that time was not made. These were not prohibitive of the proposal under all circumstances. It is considered that the applicant has now provided a full case. Indeed the growth of HGV traffic since 2008 and the increased "stress" of this particular site will have worsened during that time.

As a consequence of these reasons it is considered that there is a clear "gap" between the moderate Green Belt harm caused together with the minor non-Green Belt harm caused and the substantial weight that is given to the applicant's case. Very special circumstances have thus been shown.

Recommendation

That planning permission be granted 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 permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) CMSA-BWB-EWE-XX-RP-EN-0001_FRA, Sustainable Drainage Statement CMSA-BWB-HDG-XX-RP-RP-0002_SDS, and Surface Water Strategy CMSA-BWB-HGR-XX-DR-EN-201_Surface Water Strategy. In particular the development should be carried out according to the following mitigation measures detailed:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 6.6 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 749m³ and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments'. The storage pond should be designed in accordance with plan CMSA-BWB-HGR-XX-DR-202_Pond Cross Sections.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to use of the development and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

REASON

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

3. For the avoidance of doubt the HGV parking area shall only be open between 08:00 Monday morning until 18:00 Friday Evening inclusive and shall not be open any other times on Friday evening, Saturday and Sunday until 08:00 hours on Monday and shall specifically not be open at any other times on Friday evenings, or at any time on Saturdays and Sundays.

REASON

To protect the amenities of nearby residential properties.

4. The lighting scheme shall only be controlled by light sensors and the and the lighting shall be directed downwards at all times.

REASON

To protect the amenities of nearby residential property.

5. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered CMSA-BWB-GEN-XX-DR-TR-107 S2 REV P1; CMSA-BWB-GEN-XX-DR-TR-106 S2 REV P1; CMSA-BWB-HLG-XX-M2-C-1300 S8 REV P1; Landscape and visual Impact Appraisal Doc ref NO. 1735-17-RP01 dated 24

February 2017, including the Appendices with Landscape mitigation Plan - 1735-17-03A and Illustrative Landscape Sections plan - 1735-17-04, received 1 March 2017, to CMSA-BWB-HGR-XX-DR-EN-202 S2 REV P1; CMSA-BWB-GEN-XX-RP-TR-0002_RSA1-DTR (Road Safety Audit Stage 1); CMSA-BWB-GEN-XX-RP-TR-0001_RSA1- (Road Safety Audit Stage 1); CMSA-BWB-HGR-XX-DR-EN-201-S2 REV P2 (Surface water strategy) ; CMSA-BWB-HGR-XX-DR-EN-202-S2 REV P1 (Pond Cross Section), received 31 May 2017, and to CMSA-BWB-GEN-XX-DR-TR-105 S2 REV S2; CMSA-BWB-GEN-XX-DR-TR-110 S2 REV S2, received 4 August 2017

REASON

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

Pre-Commencement Conditions

6. No development shall commence until details to demonstrate how the car parks on site will achieve and maintain 'Park Mark,' Safer Parking Award status, have been submitted to and approved in writing by the Local Planning Authority in agreement with Warwickshire Police. The car park shall not be brought into use until the approved measures have been implemented in full, and shall thereafter be retained

REASON

To prevent crime and protect those people using the car park in accordance with paragraph 69 of the NPPF

7. No development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Provide a plan for the management of exceedance flows, including routings.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including levels, gully locations and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

REASON

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

8. No development shall commence until details of the earth bund and acoustic close board type fence as shown as part of the Landscape and visual Impact Appraisal Doc ref NO. 1735-17-RP01 dated 24 February 2017, including the Appendices with Landscape mitigation Plan - 1735-17-03A and Illustrative Landscape Sections plan - 1735-17-04, received 1 March 2017 have been provided and approved in writing by the Local Planning Authority

REASON

To protect the amenities of nearby residential property.

9. No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.

b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

To ensure the recording of any items of archaeological interest.

10. No development shall commence until a Tree Survey to fully assess the trees that are firstly upon the site and secondly those that will be affected by the development of the site as per the specifications provided with the submitted application. The survey should use BS5837:2012 Trees in relation to design, demolition and construction-Recommendations, has been submitted and approved in writing by the Local Planning Authority

REASON

To ensure the work is carried out to accepted arboricultural practices to the long term well being of the trees.

11. Prior to the commencement of development, a biodiversity offsetting scheme shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Offsetting scheme shall provide appropriate compensation for a Biodiversity Impact Assessment score of 0.57 Biodiversity Units. The scheme shall be sited on land owned by the applicant adjacent to the Corley Motorway Service Station. The approved scheme shall be set out in the next available planting season and maintained in accordance with the approved written scheme.

REASON

The purpose of ensuring that the Development shall not result in a Biodiversity Loss in accordance with the National Planning Policy Framework.

12. No development shall take place on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON

To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance.

Other Conditions

13. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0700 nor after 1900 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

Notes

1. National Grid have set out the following, given the overhead wires that run through the site:

- National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset.
- National Grid requires 3D drawings to be provided at the earliest opportunity (DWG, DGN or DXF)
- Statutory electrical safety clearances must be maintained at all times. National Grid

recommends that no permanent structures are built directly beneath our overhead lines. These distances are set out in EN 43 –

- Technical Specification for “overhead line clearances Issue 3 (2004) To view EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004).

http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/applIII-part2

- The statutory minimum safety clearance is 7.6 metres to ground and 8.1 metres to a normal road surface. Further detailed information can be obtained from the Energy Networks Association’s (www.energynetworks.org.uk) Technical Specification E-43-8 for “Overhead Line Clearances”, Issue 3 (2004)

- Any changes in ground levels which are proposed either beneath or in close proximity to our existing overhead lines would serve to reduce safety clearances. Safety clearances to existing overhead lines must be maintained in all circumstances.

- To view the Development Near Overhead Lines Document.

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspxid=23713>

- To view the National Grid Policy's for our Sense of Place Document.

<http://www2.nationalgrid.com/UK/Services/Land-and-Development/A-sense-of-place/>

- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive’s (www.hse.gov.uk) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines.”

- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors at the point where the conductors are under their maximum ‘sag’ or ‘swing’ conditions. Overhead Line profile drawings should be obtained using the above contact details.

- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.

- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of our towers. These foundations extend beyond the base are of the tower. Pillar of Support drawings should be obtained using the contact details above.

- Due to the scale, bulk and cost of the transmission equipment required to operate at 275kV or 400kV we only support proposals for the relocation of existing high voltage overhead lines where such proposals directly facilitate a major development or infrastructure project of national importance which has been identified as such by government.

- To promote the successful development of sites crossed by existing overhead lines, and the creation of well-designed places, National Grid has produced ‘A Sense of Place’ guidelines, which look at how to create high quality development near overhead lines and offer practical solutions which can assist in avoiding the unnecessary sterilisation of land in the vicinity of high voltage overhead lines.

- Further information regarding our undergrounding policy and development near transmission overhead lines is available on our website at: <http://www.nationalgrid.com/uk/LandandDevelopment>

2. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to

ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

3. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

Police advice further to condition 3, sets out the following;

Secure boundary fence around HGV park - I would recommend a 2.4m weldmesh fence securing the boundary around the HGV park site, with appropriate landscaping against it. The reason for 2.4 m weldmesh, is that it is visually permeable, so does not look offensive and can blend in with any planting, with the height deterring offenders trying to scale over it. If persons are determined to commit crime they will have to drive/ walk onto the HGV park through controlled access point.

HGV / Coach Parking areas - Because of the size of some of these vehicles and drivers needing to manoeuvre into tight areas, they can easily reverse and nudge lamp columns / CCTV columns. Over time such nudging moves the columns so the lighting and CCTV are not covering the area where they should be. Such columns should be set back if there is room, or a nudge kerb or similar fitted so that when such large vehicles reverse, they know when to stop. This greatly reduces maintenance of such columns and prevent light heads directing light skyward rather than down at the ground.

Safer Parking Award - I would look for a condition for the site to be designed to, achieve and maintain the Safer Parking Award. This will help to provide protection for HGV drivers and their loads,

4. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard BS 5837:2012 ""Trees in relation to design, demolition and construction - Recommendations"".

5. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

7. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

8 Public footpath number M327 passes close to the site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times.

9. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0104

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	1/3/17
2	22 Neighbour representations	Consultation responses	22/3/17 – 13/7/17
3	NWBC Tree officer	Consultation response	10/8/17
4	WCC Archaeology	Consultation response	16/3/17
5	National Grid	Consultation response	17/3/17
6	Police	Consultation response	20/3/17
7	NWBC Environmental Health (pollution)	Consultation response	21/3/17
8	Highways England	Consultation response	23/3/17
9	NWBC Environmental Health (noise)	Consultation response	30/3/17
10	WCC FRM	Consultation response	3/4/17
11	Warwickshire Wildlife Trust	Consultation response	3/4/17
12	Corley Parish Council	Consultation response	10/4/17
13	NWBC Environmental Health (noise)	Consultation response	11/4/17
14	WCC Highways	Consultation response	12/4/17

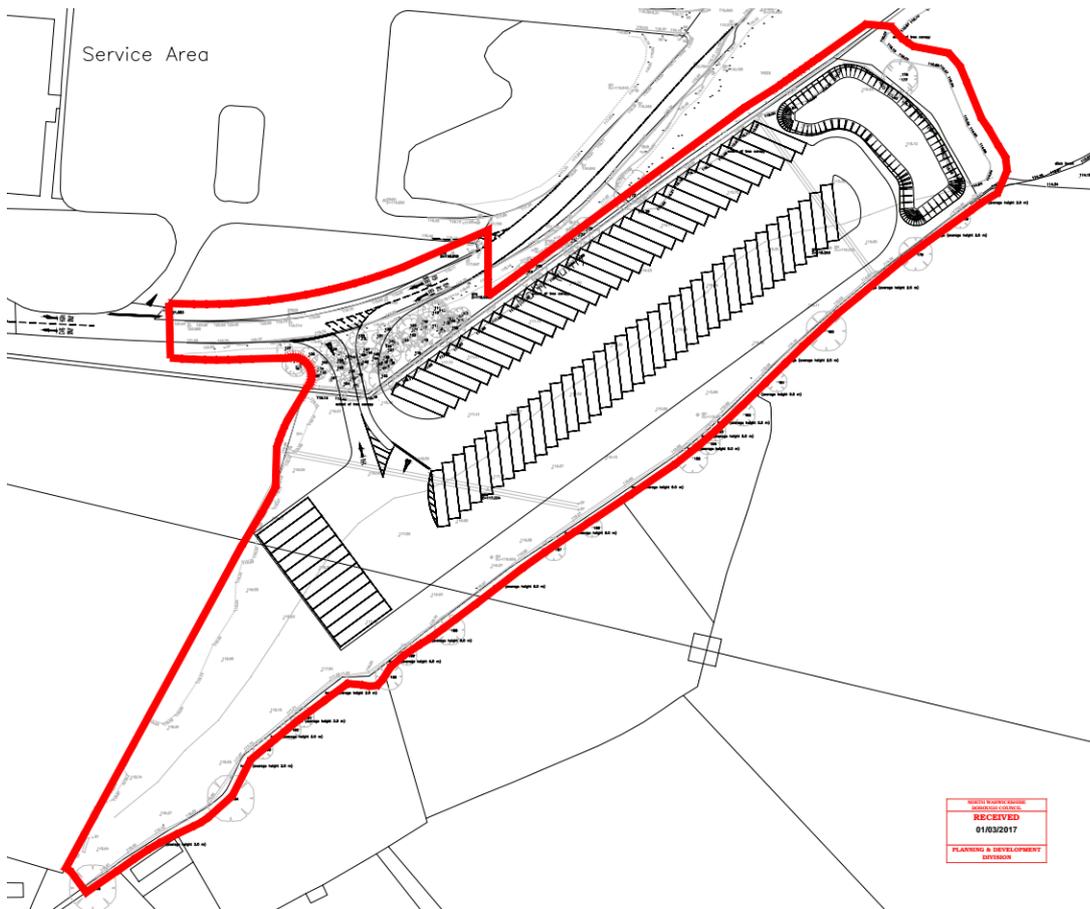
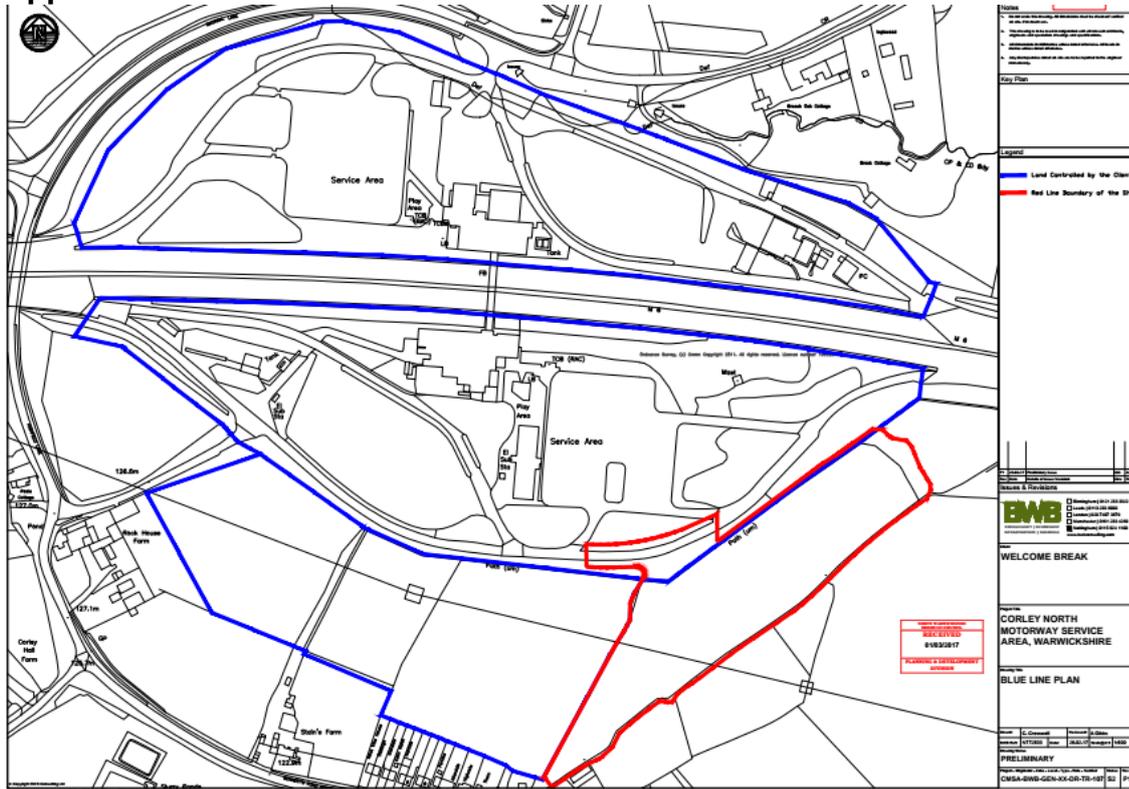
15	National Grid	Consultation response	13/4/17
16	WCC FRM	Consultation response	2/5/17
17	Corley Parish Council	Consultation response	8/6/17
18	NWBC Environmental Health (noise)	Consultation response	14/6/17
19	Highways England	Consultation response	16/6/17
20	NWBC Environmental Health (noise)	Consultation response	10/7/17
21	WCC Highways	Consultation response	13/7/17
22	WCC Highways	Consultation response	1/8/17
23	WCC FRM	Consultation response	16/8/17
24	Press notice	Consultation	13/3/17
25	Case officer	Email to Councillors	14/3/17
26	Cllr Simpson	Email to case officer	18/3/17
27	Case officer	Emails to agent	22/3/17 – 24/3/17
28	Case officer	Email to agent	24/3/17
29	Agent	Email to case officer	24/3/17
30	Case officer	Email to agent	27/3/17
31	Neighbour and case officer	Exchange of emails	27/3/17
32	Case officer	Email to agent	30/3/17
33	WCC footpaths and case officer	Exchange of emails	31/3/17
34	Case officer	Email to agent	31/3/17
35	Case officer	Email to agent	3/4/17
36	Case officer and agent	Exchange of emails	4/4/17 and 6/4/17
37	Case officer	Email to NWBC Env Health	6/4/17
38	Case officer	Email to agent	7/4/17
39	Case officer and agent	Exchange of emails	2/5/17 and 11/5/17
40	Agent	Additional information	28/5/17
41	Case officer	Email to agent	31/5/17
42	Case officer and parish council	Exchange of emails	1/6/17 and 31/5/17
43	Case officer	Email to WCC FRM	1/6/17
44	Case officer	Email to agent	8/6/17
45	Case officer and parish council	Exchange of emails	13/6/17
46	Case officer	Emails to agent	14/6/17
47	Case officer	Email to agent	20/6/17
48	Case officer	Email to neighbour	27/6/17
49	Case officer	Email to agent	27/6/17
50	Neighbour	Email to case officer	27/6/17
51	Agent	Email to case officer	2/7/17
52	Case officer	Email to agent	3/7/17
53	Case officer	Email to NWBC Env Health	3/7/17
54	Case officer	Email to NWBC Env Health	5/7/17
55	Case officer and agent	Exchange of emails	10/7/17 and 11/7/17

56	Case officer	Email to agent	11/7/17
57	Case officer	Email to WCC highways	13/7/17
58	Case officer	Emails to agent	13/7/17 and 18/7/17
59	Case officer	Email to agent	4/8/17
60	Case officer	Re-consultation letters	7/8/17
61	WCC Highways	Consultation	21/9/17
62	Warwickshire Museum	Consultation response	20/9/17
63	Case officer	Email to agent	20/9/17
64	Case officer and Agent	Exchange of emails	20/9/17
65	NWBC Tree officer	Consultation response	10/8/17
66	NWBC Env Health Officer	Comments	10/8/17
67	Case officer	Emails to agent	11/8/17
68	WCC FRM	Consultation response	15/8/17
69	Case officer	Email to WCC ROW	16/8/17
70	Case officer	Email to H E	17/8/17
71	Highways England (H E)	Email to case officer	17/8/17
72	Agent	Email to case officer	21/8/17
73	Case officer	Email to NWBC tree officer	21/8/17
74	Case officer	Emails to agent	21/8/17 - 24/8/17
75	WWT	Consultation response	30/8/17
76	Case officer	Email to agent	30/8/17
77	Neighbour comments	Consultation response	30/8/17
78	Case officer	Emails to agent	30/8/17
79	Agent	Email to case officer	4/9/17
80	Case officer, agent, WWT and WCC Ecology	Exchange of emails	11/9/17 – 12/9/17
81	Case officer	Email to WCC footpaths	19/9/17
82	Agent	Email to case officer	21/9/17
83	Case officer	email to agent	21/9/17
84	WCC highways	Consultation response	21/9/17
85	Case officer and agent	Exchange of emails	26/9/17
86	Case officer	Email to neighbour	26/9/17
87	Case officer	Email to agent	26/9/17
88	WWT	Email to case officer	26/9/17
89	Case officer	Email to WWT	27/9/17
90	Case officer	Email to agent	27/9/17

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

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

Appendix A – Location Plans



Appendix B – Photographs of site



Site Photograph 1: View south-west across application site



Site Photograph 2: View east across application site



Site Photograph 3: View north-east across application site

Appendix C – Wider landscpae views of the site



Viewpoint 1:
Footpath adjacent to Burrow Hill Fort above Burrow Hill Farm



Viewpoint 2:
Footpath off Burrow Hill Lane



Viewpoint 3:
Footpath off Rock Lane to the rear of Corley Hall



Viewpoint 4:
Footpath to the rear of Holly Farm



Viewpoint 5:
Gate at field entrance off Rock Lane

Appendix D – Landscaping Plans



DO NOT SCALE FROM THIS DRAWING

KEY

- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO BE RETAINED
- EXISTING BOUNDARY HEDGEROW TO BE RETAINED
- PROPOSED EXTRA HEAVY STANDARDS
Call, Call height
Must retain trunk/leaf
Height at planting: 4.5 to 6.5m
- PROPOSED HEAVY STANDARDS
Call, Call height
Must retain trunk/leaf
Height at planting: 3.5m to 4.25m
- PROPOSED CONIFERS
Scale size
Height at planting: 2-3.5m
- PROPOSED WOODLAND PLANTING
Must retain trunk/leaf to include Call,
Call height up to 1.5m plus
1/3 proportion, minimum trunk 1.5-2.1m
- PROPOSED WOODLAND EDGE PLANTING
Must retain trunk/leaf on 1m grid
1/3 proportion
- PROPOSED HEDGEROW
Must retain to include Hawthorn, Hazel,
Blackthorn, Ash
- PROPOSED SPECIES RICH GRASSLAND
- APPLICATION BOUNDARY

WELCOME BREAK

PROJECT
CORLEY MSA
HGV EXTENSION

DRAWING
LANDSCAPE MITIGATION P

CONTRACT	19/017	DRG NO.	
DATE	16/01/17	DRAWN	JP
SCALE	1/4" = 1'-0"	CHECKED	GH

BCA BARRY CH ASSOCIATES Landscape Arch

PLANNER

Appendix E – Landscaping Plans



Lanterns

For all lanterns:
 Maintenance factor = 0.83
 Tilt angle = 0° degrees
 Luminous intensity class = G4

Lantern Ref A

Philips WRTL Luma 3 R4
 100-200 DS-CW 1 9000-49600 NW LED; 20.00
 NW/70
 Column height = 10m
 Outreach (from mounting axis to photometric
 centre) = 1000 mm



Lantern Ref C

Philips WRTL Luma 3 R6
 100-200 DS-CW 1 9000-49600 NW LED; 40.00
 NW/70
 Column height = 15m
 Outreach (from mounting axis to photometric
 centre) = 1500 mm

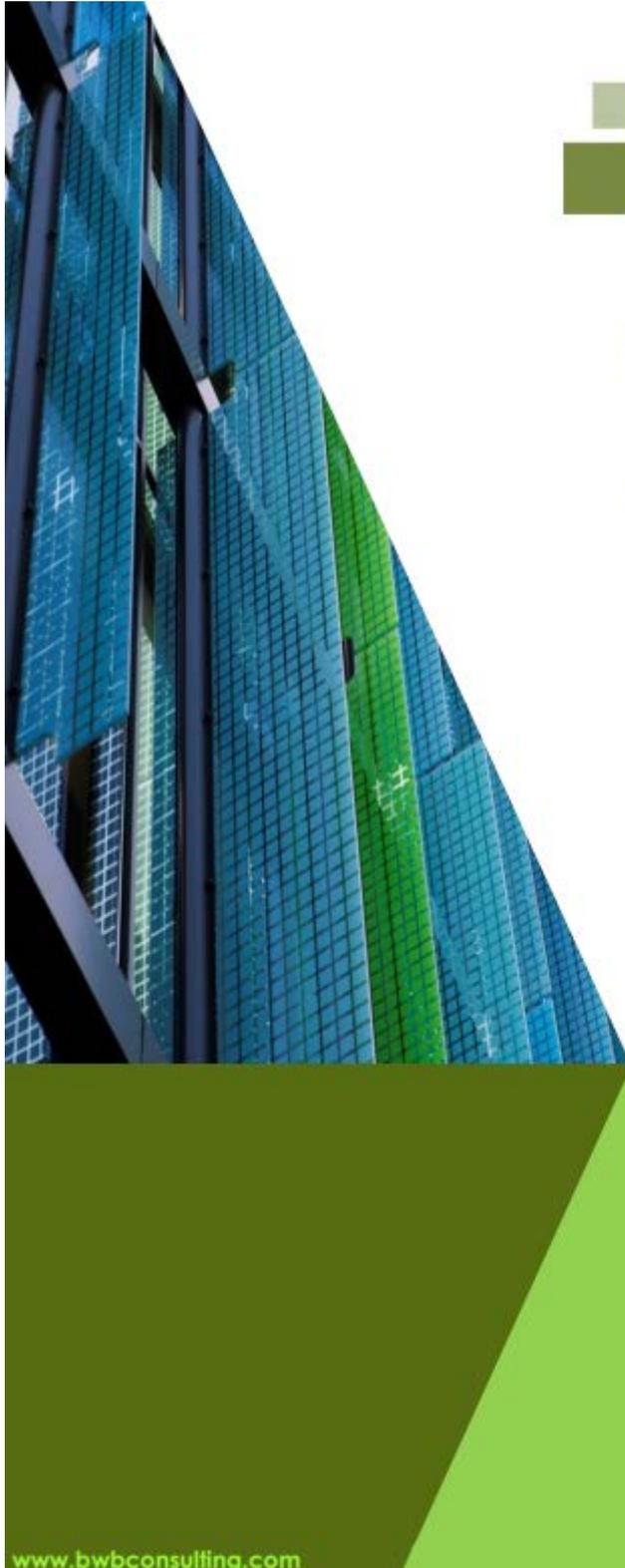


Lighting design standard

Lighting is in accordance with BS5489-1:2013
 Table 5 'Heavy Traffic' with minimum average lux
 of 20 and min uniformity of 0.25

Lighting Levels

- | ⌘ | Lux level |
|---|-------------------------|
| — | 25 lux iso contour line |
| — | 20 lux iso contour line |
| — | 15 lux iso contour line |
| — | 10 lux iso contour line |
| — | 1 lux iso contour line |



PAP/2017/0104



**TRANSPORT & INFRASTRUCTURE
PLANNING**

Welcome Break Ltd.
Corley Motorway Service Area
Warwickshire

TRANSPORT ASSESSMENT

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

01/03/2017

**PLANNING & DEVELOPMENT
DIVISION**

www.bwbconsulting.com

CONTENTS PAGE

1.0	INTRODUCTION.....	5
2.0	POLICY CONTEXT.....	7
3.0	EXISTING CONDITIONS.....	13
4.0	TRAFFIC SURVEYS AND PARKING REQUIREMENTS.....	20
5.0	PROPOSED DEVELOPMENT	32
6.0	CONSIDERATION OF ALTERNATIVE LORRY PARK LOCATIONS	34
7.0	THE CASE FOR CORLEY	40
8.0	SUMMARY AND CONCLUSIONS.....	41

LIST OF FIGURES

Figure 1:	Site location plan.....	5
Figure 2:	Examples of standard break periods for goods vehicle drivers.....	9
Figure 3:	Examples of alternative break periods for goods vehicle drivers.....	9
Figure 4:	Examples of the 45 minute break rule.....	10
Figure 5:	Examples of driver shift patterns within maximum daily allowance.....	10
Figure 6:	Existing site plan.....	13
Figure 7:	DfT Count Point in relation to Corley MSA	15
Figure 8:	PRoW in the vicinity of the Site (1998 Definitive Map).....	17
Figure 9:	Collision plot – in the vicinity of the northbound off-slip (site access)	18
Figure 10:	Collision plot – in the vicinity of the northbound on-slip (site exit)	18
Figure 11:	ATC Survey locations plan	20
Figure 12:	Camera locations for HGV parking survey footage	21
Figure 13:	HGV parking survey inventory plan (areas A to C)	22
Figure 14:	HGV parking survey inventory plan (areas D to F)	23
Figure 15:	HGV growth 2010 to 2040 (vehicle miles).....	29
Figure 16:	Proposed site layout plan	32
Figure 17:	Motorway Service Areas in the vicinity of Corley MSA	34
Figure 18:	An aerial image of Watford Gap (Northbound) MSA	35
Figure 19:	An aerial image of Hopwood Park MSA.....	36
Figure 20:	An aerial image of Tamworth MSA.....	37
Figure 21:	An aerial image of Hilton Park (northbound) MSA	38
Figure 22:	Location of truck stops	39

LIST OF TABLES

Table 1: Details of existing site uses.....	14
Table 2: M6 Northbound (b/t J3 & J3a) traffic data (December 2016).....	15
Table 3: Annual Average Daily Flow (AADF) for M6 in vicinity of MSA Site	16
Table 4: Traffic flow entering the site by vehicle type and day of the week.....	21
Table 5: HGV parking survey inventory.....	23
Table 6: HGV parking stress assessment by area – Wednesday results	24
Table 7: HGV parking stress assessment by area – Thursday results.....	24
Table 8: HGV paid parking 31 st Jan 2014 to 4 th Jan 2017 by day of the week.....	26
Table 9: Instances of HGVs leaving Site without parking.....	27
Table 10: TEMPro local traffic growth factors	30
Table 11: A summary of data sources and projected traffic growth (2016-2027).....	30
Table 12: HGV parking requirement calculations – 2016 and 2027 northbound ADT flows	30

APPENDICES

Appendix A	DfT Circular 02/2013 – Parking Requirement at Motorway Service Areas
Appendix B	ATC Survey Data
Appendix C	HGV Parking Survey Data
Appendix D	Proposed Site Plan
Appendix E	Swept Path Analysis Drawings
Appendix F	Photographic Record from Alternative MSA Sites

1.0 INTRODUCTION

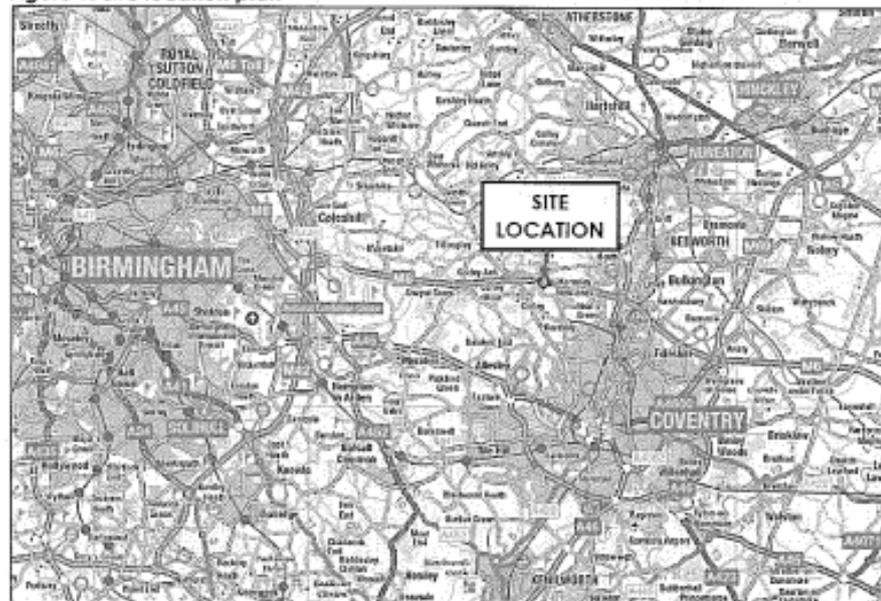
Appointment

- 1.1 BWB Consulting Ltd ("BWB") has been appointed by Welcome Break Ltd (the "Client") to prepare this Transport Assessment (TA) to support a full planning application for proposals of Corley North (Northbound) Motorway Services Area located to the south of the M6 near Corley, Warwickshire (the 'Site').
- 1.2 The proposed development comprises an extension to the existing HGV parking facility to meet current and future demand at the site and ultimately to formalise the current arrangement to improve road safety.

Site location

- 1.3 The Site is located to the south of the M6 motorway approximately 7km to the north of Coventry city centre and 23km due east of Birmingham city centre. Corley village is located 1km to the south-west. The Site location in relation to the Strategic Road Network (SRN) is illustrated in Figure 1.

Figure 1: Site location plan



Source: OS / BWB edits

Background

- 1.4 The Local Planning Authority (LPA) is North Warwickshire District Council (NWDC) and the Local Highway Authority (LHA) is Warwickshire County Council (WCC). Highways England are responsible for the operation of the SRN, this includes the M6 motorway, which is the main access to the site.

- 1.5 The site was subject to a planning application (ref. PAP/2008/0658) in 2008 for:
- "Proposed extension to Motorway Service Area to create additional HGV parking facilities including amenity block and associated landscape proposals".*
- 1.6 On review of the planning documents submitted in support of the application, it specifically proposed for the provision of an additional 75 HGV parking spaces. The Decision Notice shows that the application was subsequently refused by the LPA on the following grounds:
- 1) Inappropriate development in Green Belt (i.e. "not justifying very special circumstances");
 - 2) Loss of amenity for local residents due to noise, light and vehicle activity;
 - 3) Insufficient information provided to the then Highways Agency (and no Road Safety Audit undertaken).
- 1.7 This TA takes into account the above reasons for refusal and ultimately demonstrates that there is a significant need for additional HGV parking at the Site. The proposal includes a new proposed layout and includes measures to lessen the impact on local residents. Highways England has been notified of the proposals and confirmed via a telephone conversation that parking along the M6 is problematic, with HGVs often parking along the hard shoulder.
- 1.8 The contents of this TA is based on new survey data, which has been based on a methodology specially designed to assess the existing demand for HGV parking at the site and associated driver behaviours.

Report structure

- 1.9 Following this introductory section, the TA is structured as follows:
- **Section 2: Policy Context** – provides a review of national and local transport and planning policy, guidance and legislation relevant to the location, scale and type of proposed development.
 - **Section 3: Existing Conditions** - describes the existing uses and facilities at the site. Includes details of traffic flow data for the M6 motorway in the vicinity of the Site. Road safety is also considered in this section.
 - **Section 4: Traffic Surveys and Parking Requirements** - Provides details of the scheme-specific traffic and parking survey data along with more qualitative information on HGV driver parking behaviours and instances where drivers have been unable to park at the Site.
 - **Section 5: Proposed Development** – sets out the development proposals including the existing and proposed land uses and access arrangements.
 - **Section 6: Consideration of Alternative Lorry Park Locations** – considers existing HGV parking demand at alternative MSA sites.
 - **Section 7: The Case for Corley** – sets out the reasons why Corley MSA requires additional HGV parking provision.
 - **Section 8: Summary and Conclusion** – provides a summary of the TA report findings and draws conclusions as to the traffic and transport implications of the proposed development.

2.0 POLICY CONTEXT

Overview

- 2.1 This chapter of the TA examines the context of the Site and how this relates to the relevant transport and development planning policies and guidelines. It provides an overall spatial and planning context for the proposed HGV park extension.
- 2.2 Owing to the specialist nature of this planning application, this section also includes a review of national legislation on driver's hours and tachograph rules for goods vehicles. This demonstrates the strategic significance of the site in the fact that it provides a central hub for goods drivers travelling between parts and distribution centres across the UK.
- 2.3 The following national and local planning, policy and legislative documents have been reviewed:

National

- **The National Planning Policy Framework** (DCLG, 2012)
- **DfT Circular 02/2013** (DfT, 2013)
- **Driver's hours and tachographs rules: goods vehicles (GV262)** (DVSA, 2016)

Local

- **Warwickshire Local Transport Plan 2011 – 2026** (WCC, 2011)
- **North Warwickshire Local Plan 'saved' policies** (NWBC, 2006/2009)

National Policy, Guidance and Legislation

National Planning Policy Framework (2012)

- 2.4 The Government's National Planning Policy Framework (NPPF) replaced the majority of previous Planning Policy Statements (PPS) and Planning Policy Guidance Notes (PPG) documents on 27 March 2012. It sets out the Government's expectations and requirements from the planning system. It provides guidance for local councils to use when defining their own personal local and neighbourhood plans. This approach allows the planning system to be customised to reflect the needs and priorities of individual communities.
- 2.5 The NPPF defines the delivery of sustainable development through three roles:
 - Planning for prosperity (an economic role);
 - Planning for people (a social role); and
 - Planning for places (an environmental role).
- 2.6 It notes that to achieve sustainable development, these roles should be sought jointly and simultaneously through the planning system.
- 2.7 At the heart of the NPPF is a presumption in favour of sustainable development which 'should be seen as a golden thread running through both plan-making and decision-taking.' (para. 14). In paragraph 15, it goes on to say that: "Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay."

DfT Circular 02/2013 'The Strategic Road Network & the delivery of sustainable development'

- 2.8 DfT Circular 02/2013 was published by the Department for Transport (DfT) in September 2013 and sets out "the way in which the Highways Agency (now Highways England) will engage with communities and the development industry to deliver sustainable development, and thus, economic growth, whilst safeguarding the primary function and purpose of the strategic road network".
- 2.9 The Circular also notes that "it should be read in conjunction with Highways England's planning protocol documents which provide advice on working with Highways England, within the parameters of national policy and this policy, to progress their planning proposals in an effective and positive manner". As such, BWB has also prepared this report in mind of the latest Highway's England planning protocol 'The Strategic Road Network, Planning for the Future: A guide to working with Highways England on Planning Matters'. Unlike the Circular, this is only advisory, however it has been written in light of the latest Government policy and regulation, including the National Planning Policy Framework.
- 2.10 Annex B of the Circular sets out particular policy requirements with regard to Roadside Facilities. The policy applies to all existing signed roadside facilities, and to all proposed signed roadside facilities.
- 2.11 The policy on the spacing of MSAs adheres to the principle of providing a maximum distance between MSAs of no more than 28 miles or a 30 minute travel time, whichever is the lesser. Highways England may accept shorter distances between MSAs, subject to compliance with the design requirements set out in the Design Manual for Roads and Bridges (DMRB). It goes on to state that "in determining application for new or improved sites, local planning authorities should not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons".
- 2.12 Part B27 of the Circular refers to the level of parking at service areas and Part B28 notes that these may be adjusted to reflect local conditions, these key paragraphs are quoted as follows:
- B27. *"Where the scale and/or scope of on-site activities is extended, the methodology set out in Schedule 1 shall be used for calculating the numbers of parking spaces by vehicle type that should be provided for various types of roadside facility. The methodology set out in Schedule 1 will also be used for calculating the levels of parking provision for all new sites promoted after the publication of this policy.*
- B28. *However, notwithstanding the provisions of the previous two paragraphs, levels of provision may be adjusted to reflect local conditions through a process of site specific negotiation. It will be the responsibility of the site operator to demonstrate that any departure from the requirements of Schedule 1 is appropriate".*
- 2.13 A copy of Schedule 1 is appended to this TA (**Appendix A**) and has been used to calculate the appropriate number of HGV parking spaces at the Site, the results of which are presented in Section 4 of this TA.
- 2.14 In summary, BWB considers that the proposed extension to the HGV parking facility at the Site is in accordance with the key policy objectives of DfT Circular 02/2013 and

aligns with the objectives of Highways England, particularly in relation to supporting the economy through the provision of a safe and reliable network.

Driver's hours and tachographs rules: goods vehicles (GV262) (DVSA, 2016)

- 2.15 This is a guidance document produced by the Driver and Vehicle Standards Agency (DVSA) and provides general guidance about drivers' and tachograph rules for goods vehicles. It is the current enforcement policy of the DVSA but does not reflect interpretation of the law in other countries. The relevant legislation is provided at Annex 1 of the guidance document.
- 2.16 Within Great Britain (GB), either GB domestic or EU rules may apply. For international journeys, either the EU rules or the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) may apply.
- 2.17 The EU and AETR rules stipulate the following:-

Breaks

- After a period of no more than 4.5 hours, a driver must immediately take a break of at least 45 minutes unless they take a rest period. A break taken in this way must not be interrupted. See **Figure 2** for examples.

Figure 2: Examples of standard break periods for goods vehicle drivers

	
4.5 hrs	45 mins

- Alternatively, a full 45 minute break can be replaced by one break of at least 15 minutes followed by another break of at least 30 minutes. Breaks of less than 15 minutes do not contribute towards a qualifying break. The EU rules will only allow a split-break patterns that shows the second period of break being at least 30 minutes, examples of this are shown in **Figure 3**.

Figure 3: Examples of alternative break periods for goods vehicle drivers

			
2 hrs	15 mins	2.5 hrs	30 mins

			
2 hrs	34 mins	2.5 hrs	30 mins

- A driver 'wipes the slate clean' if they take a 45 minute break (or qualifying breaks totalling 45 minutes before or at the end of the 4.5 hour driving period.

This means that the next 4.5 hour driving period begins with the completion of that qualifying break, and in assessing the break requirements for the new 4.5 hour period, no reference is to be made to driving time accumulated before this point. An example of this is shown in **Figure 4**.

Figure 4: Examples of the 45 minute break rule

					
1.5 hrs	15 mins	1.5 hrs	30 mins	4.5 hours	45 mins

Daily driving limit

- The maximum daily driving time is 9 hours, this is often take as follows:

Figure 5: Examples of driver shift patterns within maximum daily allowance

		
4.5 hrs	45 mins	4.5 hrs

				
2 hrs	45 mins	4.5 hrs	45 mins	2.5 hrs

- The maximum daily driving time can be increased to 10 hours twice in a fixed week.

Weekly driving limit

- The maximum weekly driving limit is 56 hours, which applies to a fixed week (i.e. from 00.00 on Monday to 24.00 on the following Sunday).

- 2.18 The GB domestic driving rules are similar to those of the EU/AETR. In any working day the maximum amount of driving permitted is 10 hours.
- 2.19 On review of the above guidance, it is clear that legislation relating to daily driving limits for HGV drivers means that many travel for up to 4.5 hours before taking a break in order to maximise their paid driving time. This makes the Site ideally located geographically for drivers travelling from the continent.
- 2.20 For example, Google Maps shows that the typical travel time (for a car) on the 190 mile route between the port of Dover (represents trans-European freight movements) and the Site, via the M2, M25 and M1, is approximately three and a half hours. On the strategic road network larger HGVs (over 7.5 tonnes) are typically limited to 60mph, this is 14% slower than the national speed of 70mph. On this basis it is likely that HGVs would take between 4 hours and 4.5 hours to reach Corley (northbound) MSA from Dover. This travel time coincides with the maximum amount of time HGV drivers can travel for before they need to take a break.

- 2.21 Felixstowe in Suffolk, is another example of a port located within a distance that makes Corley well placed as a stopover for HGV drivers. It is located approximately 147 miles east of Corley MSA with a typical HGV travel time in excess of three hours.

Local Policy & Guidance

Warwickshire Local Transport Plan 2011-2026

- 2.22 Warwickshire's third Local Transport Plan (LTP3) sets out the County Council's Transport Strategy for the period 2011 to 2026. It provides a framework for how the transport network will be maintained and improved across this period.
- 2.23 The LTP recognises how important it is to "provide wider support to the economy through the efficient movement of freight". It notes that there has been significant development of a number of major road and rail based freight distribution facilities in the County over the last 15 years, a direct results of the central location of the County and its relationship to the motorway, trunk road and rail network.
- 2.24 The LTP also identifies that the reliance on road based freight in the County "brings about a number of challenges in terms of environmental impacts and quality of life issues, particularly in relation to inappropriate route choice and a lack of dedicated parking facilities for heavy goods vehicles". As such, BWB considers that the proposal to provide additional parking space provision at Corley MSA is consistent with the high-level aims of the County Council's Local Transport Plan.

North Warwickshire Local Plan 'saved' policies

- 2.25 BWB has undertaken a review of the current North Warwickshire Local Plan, which was adopted on 4 July 2006 and sets out policies which govern and manage development across the Borough until such a time it is superseded by the emerging draft Local Plan. All but Core Policies 4, 7 and 9 were saved under Direction from the Secretary of State.
- 2.26 The following 'saved' Transport policy is considered most relevant to the proposed development at Corley MSA:
- **Policy TPT5 – Promoting Sustainable Freight Movements and Safeguarding Future Freight Opportunities (4.)** 'Conditions will be imposed in planning permissions involving the movement of freight by road where necessary to avoid disturbance and danger in residential areas and in other environmentally sensitive locations'.
- 2.27 With regards to Policy TPT5, it is not considered that the proposed development would cause danger to nearby residents. The Applicant has proposed robust environmental mitigation measures to minimise this. These measures are detailed within a separate Landscape Visual Impact Assessment (LIVA), which accompanies this planning application.

Summary

- 2.28 In summary, it can be seen that there are a number of current planning and transport policies relevant to the nature of the proposed development. BWB considers that the proposal is in accordance with all of these policies, the majority of which are centred on the importance of ensuring the safe and efficient movement of freight throughout the strategic road network.
- 2.29 This section has also reviewed the current legislation on HGV driver's hours and tachographs rules. This requires drivers travelling through Britain and/or the European Union to take a 45 minutes break at least once every 4.5 hours. This makes Corley MSA ideally located in the centre of England, for HGV drivers travelling from main ports and logistics hubs across the UK. This partly explains why HGV parking demand at the Site is so high and supports the case for expanding the existing facility.

3.0 EXISTING CONDITIONS

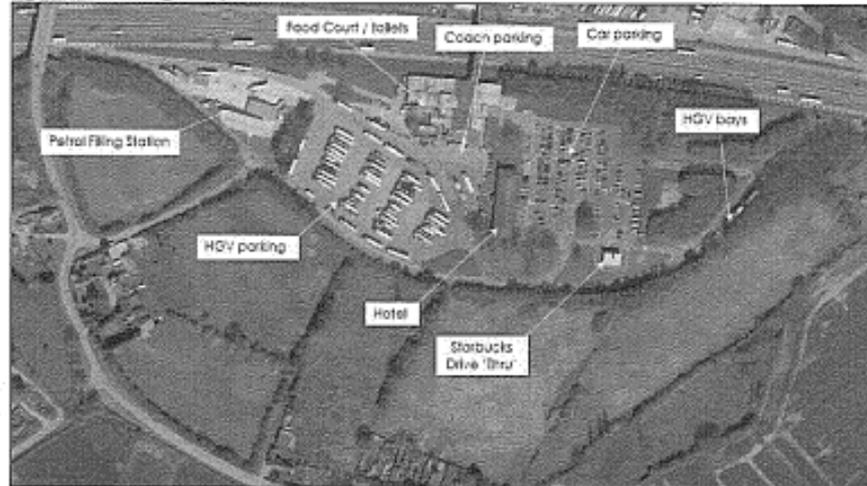
Introduction

- 3.1 The previous section of this report sets out the relevant policy background in which the proposed development has been considered. In this section the existing (or 'baseline') transport conditions currently prevailing at the Site are considered, including a description of wider MSA site uses, but focusing on the HGV parking, particularly utilisation. Road safety on the adjacent highway network is also considered in this section.

Existing Site Details

- 3.2 Corley is an online motorway service area situated between Junction 3 and 4 of the M6. The Site in question is situated to the south of the motorway and provides services for vehicles travelling north-west bound.
- 3.3 **Figure 6** is an aerial image of the site and shows the red line boundary and existing uses.

Figure 6: Existing site plan



- 3.4 Further details on the above uses at the site are provided in **Table 1** below.

Table 1: Details of existing site uses

Use	Description
Food court	Includes key brands such as Burger King, Dell2go, Harry Ramsden, KFC, Subway and WHSmith
Drive 'Thru'	A standalone Starbucks Drive Thru unit
Hotel	A Days Inn hotel
Petrol Filling Station	A Shell PFS for cars & HGVs
Car parking	There are ~320 marked car spaces (incl. disabled and electric vehicle bays)
Coach parking	There are 8 marked coach parking bays
HGV parking	There are 60 marked HGV spaces (plus an 80m lay-by off access road for abnormal/long loads)

Existing Access and Highway Network

The M6 Motorway

- 3.5 The Site is served directly from the northbound carriageway of the M6 motorway between Junctions 3 and 4, via a standard off-slip approximately 240 metres in length.
- 3.6 BWB has obtained traffic data for the M6 motorway in the vicinity of the MSA Site from two separate data sources owing to the limited historic data available from Highways England. The data sources used are as follows:
- i. The Highways England open source traffic data website (<http://tris.highwaysengland.co.uk/detail/trafficflowdata>) – this has been used for M6 northbound only traffic flow data from 2016.
 - ii. The Department for Transport Count Points traffic data website (<https://www.dft.gov.uk/traffic-counts>) – this has been used for historic two-way traffic flow trends on the M6 prior to 2016.

The M6 Northbound carriageway traffic flows

- 3.7 The Highways England traffic data for the M6 motorway in the vicinity of the Site is very limited. For 'Network Link ID 123019301', which provides data for the M6 Northbound carriageway between Junction 3 and Junction 3a traffic flows are only available for the period December 2016. This data is broken down into 15 minute time intervals, average speeds and vehicle lengths.
- 3.8 BWB has utilised the available data to ascertain traffic flows on the M6 Northbound carriageway. Survey days falling within school holidays have been excluded from the analysis. **Table 2** provides a summary of traffic flows for the M6 northbound carriageway between Junctions 3 and Junction 3a.

Table 2: M6 Northbound (b/l J3 & J3a) traffic data (December 2016)

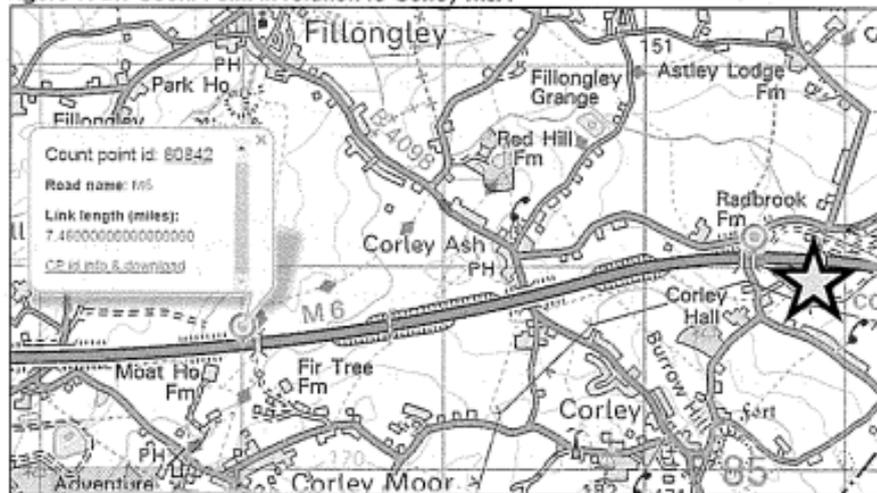
Period	Total flows by vehicle length				Total flow	% veh > 11.6m length	% veh > 5.2m length
	< 5.2m	>5.21m < 6.6m	>6.61m < 11.6m	> 11.6m			
Mon	43046	6281	5314	11128	65769	16.9	34.5
Tues	42896	6042	5354	11775	66067	17.8	35.1
Wed	44286	6281	5665	12632	68864	18.3	35.7
Thurs	45242	6655	5786	12694	70377	18.0	35.7
Fri	46718	6548	5351	11645	70261	16.6	33.5
Saturday	41394	3711	1964	5538	52606	10.5	21.3
Sunday	40705	3082	1237	4114	49137	8.4	17.2
Weekday Avg.	44437	6361	5494	11975	68268	17.5	34.9
Daily Avg.	43469	5514	4381	9932	63297	15.2	31.3

- 3.9 The data also shows that the peak days for HGV activity are on Wednesdays and Thursdays. On these days, vehicle longer than 11.6 metres make up 18% or more of the total northbound traffic flow. For this reason, the traffic and HGV parking surveys commissioned to support this TA were carried out over a Wednesday and Thursday. The results of this analysis are presented in Section 4.

M6 two-way traffic flows – historic trends

- 3.10 DfT Count Point data for the M6 has been used to establish historic trends in traffic along the section of M6 running adjacent to the Site.
- 3.11 **Figure 7** is a plan showing the location of Count Point 80842 which has been used for this analysis and how this relates to the MSA Site.

Figure 7: DfT Count Point in relation to Corley MSA



- 3.12 The DfT Count Point data provides Annual Average Daily (Traffic) Flow (AADF) for the 10-year period 2006 to 2015. **Table 3** provides a summary of this data.

Table 3: Annual Average Daily Flow (AADF) for M6 in vicinity of MSA Site

Year	Source	All vehicles	HGVs/Buses/ Coaches	Percentage of HGVs/Buses/ Coaches
2006	Manual Count	111462	20026	18.0%
2007	Manual Count	110503	19141	17.3%
2008	Estimated*	108342	18378	17.0%
2009	Manual Count	112494	16515	14.7%
2010	Manual Count	120448	19422	16.1%
2011	Manual Count	109263	17390	15.9%
2012	Manual Count	120461	18689	15.5%
2013	Manual Count	117013	18628	15.9%
2014	Manual Count	123240	21460	17.4%
2015	Manual Count	126047	23664	18.8%

Note: *DfT estimated using previous year's AADF on this link.

- 3.13 The DfT traffic flows show that there has been a sharp increase in the percentage of 'heavies' as a proportion of the overall traffic flow on the M6 in recent years (2014, 2015) and now surpasses pre-recession levels.

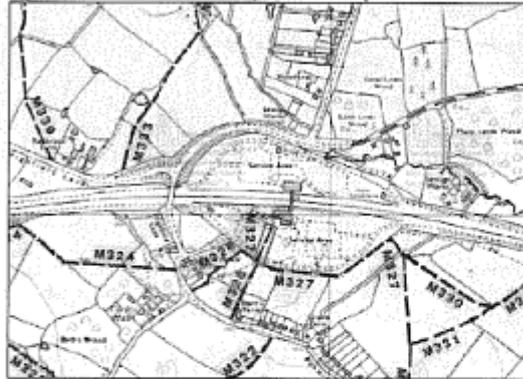
Site Access & Internal Network

- 3.14 A one-way access road extends into the site from the off-slip and is subject to a 20mph speed limit. Approximately 100 metres into the Site from the slip road, the access road reaches a junction 'fork' where HGVs, Coaches and Caravans are signposted straight ahead in the direction of the lorry park. Cars are signposted to the right and bollards are in place restricting access to vehicles 2.1m wide or less. Beyond this, the internal access road is subject to a 10mph speed limit on entry to the car park.
- 3.15 For drivers of cars missing the first access to the car park, there is a second opportunity to access the car park approximately 80 metres on from the first 'fork'. The arrangements here are similar to the first entrance to the car park, in that the access is restricted to vehicles 2.1m wide or less. Along the internal access road, between the first and second accesses to the car park, there is a lay-by of approximately 80 metres in length to the south of the access road. This provides the only parking at the Site for abnormal (long) load HGVs, however it is regularly used by smaller standard HGVs (typically 16.5 metres long).
- 3.16 Approximately 160m on from the second opportunity to access the car park is the access to the HGV and Coach parking areas. Approximately 45 metres prior to this is the egress from the car park out onto the internal access road resulting in a section of weaving where cars exiting give way to and intersect the paths of HGVs, Coaches and Caravans accessing their respective parking areas.
- 3.17 Internally, there are two separate exits from the site onto the M6 motorway on-slips. These lead onto two merging slip lanes. Cars can use both lanes and other larger vehicles are restricted to using the longer of the two slip roads. A 'get in lane now' sign is in place to advise drivers exiting the site on which slip road they should use.

Public Rights of Way (PRoW)

- 3.18 BWB has undertaken a review of existing Public Rights of Way (PRoW) in the vicinity of the Site. **Figure 8** is an extract from the 1998 Definitive Map and shows that there is a network of PRoW to the south of the Site and through the section of the Site proposed for development. The proposed diversion of this route has been considered further in Section 5 under 'Pedestrian Access'.

Figure 8: PRoW in the vicinity of the Site (1998 Definitive Map)



Note: Area in red shows Post-1998 Legal Change
Source: <http://maps.warwickshire.gov.uk/rightsofway/>

Road Safety

- 3.19 BWB has undertaken a review of personal injury collisions recorded on the M6 northbound carriageway in the vicinity of the Site to identify if there are any existing road safety issues, which might be exacerbated by the proposed development.
- 3.20 Data for the most recently available 5-year period (2012 - 2016) has been analysed using Crashmap. This shows the severity of collisions in terms of the extent of the injury inflicted on the casualties involved, along with the approximate locations of the incidents. **Figure 9** and **Figure 10** show the locations and severity of the collisions recorded in the vicinity of the existing access and egress slip roads respectively.

Figure 9: Collision plot – in the vicinity of the northbound off-slip (site access)



- 3.21 Ignoring the PICs shown along the M6 southbound carriageway in the vicinity of the Site, Figure 9 indicates that only three 'slight' and one 'serious' PIC have been recorded in the vicinity of the off-slip with a further single 'slight' collision on the access road into the Site. Figure 10 illustrates that there have been a total of 6 collisions in proximity of the on-slip, 4 were 'slight' and 'two' were classified as 'serious'. There have been no fatal collisions recorded within the five-year assessment period.
- 3.22 Taking into account the number of vehicles that passed the Site over the five year period and when compared against road safety records for similar motorway on/off-slips, the safety record of the MSA Site access and M6 is considered to be relatively good.

Figure 10: Collision plot – in the vicinity of the northbound on-slip (site exit)



- 3.23 BWB considers that the proposed development is unlikely to exacerbate or give rise to any additional safety concerns on the M6 motorway in the vicinity of the existing on and off-slips.
- 3.24 The results of the traffic survey presented in Section 4 demonstrate that there is already significant demand (up to 70 vehicles) passing through the Site and being unable to park. As such, the increased HGV parking at the Site is, on balance, more a requirement to accommodate existing demand i.e. Trips that are already being made

into and out of the Site, rather than generating new trips. On this basis, it is unlikely that the facility would have a detrimental impact on road safety.

- 3.25 Furthermore, the scheme will be subject to a Stage 1 Road Safety Audit, which should ensure that any road safety concerns relating to the proposed internal road arrangement within the Site are addressed at the planning stage.

4.0 TRAFFIC SURVEYS AND PARKING REQUIREMENTS

Introduction

- 4.1 BWB commissioned a series of traffic surveys in February 2017 on behalf of the Applicant to understand the existing HGV parking demand at the Site on a typical weekday. This section of the report summarises the survey methodologies used along with the results.

ATC Survey

- 4.2 MHC Traffic Ltd undertook Automatic Traffic Count (ATC) surveys at the Site to determine the volumes of vehicles accessing and egressing the site across a typical week. The ATC units were installed on Monday 6th February and recorded data for seven consecutive days between Tuesday 7th and Monday 14th February.
- 4.3 The locations of the ATC units are shown in **Figure 11** and the results are presented in **Table 4**. The results presented in Table 4 are for 'ATC 1' location only because the 'ATC 2' location provided inaccurate results due to the tubes being parked on by HGVs. Full printouts of the ATC survey data is included in **Appendix B**.

Figure 11: ATC Survey locations plan



- 4.4 The ATC survey results show that over the week surveyed, the usage of the site peaks on a Thursday with an average 3367 vehicles entering the site, of which 1137 were HGVs equating to 34%. On average, HGV usage peaks on a Wednesday with 1304 entering the site, equating to 44% of all trips arriving at the Site on that day.
- 4.5 The results also show that HGV demand is significantly lower on a weekend. For example, when compared to the average peak for HGV arrivals on Wednesday, the number of HGVs on a Saturday is 74% lower and on a Sunday, 80% lower.

Table 4: Traffic flow entering the site by vehicle type and day of the week

Day	Cars & Vans	Car or Van Towing	HGVs	%tage HGVs	Other ²	Total
Monday	1778	11	1170	39%	14	2973
Tuesday	1405	18	1242	47%	6	2671
Wednesday	1640	12	1304	44%	14	2970
Thursday	2206	16	1137	34%	8	3367
Friday	2294	12	981	30%	7	3294
Saturday	1517	5	341	18%	8	1871
Sunday	1167	7	267	18%	8	1449

Notes: ¹Includes 2 axle van/torry, 3 axle rigid, 4 axle rigid, 3 axle artic, 4 axle artic, 5 axle artic, 6 axle artic, double road train and triple road train.

²'other' category includes cycles and motorcycles.

HGV Parking Survey

Methodology

- 4.6 BWB also commissioned MHC Traffic Ltd to undertake parking surveys at the Site to determine the level of current HGV activity and parking demand. These surveys were undertaken over 48 hours on two consecutive weekdays; Wednesday 8th and Thursday 9th February 2017. The survey dates were chosen based on the peak days for HGV trips on the adjoining northbound carriageway of the M6 motorway.
- 4.7 The HGV parking surveys involved undertaking half-hourly HGV parking spot counts over the 48 hour period and referencing where these parked within the site and also classifying the HGVs by size. Full results of this survey are included in **Appendix C** of this report with a summary of the results provided in the following section. The surveys were undertaken using video footage and cameras were installed at 16 locations as shown in **Figure 12**. It is considered that this level of analysis provides a comprehensive evidence base on which to assess the current HGV parking demand.

Figure 12: Camera locations for HGV parking survey footage



- 4.8 Video footage from the survey can be made available on request. It has been used by BWB to better understand HGV driver parking behaviours and identify periods where there has been insufficient parking resulting in drivers departing the site without

stopping. It is considered that such behaviour is dangerous and could lead to drivers exceeding their maximum driving periods. Observations from this footage are also described in the following paragraphs.

HGV Parking Inventory

- 4.9 BWB has reviewed the HGV parking survey area shown by MHC Traffic in their survey results. This splits the survey study into six potential HGV parking areas, including the official lorry park with marked bays and unofficial parking opportunities along the internal access roads. BWB has used this information to prepare a HGV parking inventory.
- 4.10 **Figures 13 and 14** show the locations of the HGV parking areas and the inventory presented in **Table 5** corresponds to the figures and defines the numbers of HGV parking opportunities in each area, along with whether the parking is official or unofficial. Understanding this parking inventory is important in analysing the HGV parking 'stress' results summarised in the following paragraphs.

Figure 13: HGV parking survey inventory plan (areas A to C)



Figure 14: HGV parking survey inventory plan (areas D to F)

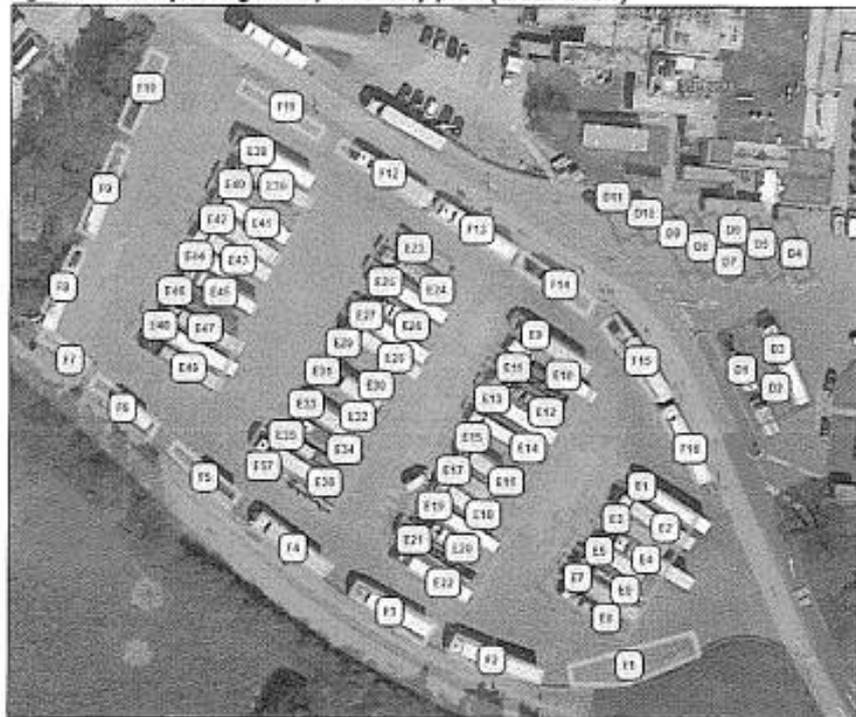


Table 5: HGV parking survey inventory

Area Ref.	Description	No. spaces				Total official HGV spaces
		Marked	Lay-by	Unofficial	Coach only	
A (Red/Yellow)	Access Road	0	4	14	0	4
B (Blue)	Car only exit	0	0	19	0	0
C (Green)	HGV only exit	0	0	19	0	0
D (Red)	Coach Park	0	0	0	11	0
E (Blue)	Lorry Park	46	0	3	0	46
F (Yellow)	Lorry Park	14	0	2	0	14
Totals:		60	4	54	11	64

Note: 'Spaces 'F1' and 'F7' not accessible to HGVs when Lorry Park is near full and therefore excluded from Total official HGV spaces.

- 4.11 The parking inventory shows that there is a total of 64 'official' HGV parking spaces across the Site, of which 60 are located in the Lorry Park and 4 in the lay-by on the access road. This is considered a robust assumption of the level of on-Site HGV parking based on the results of the HGV parking 'stress' assessment presented in the next section, which shows that the lorry park becomes congested when only 50 HGVs are parked.

HGV Parking 'Stress' Assessment

- 4.12 BWB has used the HGV parking survey results to calculate the current overspill HGV parking (i.e. the number of HGVs unable to park in designated bays) and the resulting HGV parking 'stress' (i.e. the number of current HGV parking opportunities divided by the HGV parking demand, as a percentage).

4.13 **Table 6** and **Table 7** summarise the results of the HGV parking 'stress' assessment for Wednesday and Thursday survey days respectively. The results are provided on an hourly basis with half-hourly results by vehicle type available to view in **Appendix C**. Any coaches parked in the survey area have been excluded from the assessment.

Table 6: HGV parking stress assessment by area – Wednesday results

Time period (startling)	No. HGVs parked						Parking Stress
	Area A	Area B	Area C	Area D	Area E + F	Total	
00:00	4	0	0	5	52	61	95%
01:00	4	0	3	5	55	67	105%
02:00	4	0	3	4	57	68	105%
03:00	4	0	3	4	54	65	102%
04:00	3	0	4	4	54	65	102%
05:00	4	0	3	4	49	60	94%
06:00	4	0	2	5	48	59	92%
07:00	2	1	1	2	47	53	83%
08:00	3	0	5	2	37	47	73%
09:00	4	0	1	2	36	43	67%
10:00	4	0	3	1	48	56	88%
11:00	3	0	4	1	47	55	86%
12:00	4	0	6	1	44	55	86%
13:00	4	0	5	1	37	47	73%
14:00	2	0	5	1	35	43	67%
15:00	2	0	2	4	40	48	75%
16:00	2	0	0	2	41	45	70%
17:00	2	1	3	2	41	49	77%
18:00	2	0	4	2	46	54	84%
19:00	1	0	2	4	49	56	88%
20:00	3	0	3	3	49	58	91%
21:00	3	0	5	3	51	62	97%
22:00	3	0	2	4	50	59	92%
23:00	3	0	5	3	50	61	95%

Notes: red numbers signify when HGVs are parked dangerously, red parking stress is in excess of 90%.

Table 7: HGV parking stress assessment by area – Thursday results

Time period (startling)	No. HGVs parked						Parking Stress
	Area A	Area B	Area C	Area D	Areas E & F	Total	
00:00	3	0	5	2	48	58	91%
01:00	3	0	5	3	48	59	92%
02:00	3	1	6	3	46	59	92%
03:00	3	0	6	4	45	58	91%
04:00	3	0	5	3	45	56	88%
05:00	3	0	5	3	43	54	84%
06:00	3	0	5	2	40	50	78%
07:00	3	0	4	4	35	46	72%
08:00	0	0	2	2	26	30	47%
09:00	3	0	2	2	43	50	78%
10:00	3	0	2	2	34	42	66%
11:00	3	0	4	2	43	52	81%
12:00	2	0	7	2	43	54	84%
13:00	4	0	2	3	40	49	77%
14:00	4	0	0	2	35	41	64%
15:00	4	0	1	3	37	45	70%
16:00	2	0	4	4	43	53	83%
17:00	0	0	4	2	36	42	66%
18:00	3	0	3	5	43	54	84%
19:00	3	0	6	3	44	56	88%
20:00	2	2	7	3	45	59	92%
21:00	3	2	8	4	48	65	102%
22:00	3	2	8	4	45	62	97%
23:00	3	2	6	4	46	61	95%

- 4.14 The above results show the Site experiences a high level of HGV parking 'stress' throughout a typical weekday, but particularly between the overnight hours of 20:00 and 07:00. During this period parking stress is typically in excess of 90% and in some cases above 100% compared to that identified in the parking survey inventory.
- 4.15 The columns shown as parking Areas B, C and D indicate that there is also a high level of HGVs parking in unofficial and often hazardous locations, causing obstruction to both vehicles and driver visibility. HGV parking in the coach parking area and along the 'HGV only' exit road is shown to be rife throughout the two survey days, but particularly between the hours of high parking stress overnight. There were three occasions across the two survey days when HGVs parked along the car only exit road.
- 4.16 Of significant note is the fact that the level of parking stress is not always linked to the level of congestion observed at the site. For example, during the daytime the number of vehicles parked unofficially peaks between 12:00 and 13:00 and a high level of HGVs are also observed to leave the site during this hour without parking or refuelling (see **Table 9**).
- 4.17 These observations would indicate that the capacity of the lorry park is subject to the size of HGVs parking at any one time and also the parking practices of HGV drivers. As such, the effective capacity of the lorry park is often significantly lower than that identified in the inventory (64 spaces). The lorry park is often congested even when there are only 50 HGVs parked on-site (equivalent to 78% 'stress' based on the inventory). This is evidenced by the number of HGV drivers that are forced to park in unofficial spaces once the main HGV car park reaches circa 50 vehicles parked.
- 4.18 It is considered that the proposed layout would not only increase the capacity of HGV parking, but also formalise the layout subsequently improving the efficiency of HGVs passing through the Site.
- 4.19 The ATC survey data, which recorded vehicle classifications, counted up to seven oversized HGVs (i.e. triple road train vehicles) accessing the site on a weekday and significantly more double road train vehicles. The proposed development will include dedicated oversized spaces for such vehicles to park. This is considered a great improvement compared to the existing situation, which only includes a single lay-by area along the access road for abnormal load HGVs to park in, which is often used by standard-sized HGVs. In turn, this leads to oversized HGVs parking in the lorry park, which is detrimental to HGV circulation and parking capacity.
- 4.20 With regards to the duration of the surveys, it is recognised that a two-day survey could be considered a small sample when taking into account the Site operates on a 24/7 basis. However, BWB has obtained long term data from the Site operator, which shows that overnight paid HGV parking demand at the Site is high on a sustained basis. This is shown in **Table 8** below.
- 4.21 It is important to note that the data does not include normal daytime operation and short stay HGV parking occupancy, which is not recorded by the Site operator. Consequently,

Table 8: HGV paid parking 31st Jan 2014 to 4th Jan 2017 by day of the week

	Total HGVs	Average HGVs
Monday	7999	53
Tuesday	8128	53
Wednesday	8396	55
Thursday	9023	59
Friday	5082	33

- 4.22 The table above demonstrates that during the week, the number of paying HGVs drivers parking overnight regularly exceeds 50 HGVs (i.e. the realistic capacity of the site). However, as this data does not include for short stay parking, it's considered likely the actual number of HGVs parking on site would be significantly higher, especially when accounting for those drivers' taking a 45 minute rest. As the main car park would be largely taken up by paying HGV drivers, it is considered likely those seeking a short break would be required to park unofficially at the site, or in a worst case, leave the site and potentially exceed their legal driving limit or park along the hard shoulder.

General Observations

Instances of HGV drivers being unable to park

- 4.23 MHC Traffic was also tasked at identifying times throughout the Wednesday and Thursday survey days when HGV drivers entered the site, looked for a parking space, were unable to find one and subsequently left the Site. To avoid counting HGVs passing through the Site to refuel only, the results were reported differentiating these from those who were unable to park and did not refuel.
- 4.24 Full results of this survey are included in **Appendix C. Table 9** provides an hour-by hour summary of the non-refuel HGVs passing through the site without being able to park.

Table 9: Instances of HGVs leaving Site without parking

Time period (Starting)	No. HGVs unable to park	
	Wednesday	Thursday
00:00	7	8
01:00	1	3
02:00	1	5
03:00	3	3
04:00	3	1
05:00	5	11
06:00	13	11
07:00	3	7
08:00	4	6
09:00	6	5
10:00	6	8
11:00	17	33
12:00	37	44
13:00	8	35
14:00	4	12
15:00	6	14
16:00	6	5
17:00	4	10
18:00	4	14
19:00	4	9
20:00	5	5
21:00	7	7
22:00	4	7
23:00	4	9
24-hr Total	162	272

- 4.25 The data shows that between the hours of 20:00 and 06:00 when HGV parking is considered 'at stress', 53 HGVs and 70 HGVs circulated the Site and were unable to find a suitable parking spot on the Wednesday and Thursday survey days respectively. This would indicate that there is an overnight HGV parking shortage of 70 spaces at present.
- 4.26 It is important to remember that many HGV drivers will be stopping at Corley MSA to take their required 45 minute break. Failure to park at the site, will mean drivers would need to travel a further 30 minutes to reach the next MSA, resulting in them potentially exceeding their driving limited. Alternatively, drivers may be forced to park along the hard shoulder, a concern raised by Highways England and observed during BWB's site visit.
- 4.27 It is considered likely that a proportion of the HGVs that failed to park at Corley MSA would have been forced to park on the hard shoulder for risk of exceeding their driving limit.

Hazardous HGV Parking

- 4.28 MHC Traffic was also asked to identify times during the 48-hour survey when HGVs were observed to stop or park in hazardous locations within the site, along with a description of the hazard and duration. Full results of this are included in **Appendix C** with the key outputs summarised as follows.
- 4.29 There were 22 instances of hazardous HGV parking reported on the Wednesday and 26 instances on the Thursday. Typically, the hazards involved HGVs blocking the internal access road or the entrance to the petrol filling station.
- 4.30 In terms of timing, the majority of incidents on the Wednesday were reported between 16:00 and 18:00 hours and on the Thursday, between 19:00 and 21:00 hours.
- 4.31 In terms of duration, the average duration of hazardous parking observed on the Wednesday was approximately seven minutes and on the Thursday, 15 minutes.
- 4.32 In addition to the MHC Traffic survey, potentially hazardous HGV parking was also observed on the day of the Site visit. On exiting the Site, it was observed that HGVs park alongside the on-slip, presumably having left the Site unable to find a suitable parking space. BWB considers that such parking is a significant safety risk to road users travelling northbound along the M6. The proposed increase in HGV parking at the Site would prevent the need for this type of hazardous parking.

HGV Parking Calculations (Circular 02/2013 Annex B)

Overview

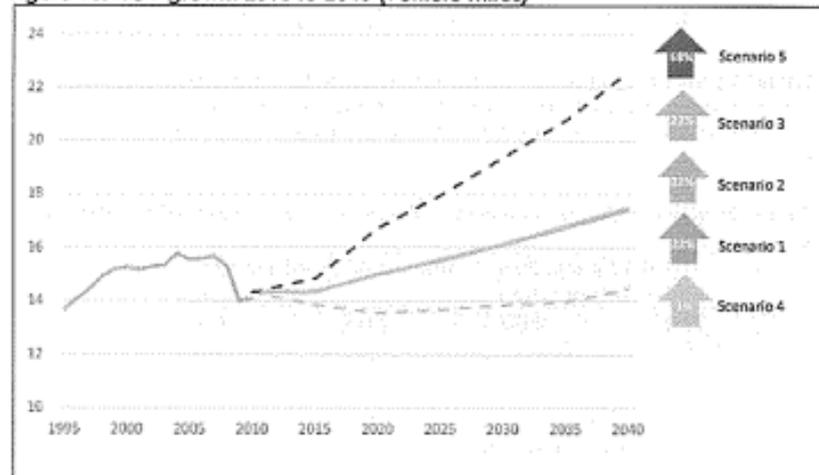
- 4.33 The current and proposed level of HGV parking at the Site has been assessed using the 'Parking requirements at motorway service areas' calculation set out in Annex B of *Circular 02/2013 - The Strategic Road Network and the Delivery of Sustainable Development*.
- 4.34 The Circular requires HGV parking provision to be at a level 0.5% of HGV and coach traffic flow passing the site. Footnote 17 to the calculations table sets out that "where the necessary supporting information is available operators may wish to increase the number of parking spaces for particular types of vehicle in recognition of the particular make-up of the road users served by the facility".
- 4.35 With reference to **Table 2** of this report, the daily northbound traffic flow is 63,297 and of these 19,812 are vehicles are in excess of 5.2 metres in length. The definition of a Heavy Good Vehicle (HGV a.k.a. lorry) is 'goods vehicles over 3.5 tonnes gross vehicle weight, including both articulated and rigid body types'¹. Whilst the length does not correspond to the gross weight of the vehicle, it is considered that any vehicle longer than 5.2m would require to park in a space larger than a standard car parking bay (2.4m x 4.8m). On this basis the 19,812 traffic flows value has been used for the purposes of the calculation. This illustrates that, based on existing level of HGV traffic passing the site, there is requirement for 99 HGV bays to be in line with the Circular 02/2013 requirement.

¹ DfT Statistical Release 'Road Traffic Estimates: Great Britain 2015' (DfT, May 2016)

HGV Traffic Growth Forecasts

- 4.36 It is important that the provision of HGV parking provided across the Site is future-proofed to account for potential future growth in freight movement on the strategic road network.
- 4.37 **Table 3** of this report shows that over the 10-year period 2006 to 2015, the volume of HGV traffic along the M6 in the vicinity of the Site grew by 13.1% (1.31% per year on average), from 111,462 two-way ADT to 126,047 two-way ADT. It is expected that at least this level of HGV traffic growth would be realised again over the next 10-year period. It is important to note that this historic period included the impact of the UK recession and therefore HGV traffic growth over the next 10 years is likely to be higher, assuming that there is not another economic downturn.
- 4.38 For completeness, BWB has also reviewed alternative sources for estimates of HGV growth up until 2027. This assessment year has been chosen based on Highways England guidance and in the absence of North Warwickshire Council adopting their new Local Plan. Highways England guidance document 'The Strategic Road Network: Planning for the Future' (September 2015) states that "assessments should be carried out for either a date ten years after the date of registration of the associated planning application or the end of the Local Plan period, whichever is greater". The date of the planning application is 2017 and therefore the future assessment year of 2027 is considered appropriate.
- 4.39 The DfT released 'Road Traffic Forecasts 2015' in May 2016. **Figure 15** is a chart showing the projected HGV growth over the period 2010 to 2040 for 5 alternative scenarios. The central growth forecasts (Scenarios 1, 2 and 3) have been used for the purposes of this assessment.

Figure 15: HGV growth 2010 to 2040 (vehicle miles)



Source: Road Traffic Growth Forecasts 2015 (DfT, May 2016)

- 4.40 On review of the above chart it is estimated that 14.6 billion vehicle miles were travelled by HGVs in 2016 (the year of the survey data from Table 2 of this report). Between 2010 and 2024 HGV traffic is expected to increase by 22%, which on average equates to 0.73% per annum. Therefore, between 2016 and 2027 HGV traffic would be expected to grow by 8.1%.

- 4.41 Finally, BWB has reviewed National Trip End Model (NTEM) dataset AF015 modified in TEMPro v7 for the geographic area of North Warwickshire. The programme has been used to generate 'average day' local growth factors for the M6 motorway in the vicinity of the site. In the absence of HGV growth factors, 'Car Driver' growth factors have been derived. **Table 10** shows NTEM/TEMPro local growth factor for the period 2016 to 2027.

Table 10: TEMPro local traffic growth factors

Scenario	Growth Factor	Growth (%)
2016 – 2027	1.146877	14.7

- 4.42 As can be seen, the NTEM/TEMPro growth factors estimate that traffic on the M6 in the vicinity of the Site will increase by 14.7% between 2016 and 2027.

- 4.43 **Table 11** is a comparison of HGV traffic growth projections from the alternative data sources.

Table 11: A summary of data sources and projected traffic growth (2016-2027)

Data Source	Avg. Annual Growth (%)	2016 – 2027 Growth (%)
M6 historic Count Point data (DfT)	1.31	14.4
Road Traffic Forecasts 2015 (DfT)	0.73	8.1
NTEM / TEMPro 7	1.34	14.7
Average =	1.13	12.4

- 4.44 The average estimation of HGV traffic growth over the period (12.4%) has been taken forward to the calculations for the purposes of projecting the future HGV parking requirement.

HGV Parking Requirement Calculations

- 4.45 **Table 12** provides a summary of the northbound HGV traffic flow in 2016 and 2027 along with the required level of HGV parking (at 0.5%) on this basis. This shows that the existing MSA Site should be providing 99 HGV parking spaces and 113 HGV parking spaces by 2027.

Table 12: HGV parking requirement calculations – 2016 and 2027 northbound ADT flows

HGV traffic flow (vehicles per day)		HGV parking requirement (no. spaces)	
2016	2027	2016	2027
19,812	22,269*	99	111

Note: Calculated using average traffic growth set out in Table 10 of this report.

- 4.46 The current level of HGV parking at the Site is 64 spaces, including the four lay-by parking opportunities along the internal access road. This equates to an under-provision of 35 and 47 spaces based on 2016 and 2027 traffic flows respectively.

- 4.47 The calculations demonstrate that there is a need for the additional HGV parking proposed as part of the planning application.

Summary

- 4.48 The results of the HGV parking survey demonstrate that the site currently provides an insufficient level of HGV parking provision to accommodate existing demand. As many as 70 HGVs accessed, circulated and subsequently left the Site not being able to find a place to park during the peak period for overnight HGV parking (20:00 - 07:00). This would indicate that at least this level of additional parking should be provided to meet the current shortfall. This figure excludes HGVs that accessed the site and subsequently refuelled before leaving the site, of which a proportion is likely to have been looking to park at the Site.
- 4.49 With reference to the legislation on driver's hours and tachograph rules, it is important to highlight that a significant proportion of the HGV drivers unable to park at the Site are subsequently likely to be breaking the law by not stopping for a 45 minute break every 4.5 hours. Section 6 of this report also considers alternative MSA destinations en-route in the regional vicinity of Corley. These facilities are also 'at stress' during weekdays.
- 4.50 The HGV parking requirement calculation from Annex B of Circular 02/2013 shows that the Site's current provision of HGV parking is 35 spaces below what it should be based on 2016 M6 northbound daily HGV flows. Taking into account HGV traffic growth projections, the facility would have a shortfall of 47 spaces by 2027.
- 4.51 Based on the above information, it is considered that **at least 82 additional HGV parking spaces are required**. This has been calculated as the current overspill demand (70 spaces), plus growth to 2027. The growth has been calculated as the 2027 Circular 02/2013 requirement (47 additional spaces) minus the 2016 requirement (35 spaces), which equals 12 spaces. The reason the 2016 requirement has been discounted from the 2027 requirement is because it is considered that the current overspill is effectively the current parking requirement.

5.0 PROPOSED DEVELOPMENT

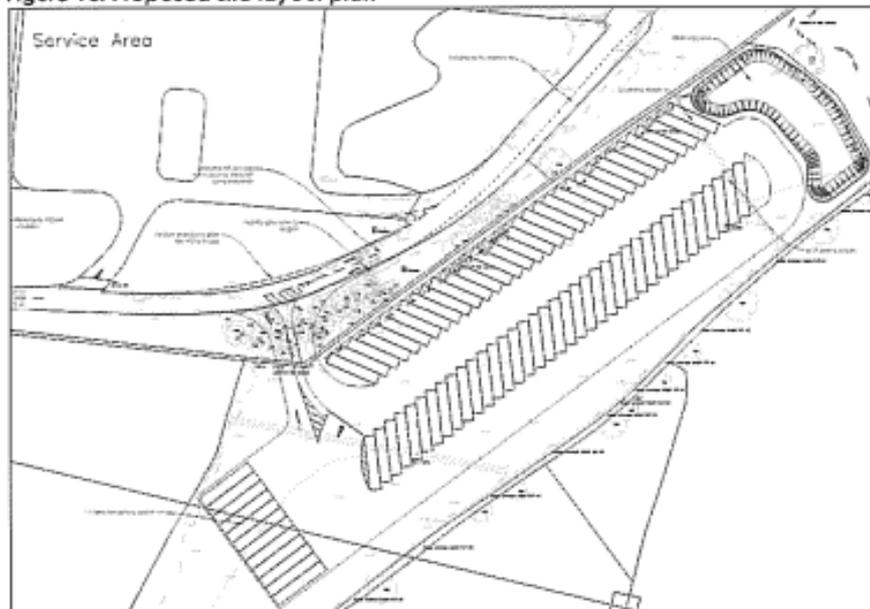
Overview

- 5.1 This section of the TA introduces and outlines the development proposals for the Site. It includes a description of the proposal, along with the proposed access arrangements.

Development Details

- 5.2 The proposed development comprises an extension to the existing HGV parking facility at the Site to provide an additional 83 bays, including 10 'oversized' HGV bays. This level of additional parking is consistent with the requirement identified in Section 4 of this report.
- 5.3 In terms of operation, it is proposed that the additional HGV parking area would only be open on weekdays when HGV parking demand is highest. During these times, the proposed HGV parking area would become the main car park as it is accessed before the existing lorry park along the one-way internal access road. At the weekend, the proposed HGV parking area would be coned-off to reduce disturbance to local residents during this lesser period of HGV demand.
- 5.4 The area proposed for the additional HGV parking is located to the south of the internal access road on an area of open land. The proposed layout is shown indicatively in **Figure 16** and a full scaled drawing is provided in **Appendix D**.

Figure 16: Proposed site layout plan



Vehicular Access

- 5.5 Vehicular access to the proposed HGV parking facility will be taken from the south of the internal access road via a left-in left-out priority junction arrangement. The access is proposed to be situated on the access road between the second 'fork' to the car park and the car park priority egress junction.
- 5.6 The proposed HGV parking area would operate with a one-way clockwise circulatory system with the option for drivers to recirculate at a give-way line close to the egress. BWB has undertaken swept path analysis of the proposed layout. The tracking demonstrates that the proposed layout can comfortably accommodate the vehicle tracks of a maximum legal 16.5m Articulated Vehicle. Swept path analysis drawings are included in **Appendix E**.

Pedestrian Access

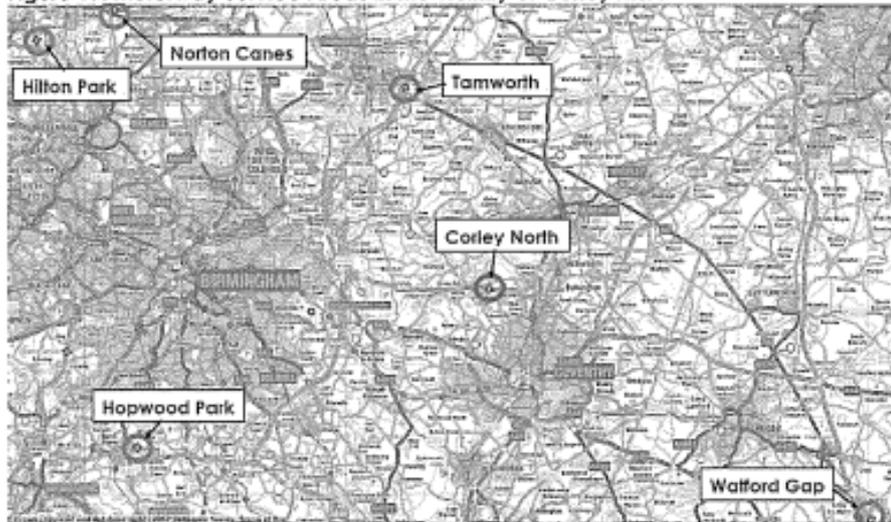
- 5.7 As has been identified in Section 3 of this report, there is a PRoW routing through the site from east to west. This route will be diverted around the Site. The appropriate permissions for this diversion would be sought from Warwickshire County Council with details to be provided in a separate planning document.

6.0 CONSIDERATION OF ALTERNATIVE LORRY PARK LOCATIONS

Overview

- 6.1 Following the recommendations made by the LPA Case Officer to refuse the planning application made in 2008, BWB has considered the alternative lorry park facilities "within an appropriate distance of Corley" MSA in terms of capacity and ability to accommodate the HGV demand seen at Corley. The location of the service areas reviewed are presented in Figure 17 below.

Figure 17: Motorway Service Areas in the vicinity of Corley MSA



Watford Gap (Northbound) MSA

- 6.2 Watford Gap (Northbound) motorway service area is located between junctions J16-J17 of the M1 motorway, approximately 24 miles / 39 kilometres south-east (by road) of Corley MSA. The MSA is operated by RoadChef and includes similar facilities to those at Corley MSA.
- 6.3 Parking at the site is free for the first 2 hours, then the following charges apply for up to 24 hours; Cars (£10), HGV (£21), HGV with £10 food vouchers (£23) and Caravans / Motor Homes (£21).
- 6.4 **Figure 18** is an aerial image of the Watford Gap MSA. HGV parking is located within the north part of the site.

Figure 18: An aerial image of Watford Gap (Northbound) MSA

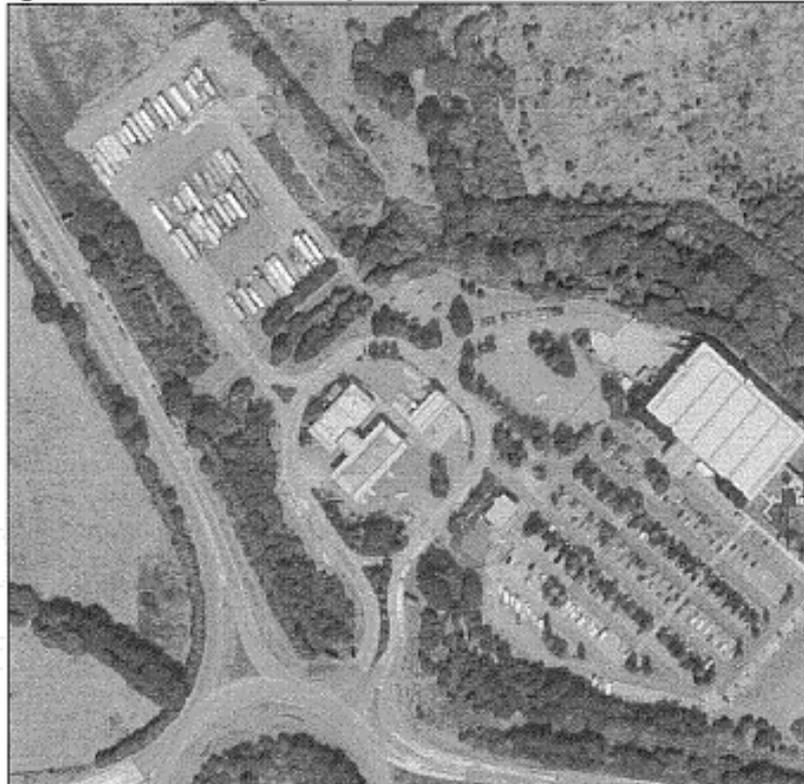


- 6.5 BWB visited the Watford Gap (Northbound) MSA site on Wednesday 8th February 2017 between 11:00 and 12:00 hours to observe existing HGV parking conditions. The day of the visit coincided with the traffic surveys undertaken at Corley MSA for consistency.
- 6.6 Observations on-site confirmed that there are 47 HGV parking opportunities allowing for HGVs to park bumper-to-bumper in the area of the lorry park located closer to the retail building.
- 6.7 On the day of the site visit there were 35 HGVs parked across the site, including four HGVs parked on double-yellow line kerb space along the internal access road located to the east of the car park. This equates to a HGV parking occupancy of 74%. Whilst this is not considered to be 'at stress', the haphazard HGV parking along restricted kerb space would indicate that HGV parking capacity is an issue at this site. A photographic record of HGV parking from the site audit is included in **Appendix F**.
- 6.8 The scope to expand HGV parking at Watford Gap (Northbound) MSA is limited owing to the site constraints. The site is bounded by a canal to the north and west, the M1 motorway to the east and a Highways England depot to the south.

Hopwood Park MSA

- 6.9 Hopwood Park motorway service area is located on the north side of Junction 2 of the M42, approximately 24 miles / 39 kilometres south-west (by road) of Corley MSA.
- 6.10 Parking at the site is free for the first 2 hours, then the following charges apply for up to 24 hours: Cars (£10), HGV (£26) and HGV with £9 food vouchers (£28).
- 6.11 **Figure 19** is an aerial image of the Hopwood Park MSA. HGV parking is located within the north-west part of the site.

Figure 19: An aerial image of Hopwood Park MSA



- 6.12 BWB also visited the Hopwood Park MSA site on Wednesday 8th February 2017 between 11:00 and 12:00 hours to observe existing HGV parking conditions. The day of the visit coincided with the traffic surveys undertaken at Corley MSA for consistency.
- 6.13 Observations on-site found the lorry park to be at approximately 80% occupancy at the time of the visit. However, it was also observed that HGV drivers were parking on-street outside the site and also in the coach parking area. This would suggest that the HGV parking is often not sufficient to accommodate demand at peak times. A photographic record of HGV parking from the site audit is also included in **Appendix F**.

Tamworth MSA

- 6.14 Tamworth motorway service area is located to the west of the M42 off Junction 10. It is located approximately 17 miles / 28 kilometres north-west (by road) of Corley MSA.
- 6.15 Parking at the site is free for the first 2 hours, then the following charges apply for up to 24 hours; HGV (£24) and HGV with £10 food vouchers (£25.50).
- 6.16 **Figure 20** is an aerial image of the Tamworth MSA. HGV parking is located towards the southern middle part of the site.

Figure 20: An aerial image of Tamworth MSA



- 6.17 BWB also visited the Tamworth MSA site on Wednesday 8th February 2017 between 11:00 and 12:00 hours to observe existing HGV parking conditions. The day of the visit coincided with the traffic surveys undertaken at Corley MSA for consistency. Again, observations on-site found the lorry park to be at approximately 80% occupancy at the time of the visit. A photographic record of HGV parking from the site audit is also included in **Appendix F**.

- 6.18 It is evident from the MSAs reviewed that parking at these sites are approaching their capacity. However, it is clear that Corley MSA's location on the SRN does make it a popular stop for HGV drivers. This is demonstrated by the fact that during the time the other MSAs were reviewed (1100-1200) Corley MSA was at circa 86% stress, with as many as 33 HGVs being unable to park during this period.

Other Alternative MSA Sites

- 6.19 Consideration has also been given to Norton Canes MSA on the M6 (toll) and Hilton Park MSA on the M6 northbound as suitable alternative destinations for HGV drivers to use.
- 6.20 Norton Canes MSA has been discounted on the basis that it is situated on the M6 (toll) and therefore would not be a suitable destination for a significant proportion of HGV drivers owing to budget and cost constraints. As such, BWB has not visited the site and this is not considered in any more detail.
- 6.21 Hilton Park (northbound) MSA is located to the west of the M6, approximately 29 miles northwest of Corley MSA. Hilton Park is known to have limited HGV parking capacity, as shown in **Figure 21**. This, along with its distance from Corley MSA makes it unsuitable for 'overspill' HGV demand from Corley MSA.

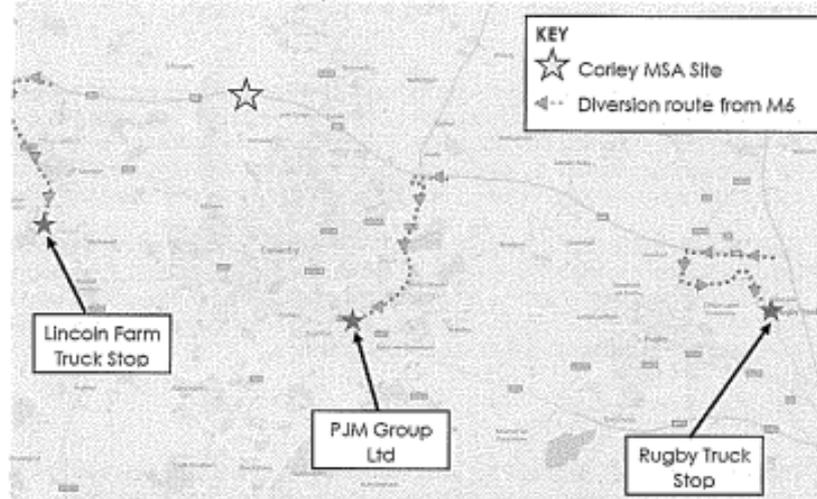
Figure 21: An aerial image of Hilton Park (northbound) MSA



Alternative Truck Stop Locations

- 6.22 BWB has also considered alternative truck stop locations in the vicinity of Corley MSA. The truck stops identified include Lincoln Farm Truck Stop, PJM Group Limited and Rugby Truck Stop. These are presented in **Figure 22** below.

Figure 22: Location of truck stops



- 6.23 Lincoln Farm Truck Stop is located approximately 11.5 miles to the west of Corley, PJM Group Ltd some 11.0 miles to the south and Rugby Truck Stop some 18.4 miles to the east. All of the truck stops are located some distances from the nearest access to the strategic road network and therefore are not suitable alternatives to Corley MSA.
- 6.24 The nearest truck stop (PJM Group Ltd) would result in HGV drivers making a 22 mile diversion via non-strategic routes. This would cause unnecessary additional travel time along with promoting large HGVs to use local routes that are not potentially not suitable.

7.0 THE CASE FOR CORLEY

- 7.1 This section of the TA summarises the key reasons why additional weekday HGV parking provision is required at Corley MSA.

Ideally Located

- 7.2 Corley is strategically located on the regional and national highway network. Its central location makes it the perfect stop-over destination for drivers travelling across the UK between ports and major logistics hubs. It is effectively the gateway to Birmingham, the UK's second largest city by population and therefore overnight stop-overs at Corley mean that HGV drivers can reach their destinations quickly the following morning.
- 7.3 Furthermore, there are a number of variable message signs along the northbound carriageway of the M6 on approach to the Site. During peak periods, these often warn motorists of congestion on the M6 in Birmingham. Consequently, drivers approaching their tachograph limits may opt to stop at Corley rather than risk being delayed in congested and exceeding their 4.5 hour drive time.

Insufficient Parking

- 7.4 The existing site has capacity for up to 64 HGVs to park at any one time, including 60 spaces in the lorry park and four spaces in the lay-by on the access road.
- 7.5 BWB has calculated the appropriate HGV parking requirement using Circular 02/2013 calculations along with northbound traffic flow data for the M6 northbound carriageway from December 2016. This demonstrates that the site should be providing 99 spaces, which would suggest there is a current under-provision of 35 spaces. Traffic growth has been applied to 2016 traffic flows in order to project 2027 traffic flows. This calculation suggests that by 2027 the Site should be providing 111 HGV spaces.
- 7.6 Furthermore, results of the HGV parking survey showed that between the weekday overnight hours of 20:00 and 07:00 parking stress was typically in excess of 90% and in some cases above 100%. During this period, at least 70 HGVs circulated the Site and were unable to find a suitable parking spot on the Thursday survey day. This indicates that there is currently a shortfall of overnight HGV parking in the region of 70 spaces.

Lack of Alternative HGV Parking

- 7.7 Section 6 of this report demonstrates that the alternative MSAs in the regional vicinity of Corley MSA, for northbound and westbound journeys, are also approaching capacity and therefore are not considered suitable alternatives.
- 7.8 BWB visited the Tamworth, Hopwood Park and Watford Gap (northbound) motorway service areas on Wednesday 8th February 2017 between 11:00 and 12:00 hours. During this period, the HGV parking capacity of all three MSAs was observed to be at 80% stress. During the same period, the survey results show that Corley (northbound) MSA was at 86-88% stress and as many as 33 HGVs were unable to park owing to congested conditions on-Site.

8.0 SUMMARY AND CONCLUSIONS

Summary

8.1 This report concludes with a summary of the key points raised within the TA, these are as follows:

1. BWB has been appointed by Welcome Break Ltd to prepare this report to support a full planning application for proposals at Corley (Northbound) Motorway Service Area located to the south of the M6 near Corley, Warwickshire.
2. The proposed development comprises the provision of an additional 83 HGV parking spaces at the Site, bringing the total provision to 147 spaces on weekdays only.
3. A similar planning application was submitted to North Warwickshire Borough Council in 2008, but was subsequently refused. The reasons behind this refusal have been accounted for during the preparation of this Transport Assessment.
4. The proposed development includes 10 special bays for oversized HGVs. The need for this has been calculated from the ATC survey data based on the number of three axle road trains entering the Site on a typical weekday. BWB believes that this provision will reduce the occurrence of these larger vehicles trying to park in standard size HGV bays, which often results in obstructions to other Site users and prevents the efficient circulation of vehicles around the site.
5. The level of additional HGV parking proposed is based on the results of the HGV parking survey at the Site undertaken over two consecutive days on Wednesday 8th and Thursday 9th February 2017 along with Circular 02/2013 calculations for parking requirements at motorway service areas. The need for additional parking is also backed up by longer term data obtained from Welcome Break over the last 3 years.
6. The HGV parking survey found that between the weekday overnight hours of 20:00 and 07:00 parking stress was typically in excess of 90% and in some case above 100%. During this period, at least 70 HGVs circulated the Site and were unable to find a suitable parking spot on the Thursday survey day. This indicates that there is currently a shortfall of overnight HGV parking in the region of 70 spaces.
7. Drivers who are unable to park onsite are in danger of exceeding their legal driving limit and could be forced to park along the hard shoulder, a safety concern that has been recognised by Highways England.
8. The existing 64 HGV spaces is a significant under-provision when compared to national standards. Using northbound traffic flow data for the M6 between Junction 3 and Junction 3a and Circular 02/2013 calculations, BWB has calculated that the Site should currently have a provision of 99 HGV parking spaces, increasing to 111 spaces by 2027.
9. The design of the proposed new HGV parking area has considered pedestrian movements. The existing public right of way will be diverted around the Site and the relevant permissions will be sought from Warwickshire County Council.

Conclusion

- 8.2 In conclusion, BWB considers that the proposed development is in line with objectives of local and national transport related planning policy. The level and need for the additional HGV parking spaces has been justified using Site-specific survey data along with a review of the future projected HGV parking requirements, in line with national policy. On this basis, it is considered that the proposed development should be allowed in traffic and transportation planning terms.

Appendix H – Response to objectors comments

3 Response to Third Party Objections

- 3.1 A number of local resident objections have been sent to the applicant by the Case Officer who has requested that the applicant respond to matters raised. Due to the way in which they have been sent (copy and paste into an email) the applicant cannot identify whether these come from immediate neighbours to the site. It is also not possible to determine the number of total objections to the scheme.
- 3.2 The applicant is aware that two letters of objection have been sent from the Parish Council.
- 3.3 The applicant's agent attended a meeting held by the Parish Council, also attended by local residents, on 4th April 2017.

Comments from the Parish Council

- 3.4 Two sets of comments have been received by email via the Case Officer. The Case Officer's emails are dated 11th April 2017 and 8th June 2017. Comments received in the 11th April 2017 email can be summarised as: causing harm to the Green Belt where no 'exceptional circumstances' have been proven; that there is no need for the lorry park based on the figures provided by the applicant; that alternative solutions should be considered; and the impact of noise, light and diesel pollution on residents.
- 3.5 The comments in the second email repeat the first other than to add that the revisions required by the Road Safety Audit appear to be common sense alterations to the scheme.
- 3.6 We take each matter raised by the Parish Council below:

Very Special Circumstances

- 3.7 There is no requirement under the National Planning Policy Framework (March 2012) to set out 'exceptional' circumstances in respect of planning applications. Paragraph 87 and 88 of the NPPF state:
87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 3.8 The key consideration in respect of Green Belts is maintaining their openness. 'Need' is considered to be a very special circumstance. This is especially so if the need identified is best met in a specific location.
- 3.9 The applicants consider that the need for the development in this case is such that these form the very special circumstances sufficient to overcome the presumption against development in the Green Belt. The case for need is two-fold: first the site specific short fall of HGV parking spaces required to meet current demand alongside future growth forecasts for traffic on the motorway; and secondly in respect of the site specific circumstances that means that route choice and traffic delays result in HGVs needing to stop at Corley MSA.

- 3.10 As set out in the Transport Assessment, there is theoretical capacity for 64 HGVs within the existing HGV park, which includes 4 spaces within the long load bay. However, there are a further 54 spaces around the site that are used unofficially for parking by HGVs, in addition to the 11 coach spaces (which are also sometimes occupied when there is a need for HGV parking).
- 3.11 Circular 02/2013 sets out the requirement for HGV parking at MSAs. This is calculated as a percentage of the annual daily traffic flow on the mainline motorway. At Corley, the amount of traffic in total is high but the total number of HGVs is also high. This is 18.8% of all traffic on the road. As a result, Circular requirement for HGV spaces at Corley is for 99 spaces. This exceeds the number of available spaces in the HGV park by 39 spaces. If a reasonable growth forecast is added to the Circular to 2027, the requirement increases to 111 spaces or 51 spaces more than currently provided.
- 3.12 The current overspill or unauthorised HGV parking at the site equates to 54 spaces. This in itself is indicative of the level of need for additional spaces at the site.
- 3.13 There are two types of HGV traffic that use the HGV parks at motorway service areas: drivers who are taking a short day time break (45 minutes to 2 hours) and those that stop overnight. These users are differentiated in the Transport Assessment, and it can be seen that there is both day time and night time need for additional spaces. The HGV park is under considerable stress. When the main HGV park has more than 50 vehicles in it (78% capacity), drivers start to seek out alternative places to park. On the survey days, set out in the TA, the HGV park was at this level of capacity for 17 or 18 hours each day.
- 3.14 Drivers seeking spaces outside of the official parking areas result in environmental damage to the site and cause safety issues to other road users. As a result of parking in unofficial spaces, on the days subject to survey, 22 hazardous incidents were recorded on the Wednesday and 26 were recorded on the Thursday.
- 3.15 During the day, between 11am and 1pm, when drivers are likely to be taking a shorter break, a large number of vehicles were unable to park. On the Thursday, this peaked at 44 vehicles between 12 and 1pm. Overnight, between 8pm and 6am, 53 HGVs on Wednesday and 70 HGVs on Thursday entered the site, circulated to find parking spaces, failed to find space to park and left. These vehicles failed to park in either the 64 authorised spaces or the 54 unauthorised spaces (118 spaces total). We do not know where these vehicles ultimately stopped but unofficially we know that there is a high incidence of vehicles parking on the hard shoulder or in refuge bays on the motorway.
- 3.16 As set out above, there is a very clear need for additional HGV parking at Corley. The number of vehicles that require spaces both during the day and overnight and are not currently catered for is a clear demonstration of this (that is those vehicles that enter the site and are unable to find parking). In addition, while there are 64 'official' parking spaces on the site, the site is under pressure when HGV numbers exceed 50. HGVs then find alternative 'unofficial' spaces around the site (we have identified 54 such spaces). Parking in these unofficial spaces not only causes damage to the environment within the site, but is dangerous and causes a road safety hazard. A large number of hazardous incidents were recorded during the site survey work.
- 3.17 Circular 02/2013 sets out a requirement for 99 spaces in 2016. Using a growth factor to traffic on the M6, this will increase to 111 by 2027. By increasing the HGV parking provision, this allows for the Circular requirement, the existing need and unmet need to be provided in a safe way and not by the continuation of unofficial and unsafe parking within the site as currently occurs.

Alternatives

- 3.18 A number of alternatives have been put forward including the provision of new services at Rugby (Junction 1, M6) and alternative site layouts within the existing MSA boundaries.
- 3.19 In relation to the current planning application at Junction 1 by Moto (Rugby Borough Council planning application reference number: R17/0011), this was submitted in January 2017. This would provide 98 HGV parking spaces, as required by Circular 02/2013. It has been the subject of 69 number individual householder objections, as well as on-going objections from Highways England, heritage and landscape concerns. Warwickshire County Council as highway authority have yet to comment on the planning application. There are a number of technical difficulties with the application, including the connection of the site to the junction roundabout. Highways England issued a further holding direction on the application at the end of July setting out that the planning application could not be determined for a further 3 months while these technical issues were resolved.
- 3.20 There is no guarantee that these matters can be resolved. Even if they are, the site represents a significant incursion into the countryside north of the M6 where there is very little development currently. There are concerns about landscape harm due to the openness of the site, and also the harm caused to adjacent heritage assets.
- 3.21 This cannot be seen as a viable alternative currently due to the lack of planning permission for the development. In respect of harm caused, the ability to extend the existing MSA will cause less harm than the incursion into the countryside and landscape harm identified than any development at Corley.
- 3.22 Objectors to the scheme have also provided two potential re-arranged site layouts that do not include an extension outside of the existing site boundary. We have included these in **Appendix A** of this Statement and labelled these number 1 and number 2 for ease of reference. We address each layout in turn below:
- 3.23 Layout 1 proposes 111 spaces in a re-arranged HGV parking area which extends over the existing HGV parking area, area of trees, staff car park and delivery area for the amenity building. It also re-arranges the coach park. It suggests that further areas of land are available for HGV parking at the entrance to the MSA (east side of the site) adjacent to the car park and also to the west side adjacent to the MSA exit/slip road to the motorway. This layout ignores a number of key points. First, it allows vehicles to reverse directly onto the main site road that allows non-car vehicles to travel through the site from east to west. If this road is blocked due to manoeuvring vehicles, it is likely that traffic will back up through the MSA and cause congestion. Vehicles manoeuvring in this way are likely to be slow moving and potentially hazardous to other vehicles, increasing the likelihood of accidents. This is already seen in the existing MSA layout where vehicles are parked outside of the dedicated HGV parking area, and are manoeuvring into spaces on the access road.
- 3.24 The coach spaces are angled in such a way that manoeuvring in this area would be very difficult. The coaches are not sufficiently segregated from the HGV traffic as they are currently (where there is a splitter island between the internal service road and coach park). This is unsafe for coach passengers.
- 3.25 The layout also ignores the delivery area and operational space required to the rear of the amenity building.

- 3.26 The area identified to the west of the site is largely the internal circulation road, waiting space for the HGV FFS pumps and the exit onto the motorway. None of this space is suitable or available for development.
- 3.27 The area identified in purple to the east of the site is open space but located immediately adjacent to the car park. It is not clear how this space could be used without having a mixed traffic system whereby cars and HGVs shared space. For safety reasons, all types of traffic within MSAs are segregated and development on the area to the east would not achieve this.
- 3.28 In respect of Layout 2, many of the comments above also apply to this layout. It ignores the through flow of traffic on the internal roads and introduces manoeuvring vehicles into this space. This would cause the backing up of traffic within the MSA and introduce safety hazards. The layout ignores the external storage (especially bins) at the rear of the amenity building and service and delivery areas.
- 3.29 We have undertaken vehicle tracking on this layout, and this is provided in **Appendix B** of this Statement. This identifies a number of problems with the layout. The parking bays are positioned very close together, making manoeuvring in and out the bays difficult and potentially increasing the risk of a collision. A number of tight U-turn manoeuvres would be required to exit some bays. Drivers would be required to manoeuvre the wrong way into the outer access road to be able to reverse into some bays. There are a number of instances where drivers would be required to overrun the adjacent bay when exiting, if this bay was occupied vehicles would not be able to exit the spaces.
- 3.30 As a result we do not consider that either of these proposed layouts would provide an alternative scheme that would be safe, provided segregated vehicle parking, and allow the amenity building to be correctly serviced.
- 3.31 The capacity at adjacent MSAs and truck stops have been addressed in the Transport Assessment. In addition to that assessment, it should be noted that HGV capacity in the region will be reduced during the construction of HS2 due to the location of the line that goes through the HGV park at Tamworth MSA.

Noise and Light

- 3.32 The planning application is accompanied by a noise assessment and a lighting plan. The noise assessment has been agreed with the Council's Environmental Health team and meets the required standard in respect of noise.
- 3.33 In respect of light, the design has been carefully thought out in order that light columns are as low as possible to reduce the amount of light spill outside of the site. This is shown on the accompanying lighting plan (drawing reference CMSA-BWB-HLG-XX-CA-C-1300). There have been no objections to this proposal by the Council's Environmental Health team.
- 3.34 We note comments in respect of diesel pollution, which we assume is air pollution in the locality. The proposed development provides parking for HGVs that are already using the motorway network. It is not going to increase the number of HGVs on the roads, and therefore will not increase the level of air pollution in its own right. It is designed to meet the need already arising at Corley – vehicles already stop at the site or attempt to stop but are unable to due to a lack of spaces. Therefore the air quality is unlikely to be affected significantly as a result of the development.

Comments from Local Residents

- 3.35 We have been sent a number of comments from local residents concerning the scheme. These are wide ranging in their scope, but can be summarised in a number of general themes. We address each of these below:
- 3.36 Green Belt Location: the site is located within the Green Belt, where there is a presumption against inappropriate development unless 'very special circumstances' are demonstrated. It is the view of the applicant that in this case the very special circumstances are present to override this normal presumption. These are: the need for the development at Corley as a result of the requirement for HGV parking within the site (both from demand and also unmet need); the need in this location; the specific circumstances of Corley MSA; and the national need for additional HGV parking spaces. In addition, the proposed development does not impact upon the openness of the Green Belt. There is no significant visual impact and therefore harm, by reason of inappropriateness and impact on the openness of the Green Belt, and any other harm, is outweighed by the benefits of the scheme.
- 3.37 Pollution: objection has been raised on the grounds of noise, light and water pollution. There are no objections to the scheme from the relevant technical consultees on any of these matters. In respect of noise, the scheme meets the WHO's noise requirements both during the day and at night.
- 3.38 In respect of lighting, the design and location of columns has been carefully planned to reduce the amount of light spilling from the site. This can be seen on the accompanying lighting plan which shows the lux contours around the site after development. Levels of light pollution will be low. In relation to diesel spilling into the local water course, the drainage design includes interceptors which will prevent the leaking of any diesel into the proposed pond and adjacent water courses.
- 3.39 Public right of way: a public right of way is located between the application site and the MSA. This can be diverted if required by the LPA, and there is sufficient room within the application site to divert the footpath around the outside of the proposed development while still being within the applicant's land ownership.
- 3.40 Existing field access: there is an existing field access from Bennetts Road North and the application site, which is in the ownership of the applicant. Local residents have asked whether it is intended to use this field access for a rear access into the MSA. It is not the intention to use this field access in this way. There is currently an access into the MSA to the west of the application site which is controlled via secure barrier. Access will remain in this location.
- 3.41 Weekend usage: it is not intended to use the HGV park at weekends or at bank holidays or public holidays. The applicant has suggested planning conditions that would be enforceable by the LPA to prevent access at these times unless there was an exceptional event or an emergency.
- 3.42 Impact on ecology: local residents have raised the issue of the potential harm caused by the scheme to wildlife, and have specifically mentioned the presence of Great Crested Newts on the site. As set out in the accompanying ecology report, there were no species recorded or reported on the site. This included an analysis of historic records held in the County database. In addition, a bat survey has been undertaken in a tree on the boundary where concern was raised that this could provide suitable habitat for bats. Further survey work has been undertaken to address this, and no evidence that a bat roost was present. A biodiversity checklist for the site has also been completed which shows that due to the introduction of the pond, and boundary planting, the development of the site will have a positive biodiversity impact above the existing use of the site for grazing.

- 3.43 Boundary planting: concern has been raised that the proposed boundary screening will not be effective, and will not provide screening to the boundary. The boundary landscaping of the site takes 3 forms: planting, a mound and a close board fence. The fence provides three functions: security, screening and it acts as an acoustic screen. The Landscape and Visual Impact Assessment concludes that from all identified views, that the introduction of the development would cause minor or negligible impact where the scheme would either not form a noticeable deterioration or improvement in the view; or a slight deterioration would occur. As a result of proposed landscape planting, any affect would be mitigated and provide a substantial screen to the development.
- 3.44 Increase in HGV traffic: concern has been raised about the increase in traffic on the M6 not being as 'sharp' as 'the sharp' increase quoted in the Transport Assessment. This specifically refers to the proportion of HGV traffic on the M6 in 2006 of 18%, and comparing this to 18.8% HGV traffic in 2016. The figures are set out in Table 3 of the TA. What these show are that in 2006, the total number of HGVs (AADF) on this section of the M6 was 20026, which represented 18% of the traffic flow. During the following years, this number dropped, mainly during the recession (falling at its lowest point to 14.7% in 2009). This then rose to 23664 in 2016, above the pre-recession levels. This is a rise of 7,149 vehicles compared with 2009. The volume of HGVs as a percentage of all traffic changing between 18% and 18.8% from 2006 to 2016 may not look significant because this is an increase expressed as a percentage of overall traffic. In absolute numbers, the overall amount of traffic has also risen by 14,585 vehicles over this period, and the absolute numbers of HGVs have also increased. The rise in the number of HGVs over the period between 2006 and 2016 has been 18%, compared with a rise in the overall increase in traffic on the motorway of 13.1%.
- 3.45 It should also be noted that the current scheme addresses all of the previous reasons for refusal and the applicant considers these are addressed directly in this application. The scheme currently before the LPA is the design team's response to the road safety audit. It is entirely normal for a scheme to be amended following a Road Safety Audit as has happened in this case.



(3) Application No: PAP/2017/0352

Land East of, St Lawrence Road, Ansley,

Outline application - erection of up to 70 dwellings with details of access, layout, scale, appearance and landscaping as reserved matters, for

Mr C R Muller - Muller Property Group

Introduction

Members will be aware that this application was referred to the Board at its August meeting and that it was agreed to hold a site visit prior to determination. That visit took place and a note is attached at Appendix A.

The previous report is also copied at Appendix B for convenience and should be read in conjunction with this report as it sets out a description of the site; explains the proposals and the accompanying supporting documentation as well as drawing Members attention to the relevant Development Plan policies and other background considerations.

Additional Matters

Since the August meeting, Members will be aware that the Council has begun to consider the representations received on the draft Local Plan for North Warwickshire, whose consultation period ended in March 2017. A recent LDF Committee noted the report that was provided in which these representations were grouped into a series of “themes” and recommended that their consideration be dealt with at an Executive Board meeting on 18 October. As such there has been no material change in the weight to be given to the emerging draft Local Plan.

As part of this process, the Council’s position in respect of its five year housing supply has also been set out. We currently have a 5.1 year supply.

Representations Received on the Application

One letter of support has been received expressing the view that more houses are needed on this side of Nuneaton

Four letters of objection have been received and these refer to:

- The loss of view/outlook from properties in St Lawrence Road
- Too many houses already being approved in the village
- This proposal is beyond that set out in the Core Strategy
- Brownfield land should go first
- There will be unacceptable impacts on neighbour’s amenity
- There will be too much traffic – and the submission deals with out of date data
- There will be impacts on already crowded facilities
- There are no facilities in Ansley.
- What does “affordable” mean in respect of the housing?
- The rural character and village community would be lost.

One representation received is “neutral” in its approach, but welcomes the contribution to the crossing and asks that the public footpath be upgraded too. It supports 40% affordable housing.

Ansley Parish Council - It objects on the following grounds:

- The site outside of the development boundary
- There is a five year housing supply
- The traffic data is out of date data, not taking account of recent approvals in Galley Common. There are also “pinch-points” at junctions well away from Ansley.
- The visibility splays are not sufficient
- The reports include out of date data on village facilities
- There are not enough school spaces
- There will be an impact on health facilities
- There will be 230 new houses in the village, whereas there are only 380 now.
- It will change the character of the village
- The paths need upgrading

Consultation Responses

AD (Streetscape) – There was an initial concern that the indicative layout would lead to an inability to service part of the site for refuse collections. An amended indicative plan has been received which overcomes these initial concerns. The site could thus be satisfactorily serviced with this number of houses.

Nuneaton and Bedworth Borough Council – The main impacts will be on highways and so the County Councils’ comments will be important.

Warwickshire County Council as Highway Authority – It does not object in principle but expresses two areas of concern. Firstly the access to the site depends on a yet unknown layout through what is called Phase One, and secondly more detail is needed on the provision of and contribution towards the proposed pedestrian crossing in Birmingham Road. The applicant and the County Council are both progressing this second matter with the applicant undertaking speed surveys for submission to the County.

Warwickshire County Council as Flooding Authority – After an initial objection, because of the lack of detail, the objection has been removed, subject to conditions.

Warwickshire County Council (Public Rights of Way) – A contribution of £4200 should be sought towards the upkeep of local public footpaths and there has to be clarity about the connection through to the existing footpath at the rear of the Birmingham Road frontage.

Warwickshire Wildlife Trust – There will be a loss of bio-diversity but this can be overcome by greater green infrastructure provision on site.

AD (Leisure and Community Development) – There is overall support for the proposed pedestrian crossing as it would give access to existing play facilities and public open space.

Warwickshire Fire and Rescue Services – No objection subject to standard condition.
AD (Housing) – Supports the 40% provision of affordable housing.

Environmental Health Officer – Construction hours should be conditioned from 0800 to 1800 hours during the week and 0800 to 1300 hours on Saturdays with no Sunday working.

Police (Architectural Liaison) – No objection.

Warwick Museum – It objects on the grounds that the archaeological potential of the site is unknown and thus survey work is required before a decision is taken.

Warwickshire County Council (Public Health) – A contribution of £12,583 is required for the NHS North Warwickshire North CCG to fund staff training at the Arley Springhill Centre and at Galley Common Medical centre for nurse prescribing training and for chronic disease management training.

Observations

a) Introduction

From a planning policy perspective then Core Strategy policy NW2 sets out a settlement hierarchy for the Borough, with Ansley included as a Category 4 settlement. Here development can be supported, but it is to be limited to within its development boundary; to smaller sites of no more than ten units, but with a minimum of 30 units.

The proposal does not accord with this Policy and it is this that has given rise to the policy objections received – particularly that of the Parish Council. This position is given added weight because the Council now has a five year housing supply. A presumption of refusal is therefore the starting point with this application. However as Members are aware, the statutory requirement for its planning decision making, is that planning proposals should be determined in accordance with the Development Plan, unless other relevant material planning considerations indicate otherwise. In this case, there is therefore not an “automatic” refusal because of non-compliance with Policy NW2. The Board has to weigh this non-compliance against other relevant material planning considerations. In this case it is considered that these, when taken together do outweigh the level of harm caused by the non-compliance. There are several reasons for this and thus the remainder of the report will look at these other considerations.

b) Other Relevant Material Planning Considerations

The first of these is the situation “on the ground” here. This position has changed materially with the 2016 appeal decision allowing the 79 houses off Tunnel Road and adjoining this site to its immediate east. As a consequence this “land-locked” site now has a means of access. Moreover it would be surrounded on three sides by existing and proposed housing. It is now an “infill” site within the village, regardless of its position outside of the development boundary. It neither has any physical or visual extension or relationship with the open countryside to the north. This was argued at the recent appeal in respect of the Tunnel Road site, but the Inspector clearly did not give weight to any perceived harm of that expansion into open land – see paragraph 12 of the appeal decision. It is considered that the argument about intrusion into open land is far weaker in this current case. As a consequence this proposed development is within a sustainable location because of that appeal decision with no physical or visual harm to

landscape character or to the built form of the settlement. This situation is considered to carry substantial weight.

Secondly the Council does have a five year housing land supply, but it is not materially greater than the five years. Members will understand from other decisions, that it is important to maintain a supply well over five years for a sustained period if it is to defend potential refusals. This is particularly the case where new proposals do not cause demonstrable harm or where they are in sustainable locations.

Thirdly, as can be seen from the consultation responses, the potential for demonstrating harm in this case, backed by sufficient evidence to substantiate a refusal is weak. Members and the Parish Council have expressed concerns about the access onto Tunnel Road, but the Highway Authority has not objected in principle. This has been questioned particularly by the Parish Council. The County's response is firstly that its standards do enable up to 150 houses to be permitted off a single point of access. This is the case here and the whole development has the potential for an emergency access through to Croft Mead from the Phase One development. Secondly, the Phase One development also involved the speed limit on Tunnel Road being extended beyond the point of access. As such the standards for visibility splays at that junction relate to the 30mph position and not to the present limit. The County is satisfied that the appropriate vision will be provided. Thirdly, the applicant's Transport Assessment included growth forecasts which were sufficient to cater for recent new developments occurring elsewhere. Finally, the County argues that the development does include provision for a pedestrian and cycle link to the village. This when taken together with the pedestrian link from the Tunnel Road development through to Croft Mead shows that the development as a whole can be seen as having appropriate connectivity to the village. The County's overall view is that the traffic generated from the additional houses here would not materially result in "severe" adverse impacts, which Members will know is the test set out in the NPPF. There are no objections from the County Council as Flood Authority nor from other technical consultees. Further discussions with the developer have shown that refuse collections can be achieved on a site of this shape and with the number of houses proposed.

Fourthly, there has been concern about the impact of the development – indeed the impact as a whole of the new houses now committed in the village – on local services and facilities. It is noteworthy that the County Council has not asked for contributions towards education provision, and that its public health service has asked for a contribution as set out earlier. From this Council's perspective the relevant Agencies have been involved in this application and it would be difficult to evidence a refusal based on adverse impacts given the consultation responses received. In short it would not have the supporting evidence.

Finally, it is important that Members do add the benefits arising from this proposal into their assessment of the final planning balance. Whilst it might be difficult to accept that there are benefits, there are two that carry weight here – the provision of 40% affordable housing and of a pedestrian crossing over the Birmingham Road. In respect of the former then this will be dealt with through a Section 106 Agreement as was the case in the Tunnel Road appeal decision. In respect of the latter then both the developer and the County Council are agreed that this should be provided and are working towards concluding the technical approval for this and the means of financing it.

It is in all of these circumstances that it is concluded that the combined weight of these matters does outweigh the harm caused to Development Plan policy here. That harm, as indicated at the beginning of this section is considered to be limited, because of the

changed circumstance of the recent appeal decision and the level of other harm is not sufficiently evidenced to demonstrate significant harm. There are benefits too that have to be added into the final planning balance.

c) Other Matters

Members will have seen from the consultation responses that the Museum is requesting archaeological investigation work prior to any decision being taken on this outline application. Whilst this position is understood as being precautionary, Members are advised that the Local Planning Authority approach has to be “proportionate” according to the NPPF. In this regard there has been no such request made in respect of previous applications in Ansley – including what is now known as Phase One - and where evaluation work has been undertaken prior to commencement of development, there have been no significant finds. Whilst of course this might not be the case with this current site, the initial investigation work undertaken by the applicant – geophysical surveys – does not suggest that additional investigation is required. In these circumstances it is considered that a proportionate approach should be adopted by including a pre-commencement condition. In other words additional trial trenching is undertaken, but prior to work starting, not prior to a decision being made on the principle of the development.

Members too will have seen the request for a contribution towards the upkeep of surrounding public footpaths. Such a request was also included in the case that recently went to appeal. The Inspector however found that it did not meet the statutory tests as it was the County Council’s responsibility to ensure these paths are kept in good condition regardless of new development. As a consequence the same conclusion will apply here.

It is however recommended that the contribution be re-focussed on the proposed pedestrian crossing. The applicant has already accepted that a contribution would be forthcoming in that respect.

Conclusions

The overall recommendation below follows this conclusion. A Section 106 Agreement is necessary to accommodate the affordable housing provision and the contributions towards public health and the pedestrian crossing.

Members will be aware from another development elsewhere in the Borough, that the provision of a pedestrian crossing can only be delivered if there is road safety and technical “sign-off” by the appropriate highway authority – in this case the County Council. That process is underway presently as indicated above. It is considered that this issue is important and thus it should be resolved if the Board is to attribute significant weight to it in its assessment of the final planning balance. A progress report will be provided at the meeting, but presently the matter remains unresolved. The recommendation thus takes this into account.

Recommendation

That the Board is minded to support the grant of an outline planning permission in this case and that its determination be delegated, subject to resolution of the following matters:

- a) The written agreement of the County Council to the provision of a pedestrian crossing over Birmingham Road in Ansley at an appropriate location in respect of the application site and its proximity to local services. In the event that the County Council cannot provide such agreement, that the matter is referred back to the Board for consideration.
- b) The completion of a Section 106 Agreement to include an agreed financial contribution towards the provision of this crossing; a contribution of £12, 583 for Warwickshire Public Health as identified in this report and the provision of 40% of the dwellings on-site being affordable to meet the criteria of the Council in respect of tenure and occupancy.
- c) The following planning conditions:

Standard Conditions

- 1. Standard outline condition with all matters reserved
- 2. Standard outline condition
- 3. Standard outline condition
- 4. Standard plan number condition – plan number 492/001A received on 5/7/17 together with the Flood Risk Assessment of Betts Associates referenced MSP01V2.1 dated March 2015 and the addendum referenced HYD268-Ansley-PYSB01 dated August 2017.

Defining Conditions

- 5. For the avoidance of doubt this permission is granted for no more than 70 dwellings on this site, with all vehicular access obtained from Tunnel Road, Ansley.

REASON

In the interests of highway and road safety

- 6. None of the dwellings permitted on this site shall be taller than two storeys in height

REASON

In the interests of the visual and residential amenity of neighbouring occupiers.

- 7. The development hereby approved shall limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% critical rain storm, to 8 litres/second for the site.

REASON

To reduce the risk of flooding

8. Finished floor levels shall be set no lower than 150 mm and 300mm above existing ground levels as set out in the Flood Risk Assessment approved under condition 2.

REASON

To reduce the risk of flooding

9. Surface water is to be provided via a minimum of two trains of treatment using above ground features within the drainage system

REASON

To reduce the risk of flooding.

10. Each of the dwellings hereby approved shall have sufficient space available for the provision of three 240 litre capacity, waste collection bins.

REASON

In the interests of public amenity and sustainability

Pre-commencement Conditions

11. No development shall commence on site whatsoever until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

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

12. No development shall take place on site whatsoever until a strategy to manage and maintain construction materials from entering or silting up the ditch work has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall remain in place throughout the whole of the construction period.

REASON

To ensure that the development does not have impacts off-site.

13. No development shall take place on site whatsoever until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire-fighting purposes at the site has first been submitted to and approved in writing by the

Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of public safety

14. No development shall commence on site whatsoever until such time as a Written Scheme of Investigation for an Archaeological Evaluation of the site has been fully completed in accordance with a written brief that shall first have been submitted to and approved in writing by the Local Planning Authority. The Evaluation shall also include recommendations for any mitigation measures that might be required.

REASON

In the interests of the archaeological potential of the site.

15. No development shall commence on the site until such time as any archaeological mitigation measures approved in writing by the Local Planning Authority have been completed in full to its written satisfaction.

REASON

In the interests of the archaeological potential of the site.

16. No development shall commence on site whatsoever until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Plan shall remain in force at all times during construction.

REASON

In the interests of the residential amenity of neighbouring occupiers.

Pre-Occupancy Condition

17. There shall be no occupancy of any of the houses hereby approved until such time as a pedestrian crossing has been provided across Birmingham Road.

REASON

In the interests of securing safe access and connectivity between the site and local facilities.

Notes

1. The scheme referred to in condition (7) should be submitted with the following documentation – demonstration that the provisions for surface water run-off attenuation storage accords with Science Report SC030219 and their design accords with CIRIA Report C753; where flooding occurs onsite, the 1 in 100 year climate change event details should provide the storage capacity required outside of the proposed formal drainage system, details of the depths and locations of flooding where depths may be unsafe, demonstration of detailed designs including details of attenuation systems and outfall arrangements, calculations of the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year and 1 in 100 year and 1 in 100 year plus climate change return periods, evidence from Severn Trent Water of connections to the existing surface water network, plans and details showing the allowance for exceedance flow and overland flow routing, and the provision of a maintenance plan on how the systems are to be maintained and managed in perpetuity.
2. In respect of condition (10), the developer may wish to contact the Council in respect of the procurement of these bins.
3. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through engagement with the applicant in order to respond to the planning and other issues arising in this case such that they could be resolved.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0352

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	5/7/17
2	M Aiello	Support	16/7/17
3	I Townsend	Objection	15/7/17
4	A D Housing	Consultation	17/7/17
5	R Muston	Representation	30/7/17
6	Ansley Parish Council	Objection	31/7/17
7	D and R Franks	Objection	6/8/17
8	E Freeman	Objection	7/8/17
9	Warwickshire Wildlife Trust	Consultation	17/7/17
10	A D Streetscape	Consultation	12/7/17
11	Environmental Health Officer	Consultation	17/7/17
12	Warwickshire Police	Consultation	18/7/17
13	Warwickshire Fire and Rescue	Consultation	20/7/17
14	A D Leisure and Community	Consultation	25/7/17
15	Nuneaton & Bedworth B C	Consultation	25/7/17
16	WCC Flooding	Consultation	28/7/17
17	Warwickshire Museum	Consultation	28/7/17
18	WCC Rights of Way	Consultation	2/8/17
19	Warwickshire Public Health	Consultation	10/8/17
20	Applicant	Additional Information	August 2017
21	Applicant	E-mail	17/8/17
22	WCC Highways	Consultation	24/8/17
23	WCC Flooding	Consultation	30/8/17
24	Applicant	E-mail	4/9/17
25	A D Streetscape	Consultation	5/9/17
26	Applicant	Letter	4/8/17
27	Warwickshire Museum	Consultation	11/9/17
28	Applicant	Letter	12/9/17
29	Applicant	E-mail	14/9/17

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.

PAP/2017/0352

Phase 2 – Tunnel Road, Ansley

Site Visit – Sat 19 August 2017 at 1030

Present: Councillors Bell, Gosling, Reilly, Simpson, Smitten, Sweet, Symonds and Wright together with J Brown

1. Members met in Croft Mead and were shown the plan for phase 2 for this development which follows the grant of planning permission for phase one at appeal. Members saw how both sites were connected as well as the extent of the cumulative developments.
2. Members then walked along the public footpath from Croft Mead between the site of the allotments and the rear gardens of the frontage houses to Birmingham Road.
3. At the southern extent of the site they were able to view the main part of the site presently used for grazing. The rear of the St Lawrence Road houses was seen as well as the proposed connection to the public footpath. The northern extent was seen by looking at Magnolia House and the far stable buildings at the site's northern edge.
4. The group then walked through the access between numbers 171 and 169 Birmingham Road onto the Birmingham Road returning into Croft Mead.
5. Here the group walked to the end of the cul-de-sac next to number 11 so as to look over the site within phase one. Here they could see how phase one connected to the proposed site and they could also see the stables referred to above. The extent of the site to Tunnel Road was pointed out.
6. The visit concluded at 1100 but the Chairman invited Members to drive along Tunnel Road so as to see the point of access to the combined sites.

(8) Application No: PAP/2017/0352

Land East of, St Lawrence Road, Ansley,

Outline application - erection of up to 70 dwellings with details of access, layout, scale, appearance and landscaping as reserved matters, for

Muller Property Group

Introduction

This application is reported to the Board for information at this stage with a determination report to follow in due course.

The Site

This is an L-shaped piece of equestrian grazing land, just under 2 hectares in area, at the immediate rear of a frontage of residential property in St Lawrence Road extending east on the northern side of residential properties fronting Birmingham Road and allotments. The eastern boundary is land at the rear of Croft Mead which already has the benefit of an outline residential permission granted at appeal in late 2016.

The northern boundary is marked by the residential curtilage of a detached residence known as Magnolia House.

The site is relatively level but does have a slope towards the north. It has hedgerow; garden fence and post and wire fence boundaries throughout.

It is illustrated at Appendix A. The land with the benefit of the outline permission is also identified.

Background

An outline planning permission was granted on appeal in late 2016 for the construction of 79 dwellings on land immediately to the east with sole residential access of Tunnel Road. Footpath connections into Croft Mead were to be part of the development together with an extension of the 30 mph speed limit beyond the new access point.

The Proposals

This is an outline planning application for up to 70 dwellings, with all matters reserved for later determination. Indicative plans suggest that vehicular access would solely be via an extension of the layout to be agreed on the land to the east. The surface water drainage arrangements – balancing ponds – would also be extended into the site from the land to the east.

The applicant is proposing 40% on-site provision of affordable housing – 28 units. Additionally the applicant would support a contribution towards the installation of a pedestrian crossing at Birmingham Road so as to assist access to the playing field/recreation ground and the convenience store and bus stops.

Other contributions would be considered provided they meet the statutory Section 106 Regulations.

A number of supporting documents have been submitted with the application.

An Agricultural Land Report concludes that the site comprises two gently sloping fields mainly used for equestrian grazing. The soils were found to be predominantly poor draining clay loams over slowly permeable clay. This limits use to pasture land or to autumn sown combinable arable crops. The land is Grade 3b on the land classification scale.

A Habitat Survey concludes that the fields here are separated by hedges and drains but that the overall ecological value is low with no evidence of protected species found. The development could lead to enhancement through new landscaping and the provision of drainage ponds adding to the retention of hedgerows.

An Arboricultural Impact Assessment shows that there are three trees – two oaks and a field maple - on the land all along an existing field boundary. Any layout for the site should not adversely impact on these trees.

A Flood Risk Assessment shows that the site is in Flood Zone 1. The Assessment points out that Government advice is that residential development can be appropriate in such a location provided that there is no increase in flood risk elsewhere as a consequence. The Assessment concludes that measures can be put in place to meet this objective. Because of the relatively impermeable clay soils and sub soils, infiltration is not considered to be an option here. Surface water would thus drain to an on-site attenuation pond to be located within the low point of the site near to the northern boundary. In short the arrangements that would be in place for the already permitted area would be expanded. Discharge from the pond would be into the existing on-site drainage ditch on the northern boundary which drains to the west. Foul water would be discharged via the existing on-site combined sewer which runs centrally through the site to meet the sewer running to the treatment works just to the north of the site.

A Ground Conditions Report does not show any constraint on the residential development of this land.

A Transport Assessment concludes that the existing arrangement of access onto Tunnel Road would remain appropriate for the extended site. It points out that the approval includes pedestrian/cycle access into Croft Mead which could also provide emergency access if required. Additional pedestrian access is suggested from the current site to existing public footpath at the rear of properties in Birmingham Road – the AE 138 at the rear of numbers 167 to 171.

A Design and Access Statement describes how a residential development could be provided so as to meet the site's constraints as well as connect to existing development and be in-keeping with the overall appearance of the surrounding area.

A Planning Statement brings these matters all together. This concludes that the site is sustainable development given its location and the range of local services, its public transport connections and local schools. It then sets out the Development Plan background as well as the position set out in national planning guidance. The Statement also draws attention to the recent appeal decision relating to adjoining land; the five year land supply situation and the triggering of Paragraph 14 of the NPPF where there is not such a supply and the criteria therein for "significant and demonstrable" adverse impacts to evidence a refusal. The applicant concludes that the Council does not have the appropriate five year housing supply and that in the event of the site's location; it

being sustainable development and without significant and demonstrable harm, the balance lies in favour of the grant of planning permission.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW13 (The Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV8 (Water Resources), ENV12 (Urban Design), ENV14 (Access Design), TPT1 (Transport Considerations) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2014

National Planning Practice Guidance 2017

The Draft North Warwickshire Local Plan 2016

The Ansley Appeal Decision – APP/R3705/W/16/3149572

Observations

Members will be aware of the significance of the 2016 appeal decision affecting land to the east of this site and how that might affect their consideration of new housing proposals.

This application will be brought to the Board following full consultation so that Members have full knowledge of the responses from the various consultation agencies and from the local community. That report will necessarily draw Members attention to the five year housing land supply at the time of determination.

In the interim Members as asked to note receipt of the application and it is also suggested that a site visit be arranged.

Recommendation

That receipt of the application be noted and that a site visit be arranged prior to further consideration of the proposal.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0352

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	5/7/17

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.

(4) Application No: PAP/2017/0412

61 Coventry Road, Coleshill, Warwickshire, B46 3EA

Prior Approval for change of use from office use (class B1a) to nine residential apartments (class C3)

for

Coleshill Developments Ltd

Introduction

This report is referred to the Board at the request of the Chairman.

The case has already been determined, but the Chairman wished to draw Member's attention to this application as a consequence of the recent changes to permitted development rights. These considerably widened the potential for changes of use of buildings without the need to submit a full planning application.

Background

In short the new permitted development rights grant planning permission in principle for the change of use of office buildings to residential use. An outline planning permission is thus granted. The Council's remit is limited to seeking further details in respect of traffic impacts, increased flood risk or land contamination matters.

These issues involved are described in the written report that accompanied this particular application and this is attached for convenience at Appendix A.

The site will be familiar to Members being the former Father Hudson's Society offices in Coventry Road, Coleshill.

Recommendation

That the report be noted.

OFFICER'S OBSERVATIONS

Decision Date:
 Decision Code:
 Notice Type:
 Normal / AVGG

Reference No	PAP/2017/0412
Location	61 Coventry Road Coleshill Warwickshire B46 3EA
Application Type	Prior notification change of use from offices (Class B1a) to residential (Class C3)
Proposal	Prior Approval for change of use from office use (class B1a) to nine residential apartments (class C3)
Applicant	Coleshill Developments Ltd Mr Nick Sellman
Case Officer Signed: Ian Griffin Date:
Authorised Officer Signature Date:

For Office Use Only			
	Yes	No	N/A
Monitoring completed?			
If P.D. removed, email forwarded to Central Services?			
If condition monitoring required, email to Enforcement Team (PG)			

Introduction

This is not a planning application.

Planning permission has already been granted by "permitted development" rights under Class O of Part 3 of Schedule 2 to the General Permitted Development Order 2015 as amended. The application is seeking a decision on whether the prior approval of the Council is required as to the transport and highway impacts; contamination risks and flooding risks at the site.

The Site

Members will best recognise this building as the former offices of the Father Hudson's Society at the northern end of its former holding on the east side of the Coventry Road within Coleshill. Its appearance and built form uniquely recognise this connection with it having a "cruciform" footprint and having been designed as a chapel or church. There is parking to the front and rear with access from the existing arrangement off the Coventry Road. The site is surrounded by other residential property – more established houses on the opposite side of the road; newer development at the Coseleys to the north and the more recent residential redevelopment of the Society's holdings to the south and to the east. Indeed the access from the Coventry Road provides an emergency access into that development with retractable bollards across it, at its far eastern end.

OFFICER'S OBSERVATIONS

The Proposals

It is proposed to change the use of the former office building to nine residential apartments. The existing fourteen car parking spaces would be retained.

There would be no external alterations to the appearance of the building.

Background

As indicated in the introduction, an outline planning permission has in effect already been granted for this proposed residential conversion by virtue of the recent changes made to the General Permitted Development Order. This is because the proposal meets the conditions set out in the appropriate Part of Schedule 2 to that Order.

In these circumstances the Order requires the applicant to seek confirmation from the Council as to whether further detail is required in respect of traffic; flood risk or ground contamination matters.

The site is in a Conservation Area but the building is not a "Listed" Building

Representations

One letter of support has been received stating that it provides a good opportunity for first time buyers and that it makes use of the building.

One objection refers to the perceived shortage of car parking provision leading to increased pressure for on-street car parking on surrounding roads and that might lead to obstruction of the emergency access.

Consultations

Warwickshire County Council as Highway Authority – No objection as there would be an equivalent amount of traffic generated to the lawful use as an office and refuse collection arrangements should not be made worse. The emergency access should remain un-obstructed.

Environmental Health Officer – No objection

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework 2012 - (the "NPPF")

The Coleshill (Coventry Road) Conservation Area Designation Report

Observations

As explained above, the remit of the Council here is limited by the requirements of the 2015 Order. It can only say whether further details are required on three matters – transport considerations; flood risk and whether there are any contamination issues. The site is not in at risk site in respect of "flooding" and thus no further detail is required. It is neither contaminated land and so no further information is required. In respect of the former, then again no further detail is required – we know that the existing access and parking arrangements are to be utilised. The Council does not therefore require any further detail to be submitted.

OFFICER'S OBSERVATIONS

The Council again is limited in what it can consider in respect of the traffic detail. The Order makes it clear that a refusal can only occur if there is likely to be a material increase in or change in the nature of traffic in the vicinity of the site. It thus has to consult the Highway Authority as has been done here.

In respect of that which has been submitted and of which there might be some concern, then the Highway Authority do not have a highway objection – the existing access arrangements are adequate and there is commercial lawful use of the premises. Retention of the emergency access can be pointed out within any Notice granted. Parking issues are a concern with this type of application following the change in the Permitted Development Order. Here the existing parking matches that set out in the Council's own standards; the premises could be reused as offices without any further referral to the Council even with greater car use than that which has historically taken place, the town has a range of sustainable transport options and the nature of the accommodation would not suggest significant car ownership as might occur with a four or five bedroom house. In these circumstances it is not considered that there is robust evidence that would demonstrate that the detail which has been submitted would cause "severe" highway impact – to quote the NPPF – to warrant a refusal of that detail.

The recommendation is set out below.

The application has been referred to Members because of the objection received. There was no call for the matter to be referred to the Planning Board for determination and so the case is dealt with under delegated powers.

Recommendation

That the development may proceed in line with the details as submitted

Notes:

- i) Attention is drawn to the need to safeguard the emergency access through the site at all times, to the residential development at the rear.

(5) Application No: PAP/2017/0471

Land East of 68, Vicarage Lane, Water Orton,

Variation of condition no's: 3 and 30 of planning permission ref: PAP/2016/0709 relating to events that may not be rugby in nature and opening hours; in respect of Relocation of Rugby club, new clubhouse with clubroom and changing facilities, playing pitches for Senior and Junior Rugby with flood lighting to one pitch and associated parking for cars and coaches with access road, for

Mr Julian Harradence - Old Saltleians Rugby Club

Introduction

Planning permission was granted for the re-location of this existing rugby club from its present site at Gilson to Water Orton in May 2017. The move was as a consequence of the HS2 route removing the whole of the Gilson premises.

As the Planning Board determined the application, this subsequent application is now also referred to the Board.

The Site

The Water Orton site is south of Vicarage Lane and west of Coleshill Road, presently all in agricultural use. There is a residential frontage to the other side of the Coleshill Road and there also some houses backing onto Vicarage Lane noticeably at its western end.

Appendix A is the approved layout which also illustrates the surrounding residential areas.

The Proposals

The permission was subject to conditions and this current application seeks to vary two – numbers 3 and 30.

Number 3 states that the site shall not be used other than for the playing of Rugby Union football including coaching and training, but explicitly excludes any activity, use or function that is not ancillary to the Club's purpose, such as weddings, auctions, sales and hospitality events. The reason for the condition was in recognition of the residential setting.

The applicant is proposing the following in lieu:

“The applicant will submit an Event Management Plan (EMP) for approval by the Local Planning Authority which will be approved prior to the occupation of the new clubhouse. The EMP will establish a template for managing all public events at the club, including local representation on the club's Social sub-committee. The EMP should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- A list of key event management contacts

- Emergency procedures and first aid/medical cover
- Event communication which will document how an event will be communicated to surrounding residents
- Details of any recorded or live music which is planned for the event
- Traffic, transport or parking plans which will be put in place for the event
- Documentation of those elements of the event that have the potential to cause noise nuisance and the plans for mitigation”

Reason: In the interests of the amenities of surrounding occupiers during the operation of the development

Condition 30 restricts the club house opening hours from 0600 to 2300 on Mondays to Fridays inclusive; 1100 to 2300 hours on Saturdays and between 1000 and 1500 hours on Sundays. The same reason for the condition is given.

The applicant is proposing to extend the hours on Saturdays from 0900 to 2300 – an extra two hours in the early morning - and on Sundays from 0900 to 1700 hours – an extra hour in the morning and two hours in the afternoon.

A covering letter explains the reasons behind these proposals and this is attached as Appendix B.

In short this explains that the club also has an important community role. It considers that the two conditions should be made more flexible so that the Club can raise revenue in order to remain viable and to promote its community side.

Dealing with condition 3, the club say events are a critical part of raising revenue. It evidences this by saying that half of its bar income is associated with non-rugby activity and that these events include support for charity evenings; parties and traditional seasonal festivities. It says that during May 2016 to January 2017 there were ten such events. Without this income, the club considers that it would run at a loss.

Additionally the club points out that the club house would be some 150 metres from the closest house in Coleshill Road and that there would be intervening screening and the windows are already required to be acoustically glazed. The vehicular entrance too is sited well away from houses with car parking behind the club house.

The existing Club already has a Drinks Licence, which has been in place since 2005 and this has never had to be altered. It also allows up 12 social events in a year.

The Club also points out that other local clubs hold income generating events, citing the Cricket Club which it says is much closer to residential property.

The Club is however comfortable with there being a restriction of the site’s use for car boot sales and caravan rallies.

Review of the actual operation and activity involved in running the club has led it to review the “hours” condition and it has now put forward slightly extended hours.

Representations

Six objection letters have been received, but some of the points made refer to matters relating to the principle of the development – e.g. more traffic including coaches, loss of open land and general disruption, as well as other detailed matters – e.g. still no details on the drainage arrangements. Other comments raised are:

- There is still concern that the site will cause problems which will be worse here because of the surrounding residential areas.
- The cricket club may hold other events, but the tennis and bowls clubs don't
- The cricket club came before the housing
- This is not a Sports Centre or Entertainment area.
- They should not change their proposals after the grant of the first permission. It was approved as a Rugby Club.

Two letters of support has been received referring to the general view that all clubs of this nature do need to hold fund raising activities – e.g. the Water Orton cricket club which has housing much closer to its clubhouse.

Consultations

Environmental Health Officer - There is no objection to the proposed hours' extension as these are in the morning not late in the evening. In respect of the other events then it is suggested that a trial period of twelve months takes place to see if the Events Management Plan is effective and that additional conditions are attached ensuring that doors and windows are closed and that all amplified music or speech is prohibited outside of the club house.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

Members will be aware that these two conditions were published in the Board's written agenda well before determination of this application and that there was no request to have then reconsidered by the club speakers at the meetings. The written report also drew attention to the change in circumstance with the club moving from a site where there is little in the way of neighbouring residential development to one where there is. This is the background to the reason for including the conditions.

That being said, Members will have to deal with this application on its own merits. It now has evidence that it did not have before in respect of the club's trading position and the nature of its existing Drinks Licence.

It is considered that the position in respect of events held within the club house is satisfactory in that there is already a planning requirement for acoustic treatment to the

glazing; the intervening distances from existing housing and controls that might arise through a new Licence and through the Environmental Protection Act. Additionally the suggested extra conditions put forward by the Environmental Health Officer are supported.

In respect of outdoor activity then there remains a concern as the existing housing in the main is to the east of the club premises – on its windward side in general terms. On the other hand, existing events presently are not frequent and some are those that might be “expected” being seasonal in character. The agreement to exclude car boot sales and caravan rallies is welcome too given the issues that these events can give rise to disturbance, however well managed.

The applicant has also offered to prepare an Events Management Plan – similar to that which is in place, although on a different scale, for The Belfry Hotel. The proposed content covers the main planning matters and it is welcome to see the offer of Council representation of the clubs’ social committee as part of this.

In all of these circumstances it is considered that condition 3 can be varied as set out in the recommendation below. In this respect Members will see that the suggestion of a temporary period is taken up.

The slight extension to the operating hours of the club is considered to be immaterial in its impact.

Recommendation

- A)** That planning permission be granted subject to all of the previous conditions as attached to PAP/2016/0709 dated 16 May 2017, but that conditions 3 and 30 be varied as follows:

3A. The application site shall not be used for any purpose other than for the playing of Rugby Union Football, including its coaching and training, together with events that are included within an Events Management Plan (EMP) that shall first have been submitted to the Local Planning Authority prior to the first occupation of the club house hereby approved. For the avoidance of doubt this Plan shall not include car boot sales and caravan rallies. No event shall then take place, until this Plan has been agreed in writing by the Local Planning Authority.

The EMP shall include but not be limited to:

- a) agreement to a representative of the Borough Council sitting on the Club’s Social Committee;
- b) procedures for maintaining good public relations including complaint management, public consultation and liaison,
- c) a list of key event management contacts,
- d) emergency procedures and first aid/ medical cover,
- e) event communication which will document how an event will be communicated to surrounding residents,
- f) details of any recorded or live music which is planned for the event,

- g) traffic, transport and parking arrangements for each event, and
- h) documentation of those elements of an event might have the potential to cause noise nuisance and appropriate measures to best mitigate it.

REASON

In the interests of the amenities of the surrounding occupiers during the operation of the development.

3B The Events Management Plan approved under condition 3A above shall remain in force for twelve months after its approval in writing by the Local Planning Authority. Thereafter the use of the premises hereby approved shall revert to that of the playing of Rugby Union Football, including its coaching and training. For the avoidance of doubt that shall not include any activity, use or function that is not ancillary to the Club's prime purpose such weddings, auctions and hospitality events.

REASON

In order to seek a monitoring period in which to assess the effectiveness of the Events Management Plan in view of the interests of the amenities of the surrounding occupiers.

30. The clubhouse hereby approved shall only be open between 0600 and 2300 hours on Mondays to Fridays inclusive; 0900 and 2300 hours on Saturdays and between 0900 and 1700 hours on Sundays.

REASON

In recognition of the residential setting of the site.

B) That the following additional conditions are added:

31. All windows and doors within the club house shall be closed, except for ingress and egress, for the duration of any event agreed under the Events Management Plan as set out in condition 3A

REASON

In recognition of the residential setting of the site.

32. There shall be no amplified music or speech transferred, directed or played outside of the clubhouse at any time.

REASON

In recognition of the residential setting of the site.

C) That the Board nominates a representative to sit on the Club's Social Committee.

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through a series of pre-application meetings; seeking amended plans as a direct consequence of consultation responses in order to overcome technical issues and seeking additional assessment reports as a consequence of representations received.
2. The details required under condition (10) above shall include the findings from infiltration testing in accordance with BRE 365 guidance and demonstration of the suitability of the use of infiltration SUDS; demonstration of compliance with CIRIA C753, evidence that the discharge rate generated by rainfall events up to and including the 100 year plus 40% critical rain storm has been limited to the QBAR runoff rates for all return periods, demonstration through design in support of any surface water drainage scheme including any attenuation and outfall arrangements including calculations, evidence from STW for approval to discharge foul water to its assets, demonstration of the proposed allowance for exceedance flow and associated overland flow routing and a Maintenance Plan giving details on how the entire surface water and foul water systems are to be maintained and managed after completion in perpetuity.
3. The details required under condition (11) shall include an assessment of the 1 in 5, 20, 30, 75, 100 and 1000 year return period events including for depth and hazard ratings; an assessment of the impact of blockage on the downstream culvert and proposed SUDS drainage outfalls and climate change assessments in line with EA guidance.
4. The lighting specification details required by condition (14) shall include details of all lighting sources; their design and location together with full details of the levels of lighting for the playing field, the car park areas and external lighting fixed to the walls or roof of the club house. This shall include details of the specification of the light sources, the angle that light sources are set and luminance contours showing the light levels at ground level.
5. Condition (15) shall include details of design, height, colour and location of the netting and its supporting structure.
6. The playing fields shall be constructed in line with IOG pitch standards and RFU Guidance Note 2.
7. The changing rooms shall only be constructed in accordance with RFU guidance Note 5.
8. The applicant is advised that the site falls within land that may be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed Two. Powers to construct and operate HS2 are to be sought by promoting a hybrid Bill which was deposited in Parliament on 25th November 2013 and which received Royal Assent in February 2017.
9. The use or reuse of sewer connections either direct or indirect to the public sewerage system will require formal application to Severn Trent Water Ltd under Section 106 of the Water Industry Act 1991.

10. Severn Trent Water advise that there may be sewers that have not been formally adopted within the area. Public sewers have statutory protection and may not be built close to or over without consent. Severn Trent Water can advise.
11. Attention is drawn to Sections 149, 151, 163, 184 and 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice can be sought from the highway authority - the Warwickshire County Council.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0471

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	25/8/17
2	S Judd	Objection	5/9/17
3	K Hailstone	Objection	5/9/17
4	E Watts and C Millman	Support	6/9/17
5	Anon	Support	20/9/17
6	R Wild	Objection	18/9/17
7	P and J Terry	Objection	20/9/17
8	S Gallagher	Objection	20/9/17
9	Environmental Health Officer	Consultation	22/9/17

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.



Planning & Development Ltd

PAP/2017/0471

APPENDIX B.

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Development Control
North Warwickshire District Council
The Council House
South Street
Atherstone.

By email.
planningcontrol@northwarks.gov.uk



Dear sirs

Section 73 Application to vary planning conditions– Old Saltleians rugby club relocation. Land East of 68 Vicarage Lane, Water Orton

We have today submitted an application to vary the wording of planning conditions 3 and 30 of planning approval PAP/2016/0709. The application has been submitted via the planning portal under reference PP-06329014.

Background.

By a decision dated 16th May 2017, North Warwickshire Borough Council approved planning permission for the following development:

"Relocation of Rugby Club, new clubhouse with club room and changing facilities, playing pitches for Senior and Junior Rugby with flood lighting and associated parking for cars and coaches with access road" (council reference PAP/2016/0709).

The application for this development was submitted on behalf of Old Saltleians Rugby Club (the Club) who have operated as a rugby club within the Water Orton area since 1954. The club has happily operated from its present address during this time and has become an important social and sporting venue within the local community. In recent years however, the club has been forced to find an alternative site to make way for the acquisition of its present address as part of the construction of the HS2 rail line project. The land at Vicarage Lane has been identified as the relocation site and the decision to grant planning permission PAP/2016/0709 is an important step towards the club's relocation.

Whereas the Club is pleased with the decision of North Warwickshire Council to grant planning permission there are two planning conditions which are a cause for concern. These conditions restrict the nature of activities permissible from the new premises (condition 3) and the opening hours (condition 30). The wording of the planning conditions is reproduced below:

Condition 3. The application site shall not be used for any purpose whatsoever other than for the playing of Rugby Union Football including its coaching and training. For the avoidance of doubt this shall not include any activity, use or function that is not ancillary to the club's purposes such as weddings, auctions, sales and hospitality events.

Condition 30. The clubhouse hereby approved shall only be open between 0600 and 2300 hours on Mondays to Fridays inclusive; 1100 and 2300 hours on Saturdays and between 1000 and 1500 hours on Sundays.

Both planning conditions are imposed to take account of the residential setting of the site.

The reason for making this Application.

The Club requires some flexibility in the application of conditions 3 and 30 and the restrictions which they impose. As approved, these conditions impose additional constraints on the club's activities compared to its present operational practices. This will cause practical difficulties for the way the club performs and its ability to raise revenue for its future viability. This is a major issue for the club and needs to be addressed now before the planning permission is implemented. This application will also help to clarify the type of activities which can be conducted from the club thereby avoiding unnecessary council time on breaches of planning control in the future.

The case for changing condition 3 and 30.

Paragraph 206 of the National Planning Policy Framework sets out 6 tests for imposing planning conditions. These tests are whether a planning condition is necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. We have had regard to these tests as part of our review of planning conditions 3 and 30 and whether a change to their wording can be justified in planning terms.

Condition 3. The financial viability of the club is dependent on raising income from events which may not be rugby in nature. These are essential 'non-mutual' activities which generate important revenue for the club and typically include birthday parties, fetes, wakes, bonfire night celebrations, wedding parties, village carnival etc.

As approved, planning condition 3 will prevent the club from organising activities of this nature. The events are occasional but are an essential element of the club's fund-raising structure without which the club will find it difficult to remain a commercially viable and sustainable facility for the wider community. To illustrate the point further, the club is happy to disclose its earnings from activities last year which are non-rugby in nature; that list of activities is attached. Half of its non-mutual bar income is associated with non-rugby activity; if that income was removed then the profit which the club made last year (£2099) would be turned into a loss of approximately £4700; the club's cost base could not be covered if those losses were recorded year on year.

Further, the club may also be called upon to host other, non-rugby, community sports. The condition as approved will prevent those associated sporting events to operate from the Vicarage Lane site.

It is noted that the conditions have been imposed to protect the residential amenity of the local area. The club understands and accepts that existing residents should not be unreasonably impacted by the club's social activities. However, it is also necessary to question whether the planning condition imposes a reasonable restriction on the operation of the planned development. We submit that the planning condition is not reasonable for reasons which are articulated below:

First, the new club facilities have been designed to protect residential amenity by locating the clubhouse and the associated car parking a considerable distance from local residents. The closest property is in Coleshill Road which will be some 146 metres (480ft) from the new club house building.



It is also important to note that a substantial part of the car park will be screened by the club house and that this building will be designed with acoustically treated glazing to reduce noise pollution; the details of the acoustic treatment will need to be agreed with the Council to discharge condition 12 of the planning permission. The main entrance into the club house will be at its south-western elevation which faces open countryside; further, traffic entering and leaving the club will be at the southern end of Coleshill Road; again this is a considerable distance from the nearest residential property. Having regard to the juxtaposition of the club facilities which could be the greatest source of noise, relative to the nearest residential properties, we consider that it is unreasonable to impose a blanket restriction on the activities which can be operated from the site. For this reason, the condition is unreasonable and fails the test at paragraph 206 of the NPPF.

Second, any concerns about the way the club is managed and its potential impact is not reflective of its past activities. The club has an approved drinks licence which it has held since 2005 (as amended) with no complaints or reason to withdraw the license. This shows that the club is well managed. The license allows up to 11/12 social events per year to be run from the premises. That license will be renewed at the new address and will need to be renewed annually; this is process which will regulate the number of activities which are held at the premises. The imposition of a planning condition is an unnecessary additional layer of regulation; the condition is therefore unnecessary and fails the test at paragraph 206 of the NPPF.

Third, there are precedents at other clubs locally where similar controls on the permitted activities have not been imposed. For example, Water Orton Cricket Club also holds income generating events which are not directly related to cricket activity. That club is centrally located within the village and arguably more likely to cause a local noise nuisance compared to the Vicarage lane site. This helps to demonstrate that all sports clubs are dependent upon a range of activities to help them to remain cash positive. Old Saltleians RFC is no different. The planning condition imposes an unfair restriction on the Club; the condition therefore fails the test at paragraph 206 of the NPPF.

Fourth, the club is happy to accept the restriction which is imposed by planning condition 4; this specifically restricts car boot sales and caravan rallies; our client does however request that condition 3 is changed and we have suggested a re-wording of the condition as follows:

“Condition 3. The application site shall not be used for any purpose other than the playing of sport, including coaching and training, and associated income related activities.”

We also suggest the imposition of an additional planning condition which will ensure that the club’s activities are managed in consultation with local representation. The planning condition could read:

“The Applicant will submit an Event Management Plan (EMP) for approval by the local planning authority which will be approved prior to the occupation of the new clubhouse. The EMP will establish a template for managing all public events at the club, including local representation on the club’s Social sub-committee. The EMP should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- A list of Key event management contacts.
- emergency procedures and first aid/medical cover.
- Event communication which will document how an event will be communicated to surrounding residents.
- Details of any recorded or live music which is planned for the event.
- Traffic, transport or parking plans which will be put in place for the event.
- Document what elements of the event have the potential to cause noise nuisance and what plans you have in place to mitigate this.”

Reason: In the interests of the amenities of surrounding occupiers during the operation of the development.

Condition 30.

Condition 30 restricts the hours of operation. We request that the opening hours on Saturdays and Sundays are both brought forward to 0900 hours. The ability to open the clubhouse earlier than 1000 hrs would be most helpful to ensure that staff have time for cleaning, routine internal maintenance, bar stock control, and catering preparation for after match meals. Sunday’s are a busy morning preparing for the mini/juniors rugby and a 0900hrs opening would help with those arrangements.

We therefore request that Condition 3 is changed to permit the club opening hours to read: **“0900- 2300 hours on Saturdays and 0900-1700 hours on Sundays.”**

Summary.

This application seeks amendments to conditions 3 and 30 of planning permission PAP/2016/0709. For the reasons which have been explained in this letter, the approved planning conditions impose restrictions on Old Sattleians RFC which will make it difficult for the club to remain commercially viable and which will have practical issues for the operation of the rugby activities. The club have serious concerns about the implications of the

approved planning conditions and we have suggested an alternative wording as well as the imposition of an additional planning condition which will provide the club with greater flexibility to organise income generating events whilst ensuring that suitable controls are put in place to mitigate nuisance for the local residential area. A relocation of the rugby facilities to Vicarage Lane has been imposed on the club by the HS2 project; the Club wishes to ensure that it is not disadvantaged by the new planning permission through the imposition of unnecessary planning conditions. We respectfully request therefore that the Council support this request for a change to the planning permission.

Yours sincerely

John Williams

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