

## DS15: COMPREHENSIVE DEVELOPMENT OF STRATEGIC SITES

7. **Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.**

Policy DS15 makes no mention of the police infrastructure that will be required to support the development of the Strategic Sites. This is surprising and of concern for two reasons.

Firstly, the Council's '*Draft Infrastructure Delivery Plan – April 2014*' makes reference to the following infrastructure requirements under the heading 'Emergency Services': -

- *Police: Safer Neighbourhood Team Police Offices – 3 additional offices at Europa Way, Lower Heathcote Farm and Thickthorn*
- *Other police equipment and costs – A range of other "CIL Compliant" costs including vehicles, communications technology and surveillance equipment, training, uniform and personal equipment*

This confirms that the Council accepts that additional police infrastructure will be required to deliver policing services to the strategic sites.

Secondly, at the time of writing strategic site H02 (*South of Harbury Lane, including the former sewage works*), the H23 site (*Bishops Tachbrook – Land south of the school*), unallocated sites by Europa Way and Bishop's Tachbrook have all been subject to the following recent planning applications: -

- W/14/0300 – The Asps, Warwick – 900 dwellings – Barwood Strategic Land II LLP - Refused – 30 May 2014 (**Appendix 1**)
- W/14/0661 - Land at Lower Heathcote Farm – 785 dwellings – Gallagher Estates (**Appendix 2**)
- W/14/0681 – Land South of Gallows Hills – 450 dwellings – Gallagher Estates (**Appendix 3**)
- W/14/0689 – Land off Oakley Wood Road – 150 dwellings – Bloor Homes (**Appendix 4**)
- W/14/0763 – Land off Seven Acre Close – 25 dwellings – A.C. Lloyd Homes Ltd (**Appendix 5**)

To each application we submitted representations in respect of the need for the development concerned to provide police infrastructure. These are enclosed as per the appendices indicated above. At the time of writing, four of the planning applications are still in the process of being determined.

As planning applications are made in relation to the other strategic sites, we will submit similar representations requesting developer contributions towards police infrastructure.

Given all of the above we contend that as presently drafted, Policy DS15 undermines the delivery of the infrastructure necessary to deliver policing services to the strategic sites. It is therefore ineffective and unsound currently.

We fully accept that the Council and Inspector will require robust and credible evidence to support the case for police infrastructure to those strategic sites not covered by the aforementioned representations. Consequently, as explained in the letter enclosed in **Appendix 6**, consultants WYG have been appointed to prepare a Strategic Infrastructure Assessment (SIA), which will provide the necessary evidence base.

8. **Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

To resolve all of our concerns and to make Policy D15 effective in soundness terms, we request that the following amendments are made: -

| <b>Site</b>                            | <b>Infrastructure and Services</b>   |
|--|--|
| <i>Land South of Harbury Lane</i>      | <p><i>2 new primary schools</i></p> <p><b><i>Safer Neighbourhood Team Police Office</i></b></p> <p><i>Country Park</i></p> <p><i>A community meeting place</i></p> <p><i>Retail facilities: a convenience store of no more than 500sq.m in gross floorspace. A number of other smaller stores may also be provided</i></p> |
| <i>Land at Myton / West Europa Way</i> | <p><i>Secondary school, sixth form facility and primary school (see Policy DS12)</i></p> <p><i>Community hub <b>with police facilities</b> (see Policy DS14)</i></p> <p><i>Health facilities (see Policy DS14)</i></p>   |
| <i>Thickthorn</i>                      | <i>A community meeting place <b>with police facilities...</b></i>  |

Including the proposed amendments would resolve our concerns and make Policy DS15 effective in soundness terms. The Council and Inspector can be assured that the issue of police infrastructure needs has been tested and approved of at planning appeal. Enclosed in **Appendix 7** is a copy of a decision taken by the Secretary of State on the recommendation of the Inspector in relation to a large development at Barrow Upon Soar in Leicestershire.

The following is taken from that decision, with our emphasis highlighted in bold, which we consider evidences our concluding assertion to these representations:

*291. The Inspectors will have reached their own conclusions on the particular evidence and submissions put to them at appeal and I shall approach the evidence in this case in the same way, i.e. on its merits. **It seems to me that the introduction of additional population and property to an area must have an impact on policing, in the same way as it must on education and library services, for example.** Moreover, it also seems to me that the twelfth core planning principle of the Framework, that planning should... “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”, can only be served if policing is adequate to the additional burdens imposed on it in the same way as any other local public service. The logic of this is inescapable. Section 8 of the Framework concerns the promotion of healthy communities and planning decisions, according to paragraph 69, should aim to achieve places which promote, inter alia, “safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”*

*292. **Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries.***

## Warwick District Council Draft Local Plan 2011-2029

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CONSULTATION RESPONSE on behalf of Warwickshire Police in relation to:

### Housing Allocations at LEEK WOOTTON





**CONSULTATION RESPONSE on behalf of Warwickshire Police in relation to:  
Housing Allocations at LEEK WOOTTON and Policies apertaining thereto:**

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**Contents:**

- 1 Introduction**
- 2 Intended allocations at Leek Wootton**
- 3 Deliverability**
- 4 Density**
- 5 SHLAA**
- 6 Woodcote House and remaining land**
- 7 Windfall provision**
- 8 Settlement boundary and Green Belt**
- 9 Conclusion**

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| Document Record of Issues and Revisions |           |             |
|---|-----------|-------------|
| Date                                    | Phase     | Revisions   |
| 25 <sup>th</sup> June 2014              | V1        |             |
|   | V2 issued | corrections |
|   | V3 issued | corrections |



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## 1 Introduction

Warwick District Council issued a consultation on the pre-submission version of the Local Plan for Warwick District 2011-2029 on 16<sup>th</sup> May. The consultation runs until 4.45pm Friday 27th June 2014.

This document is submitted on behalf of Warwickshire Police in relation to the proposed Housing Allocations at LEEK WOOTTON and Policies apertaining thereto in the pre-submission version.

## 2 Local Plan housing allocations at Leek Wootton:

Three sites for residential development are identified for proposed allocations in the draft Local Plan at Leek Wootton on the former Police HQ premises at Woodcote.

Warwickshire Police **SUPPORT** the proposed allocation of land for housing identified as H34 H35, H36 in the publication draft of the Warwickshire Local Plan as follows:

H34: 2.27 hectares approximately 30 units

H35: 0.32 hectares approximately 5 units

H36: 0.57 hectares approximately 5 units

## 3 Deliverability:

It is confirmed that the sites are all in the control of Warwickshire Police and are available for disposal having no impediments to developability. The previous marketing exercise for the Leek Wootton estate indicated that the identified sites would be of interest to residential developers to build out within 5 years. The proposed sites therefore accord with the requirement of Framework paragraph 47 footnote 11.

## 4 Density:

The density based on the indicative numbers provided in the consultation draft (40 units) is equivalent to a gross density of approximately 12 dph. This is a low density which will

ensure there is sufficient provision of green network and suitable landscaping enabling the objectives of draft policy DS3 'supporting sustainable communities' to be attained; in particular the desire for high quality layout and design which relates to existing landscape and the principles of 'garden villages' [DS3 2.8 (a)].

## **5 SHLAA:**

These sites are represented as SHLAA sites R120,R121,R122 (May 2014). The OPCCW agrees with the comments in the SHLAA subject to the comments and observations set out below.

The SHLAA suggests sites should be developed within a masterplan for the whole Woodcote estate. The OPCCW have already indicated that preparation of such a masterplan would be undertaken by the eventual purchasers of the site.

## **6 Woodcote House and remaining land:**

Woodcote House will not be a constraint upon development of the proposed site allocations which are unlikely to impact negatively upon the setting of the listed property because the extensive playing fields create substantial separation and there is well established screening.

The setting of the listed building is currently impaired by the presence of C20th police development in immediate proximity to Woodcote House. The complex of buildings which served as Warwickshire Police Headquarters until 2011 are partly in use, partly vacant. Through the Strategic Alliance with West Mercia Police and from ongoing operational reorganisation, the site has become of reduced importance although command and control facilities will necessarily remain (in the existing purpose-built communications building) or alternative provision becomes available. A decision as to whether the occupied parts of the site will be vacated will be made later this year.

This decision does not hinder the disposal of the proposed allocated sites which are available now.

Planning permission has been granted (W11/1166) to redevelop the surroundings of Woodcote House as a continuing care retirement community; that Outline Planning Permission establishes the principles of enhancement of setting of the listed building as a benefit of the approved development.

The extant permission and the (currently impaired) setting of Woodcote lie well beyond the proposed settlement boundary of Leek Wootton and at some distance from the proposed

site allocations. The setting of the listed building is, therefore, a material consideration for the design and layout of the approved Outline Planning Permission but NOT an issue for consideration in the allocation of the identified sites.

In addition to the proposed site allocations (H34,H35,H36) amounting to approximately 3.2ha, the Woodcote estate comprises areas of woodland and former parkland which forms the setting to the listed house. The total area of the estate outside the allocation sites is approximately 18 ha including Woodcote House and its previously developed environs (approximately 2.5ha) which has the benefit of approval for redevelopment, permitted by Outline Permission W11/1166 (as renewed) .

## **7 Windfall Provision:**

Warwickshire Police support the approach on meeting a proportion of housing need through windfall delivery in a range of locations including village infill and redevelopment of brownfield land .

Policy DS11 identifies an allowance for windfall sites coming forward in the plan period of 2485 dwellings. This is a significant proportion of the overall prospective housing supply. It is expected that a proportion of this substantial windfall provision will emerge from the villages as infill and other redevelopment of brownfield land.

Notwithstanding the extant outline permission for redevelopment of the former HQ premises at Woodcote as a Continuing Care Retirement Community that consented area (brownfield) would also be available as a potential windfall site for general housing, subject to the relevant design , landscape and and heritage protection policies of the emerging Local Plan AND as provided in Framework paragraph 89 ( bullet 6) for previously developed land in the Green Belt.

## **8 Settlement Boundary and Green Belt:**

Warwickshire Police encourages the inseting of Leek Wootton and its revised settlement boundary within the Green Belt as an appropriate response to the requirements of national policy (Framework paragraph 84).

The former police headquarters site is identified as a pre-existing major developed site within the Green Belt related to the consent for redevelopment referred to in this statement.



However, allocation of the identified sites within the Green Belt as identified by the spatial strategy of the ELP is clearly justified (a) to support the existing rural community and facilities (b) to increase the supply of housing in rural areas including affordable housing (c) from the shortage of suitable land for housing in the District.

**The proposed allocated sites will sit within established landscape and be well screened, being built out to a low density. The proposed development will appear as an incremental extension of an established settlement in the Green Belt and will therefore have negligible impact on the openness of the Green Belt and the purposes of including land within it.**

Other sites proposed (and dismissed) in the SHLAA at Leek Wootton are considered to have significantly greater visual impact and would undoubtedly detract from the openness of the Green Belt.

## 9 Conclusion:

**Warwickshire Police fully supports the development strategy for housing and the specific allocations identified in the pre-submission version of the LP at Leek Wootton. The identified allocations are in suitable locations and on land which is available now. Development would fulfil the requirements of the emerging Development Plan in terms of layout and design (BE1), without impacting adversely on the Green Belt or detracting from the significance of heritage assets.**

**Warwickshire Police has been pursuing in full consultation with the local and wider communities, a considered, orderly and comprehensive plan for the disposal of the Woodcote estate in so far as this is compatible with policing objectives and public interest. A decision as to whether the existing communications function will be relocated has yet to be made.**

**The allocations identified in the draft LP for the Woodcote estate are an important ingredient in facilitating the necessary realignment of policing assets in Warwickshire and Warwickshire Police wishes the wider public benefit of making these allocations to be noted by the Council and, in due course, when the LP is subject to public examination .**



Warwickshire  
**POLICE**



West Mercia  
**POLICE**

14 April 2014

Our Ref: P/H Div/0012/14  
Your Ref: W/14/0300

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Dear Ms Spandley

## **PLANNING APPLICATION W/14/0300 – THE ASPS, WARWICK POLICE SERVICE REPRESENTATIONS**

As part of a Strategic Alliance, Warwickshire Police (WP) and West Mercia Police (WMP) now act as one on all infrastructure and town planning related matters across their combined geographical area. This includes making joint representations to all local planning authorities and other parties. For the avoidance of doubt however, the two forces retain their separate Police and Crime Commissioners (PCCs) and respective command teams.

We are aware that proposed development W/14/0300 is one of three proposals for this area of the District. The others are as follows:

1. W/13/0603 – Europa Way – 370 homes – Gallagher Estates Ltd - Withdrawn
2. W/13/1434 – Land South of Gallows Hill – 250 homes – Hallam Land Management and William Davis - Withdrawn

Although the above were withdrawn, we understand that new planning applications for both sites are due to be submitted imminently. The result is that the impacts arising from each one upon the police service cannot be considered in isolation from one another. By extension, mitigation is therefore not possible in an isolated fashion for each one.



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[www.westmercia.police.uk](http://www.westmercia.police.uk)



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These representations have therefore been prepared on the basis that all three proposed schemes are being put forward for delivery. Further representations will be submitted when the new applications are submitted. Assuming this take place in the near future, the three submissions should be considered together as making a cumulative case, rather than each one being considered separately.

We would however like to stress to all parties that WP and WMP take an entirely neutral position on the question of whether the proposed developments should be granted planning consent. To ensure the resilience of the police service on a long-term basis in this area, we are obliged to assume that all three come forward and plan our service and infrastructure provision accordingly for the moment. As further information becomes available and/or the situation changes, further representations will be made as appropriate and necessary.

These representations accordingly provide our comments with respect to the following matters:

1. Traffic management implications;
2. Secured by Design;
3. Impacts arising from the proposed development upon our Greys Mallory Patrol Base (GMPB); and
4. The additional policing infrastructure required to serve the proposed development and a request for a developer contribution towards the cost of providing it.

## **Nature of the Developments**

Outline planning application W/14/0300, proposed by Barwood Strategic Land II LLP ('Barwood'), is for the erection of up to 900 dwellings, a primary school (Use Class D1), a local centre (Use Class A1 to A5 and D1) and a Park and Ride facility for up to 500 spaces (Sui Generis) together with associated infrastructure, landscaping and open space (all matters reserved except access). This application makes up the majority of the development proposed for this area of Warwick District. The two others are as follows.

Firstly, withdrawn planning application W/13/0603 was proposed by Gallagher Estates Ltd. It was for 370 dwellings; provision of employment area up to a maximum of 7880sq.m for B1 uses; potential provision of a primary school; provision of two points of access - one from Europa Way and one from Gallows Hill; comprehensive green infrastructure and open spaces including potential children's play space; potential footpath and cycleways; foul and surface water drainage infrastructure, including attenuation pond; ancillary infrastructure and ground remodelling. Secondly, withdrawn planning application W/13/1434 was proposed by Hallam Land Management and William Davis. It was for 250 dwellings together with associated infrastructure, landscaping and open space (all matters reserved except access).

As all three applications are being promoted in close proximity to each other, so we must consider them together in our assessment.

## **Traffic Management Implications**

### Planning Application W/14/0300

The supporting plans to planning application W/14/0300 propose the following highways works, which will have significant traffic management implications for the police service: -

- New signal controlled junction for the A452, Europa Way.
- New signal controlled junction for the A425, Banbury Road.

The Council should be aware that Warwickshire County Council (WCC) is already engaged in making improvements to the traffic island junction located to the south of the application site. These works include the installation of 'Wig-Wag' traffic signals at the junction of the GMPB's entrance/exit to the A452, Europa Way.

As proposed, the installation of the two new signal controlled junctions will impact on our response times from the GMPB, even with the 'Wig-Wag' signals in place.

To mitigate this, we request that measures are installed to link the hurry call button on the 'Wig-Wag' signals electronically to both of the new signalised junctions. This will ensure that traffic on either the A452 or the A425 has a maintained green signal and therefore avoiding delays to our response times from the GMPB.

#### Planning Application W/13/0603

Although this application has been withdrawn, we request that the following issues are addressed in any re-submission.

The Masterplan showed a road (Gallows Hill Link Road) linking the A452 with the A425 at Gallows Hill. This proposal would create a 'rat-run' because whilst it would enable traffic to avoid queuing to turn left at the Harbury Lane traffic island, it would create a potential for collisions at the new junction on Gallows Hill. This would arise from vehicles turning on and off the A425 where traffic is travelling at high speed.

In the current traffic configuration at the site, vehicles turning left onto Gallows Hill at the Harbury Lane traffic island do so at a lower rate, thus reducing the potential for collisions. If the new link road is proposed again as part of any resubmission, it should include physical speed reduction measures from the outset to avoid traffic problems being created, which would ultimately fall on WP to resolve on a continuing basis.

#### Planning Application W/13/1434

Although this application has been withdrawn, we request that the following issue is addressed in any re-submission.

The Masterplan for the site showed that at point 'G' a site access for 'emergency vehicles' would be created at the south eastern end of the boundary with Gallows Hill. There was no information provided as to how this would be managed or what measures would be installed to prevent it becoming an unofficial access to the site. Information resolving these questions should be provided in any resubmitted planning application.

We did however note that a new single point of access was proposed for the north-western end of the site boundary with Gallows Hill. The new junction to be signal controlled with access to Warwick Technology Park. This aspect of the proposals in any resubmission would enjoy the benefit of our support.

In respect of all of the above comments, our Traffic Management Advisor, Mr Mike Digger, would welcome the opportunity to discuss these matters directly with the Council and the applicants. Mr Digger can be contacted on: -

Tel: 01905 331258  
Email: michael.digger@westmercia.pnn.police.uk

## **Secured by Design**

As planning applications W/14/0300, W/13/0603 and W/13/1434 are in outline form, there is insufficient information contained within each one to enable us to comment on this matter. If the Council grants planning consent to them and they progress to the reserved matters stage, we make representations on this topic at that time. If the Council or the applicants would like to discuss this matter further in the meantime, please contact our Crime Prevention Design Advisor, Mr Ian King, on: -

Tel: 01926 684279  
Email: ian.king@warwickshire.pnn.police.uk

## **Greys Mallory Patrol Base (GMPB)**

The GMPB is one of the main vehicle centres for police patrols operating throughout Warwickshire's highways network. It is consequently critical that the proposed signalled junctions on the A452 and A425 are upgraded, as requested above, to ensure response times from the GMPB remain unchanged from currently.

However, the GMPB is wholly unsuitable for delivering the community policing services that will be required by proposed development W/14/0300 and the developments previously proposed by W/13/0603 and W/13/1434. It will therefore be necessary to provide an on-site Safer Neighbourhood Team (SNT) police office as part of the proposed development. This is discussed further later in these representations.

If the proposed development is approved by the Council, a new park and ride facility will adjoin the northern boundary of the GMPB on what are currently open fields. To protect continued operations at the GMPB following delivery of this facility, security measures will be required along the boundary. We request that direct discussions take place between the Council, applicants and ourselves to look at this issue further.

## **Police Infrastructure Requirements – Request for Section 106 Contribution**

### Regulatory Context

We have ensured that the request set out below is fully compliant with the tests set out in CIL Regulation 122 as follows:

- Necessary to make the proposed development acceptable in planning terms.
- Directly related to the proposed development.
- Fairly and reasonable related in scale and kind to the proposed development.

Contributions towards police infrastructure have been found to be lawful when tested at appeal in decisions by the Secretary of State. In one appeal decision, (APP/X2410/A/12/2173673), the Inspector noted that:

*“Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services.”*



The decision letter relating to this appeal was issued in May 2013 and relates to a proposal for 300 dwellings on land at Melton Road, Barrow upon Soar, Leicestershire. The decision letter and Inspector's report are included at **Appendix 1**. This appeal was recovered for determination by the Secretary of State who agreed with the Inspector's conclusions and recommendations, including those relating to Planning Obligations. Paragraphs 288-294 deal with contributions towards policing and paragraphs 291 and 292 are particularly relevant.

The conclusions of the above were tested again recently by the Secretary of State in April 2014 at appeal (APP/X2410/A/13/2196928 & APP/X2410/A/13/2196929) and upheld. He concluded at paragraph 16 of his decision that: -

*“He also agrees with the Inspector (IR8.43-8.46) that the completed s106 Unilateral Undertaking, dated December 2013, between the Appellant, the Council and the Police and Crime Commissioner for Leicestershire (APP10) meets the tests of Regulation 122 and the Framework and should be regarded as material consideration.”*

The decision letter, relating to a proposal for 250 dwellings on land off Mountsorrel Lane, Rothley, Leicestershire and Inspector's report are included at **Appendix 2**. Paragraphs 5.1 – 5.12 of the Inspector's report deal with contributions towards policing and paragraphs 5.5 and 5.7 are particularly relevant.

It is therefore clear that where the rationale is clear and supported by evidence, contributions towards policing are compatible with Regulation 122, as confirmed by the aforementioned appeal decisions. We consider that all items of infrastructure sought in relation to the proposed development meet the statutory tests.

### National Policy Context

The national policy position to support our request exists in the National Planning Policy Framework (NPPF). Securing sufficient facilities and services to meet local needs is a core planning principle (paragraph 17). Planning is to deliver facilities and services that communities need (paragraph 70). Local plan policies should deliver the provision of security infrastructure and other local facilities (paragraph 156). Local plan policy and decision making should be seamless (paragraph 186). Infrastructure planning should accompany development planning by LPAs (paragraph 177) who should work together with infrastructure providers (paragraph 162). The NPPF seeks environments where crime and disorder and the fear of crime do not undermine the quality of life and community cohesion (paragraph 69) and planning policies and decisions should deliver this (paragraph 58).

### Local Policy Context

The development plan comprises the Warwick District Local Plan 1996-2011 (adopted September 2007). There are two policies relevant to these representations.

Policy DP14 – ‘*Crime Prevention*’ states that the layout and design of development will be encouraged to minimise the potential for crime and anti-social behaviour and improve community safety. Paragraph 4.88 to Policy DP14 highlights the fact that the Council is required under Section 17 of the Crime and Disorder Act 1998 to take account of crime and disorder in all of its work. Paragraph 4.90 adds that applicants will be encouraged to secure a ‘Secured by Design’ certificate from our Crime Prevention Design Advisor.

Policy SC14 – ‘*Community Facilities*’ confirms that contributions will be sought towards community facilities in conjunction with new development where appropriate. Supporting paragraph 5.83 states that new development puts pressure on existing infrastructure and that

Government guidance is clear that planning authorities may seek contributions from applicants to offset the cost of this. Supporting paragraph 5.84 confirms that community facilities are included within the scope of Policy SC14.

### WP's Role and Responsibility

In this instance, we are responsible for delivering services to address community safety, tackle the fear of crime and seek to achieve a reduction in crime. The delivery of growth and new development, such as W/14/0300, places additional pressure on our infrastructure base, which is critical to the delivery of effective policing and securing safe and sustainable communities.

The primary issue for us is to ensure that new development like W/14/0300 makes adequate provision for the future policing needs it will generate. Like some other public services, our primary funding is insufficient to add new infrastructure to support new development when and wherever this occurs. Further, there are no bespoke funding regimes e.g. like Building Schools for the Future or the Health LIFT, to provide capital investment for our facilities.

This situation has been recognised by the Association of Chief Police Officers (ACPO) nationally for some time and there are public statements which explain our particular funding difficulties.

In addition to the above, the money received by us is comparatively low relative to the size of population in our geographical area. Whilst revenue funding is provided by the Home Office and the Council Tax precept, capital projects are mostly financed through borrowing. Borrowing to provide infrastructure has an impact on delivery of safe and sustainable communities because loans have to be repaid from revenue budgets, the corollary of which is a reduction in the money available to deliver operational policing.

### Current Levels of Policing Demand from the Locality

Policing is a 24/7 service resourced to respond and deploy on an "on demand" and "equal basis" and is wholly dependant on a range of facilities for staff to deliver this. Calls and deployments for this area, via our control room at Leek Wootton, are monitored and give an indication of the level of service demand in different areas

The application site is encompassed within the 'Warwick West' Safer Neighbourhood Team (SNT) area. During the period April 2013 – March 2014 we dealt with 3,160 incidents, 190 anti-social behaviour incidents and 375 crimes from this SNT area. It is worth noting that within the specific geographical area encompassed by the application site almost no crime and incidents were recorded, which reflects the current open field character of the site.

### Current Levels of Deployment and Infrastructure

Regular patrolling of the locality and local community around the application site is maintained by the aforementioned SNT operating from Warwick Police Post on Cape Road. Though the SNT operates on the basis that there is no demand from the application site.

It should however be understood that the wider organisation and delivery of policing services is not on a town by town or even on a district by district basis. In this instance the TPU, led by Superintendent Debra Tedds, delivers all neighbourhood policing services to Warwick District and Stratford-on-Avon District. The TPU also provides some support functions as well. Other TPUs cover the remainder of WP's and WMP's combined geographical area. However, the majority of the support and specialist services necessary to support the 'front line' are currently provided in this instance from Leek Wootton and our Hindlip Hall campus.

A huge range of central policing services are delivered to the District, encompassing areas such as:

- Investigations
- Intelligence
- Response policing
- Criminal justice
- Operations planning
- Dogs and firearms
- Special branch
- Forensic services
- Road policing
- Tactical support group
- IT and communications
- Child abuse team
- Economic crime team

All of the above central support services and others will be called upon during the lifetime of the proposed development, should it be delivered, just as they currently are for the existing settlements. These services and others in turn require organisational support functions in order to operate, such as:

- Finance
- Human resources
- Training
- Top level management

Specific numbers of staff delivering policing are spread across the following functions:

- 225 police officers deliver neighbourhood policing and emergency responses to South Warwickshire. They are not disaggregated according to District and therefore operate across the combined area. This figure does not include the officers based at Leek Wootton and our Hindlip Hall campus who are part of numerous specialist teams who deploy according to need across the entire force area.
- 59 police staff deliver support functions to the South Warwickshire TPU. Like officers, they deliver services to the whole area and are not disaggregated according to District. However this does not include the staff based at Leek Wootton and our Hindlip Hall campus, who will provide support across the entire alliance geographical area as need arises.

Based on existing crime patterns, and policing demand and deployment from nearby areas, indicates the direct and additional impacts of the development on local policing that will be manifested in demand and responses in the following areas:

- Additional calls and responses per year via our control centre.
- Attendance to additional emergency events within the proposed development and locality each year.
- Additional non-emergency events to follow up with public contact each year.
- Additional recorded crimes in the developments and locality.
- Additional anti-social behaviour incidents each year within the new development and locality.
- Demand for increased patrol cover.

- Additional vehicle use.
- Additional calls on our Airwaves system.
- Additional use of our Police National Database (PND) systems to process and store crime records and intelligence.
- Additional demand for deployment of Mobile CCTV technologies.
- Additional demand for local access to beat staff from local neighbourhood teams.
- Additional policing cover and interventions in all the areas described when considering staffing and functions above and for additional accommodation from which to deliver these.

### The Police Contribution Request

£338,045.79 financial contribution is requested to mitigate the additional impacts of this development. As stated previously, this is intended to be part of a single cumulative request made to the three development schemes (W/14/0300, W/13/0603 and W/13/1434) proposed for this area. Our existing infrastructures do not have the capacity to meet the impacts arising from these schemes and because, like some other services, we do not have the ability to respond to the growth proposed. We anticipate using rates and Home Office revenues to pay for staff salaries and our day to day routine additional costs (e.g. call charges on telephony and Airwaves and so on).

Contributions are only sought that are related in scale and kind to the development, hence why this request is intended to be one of three. This ensures that the infrastructure in question will be fully funded and delivered. If the contribution is not forthcoming from W/14/0300 there will be a serious impact upon our ability to deliver an effective and efficient service. This is because we will be required to pay the amount ourselves. This in turn means that funds will have to be diverted away from other areas of deployment in South Warwickshire.

Such contributions are consequently lawful in the context of CIL Regulation 122, as explained earlier in these representations and as they are related in scale and kind to the development. As further justification, we confirm that the contribution will be used wholly to meet the direct impacts of this development and wholly in delivering policing to it. Without the development in place it is reasonable to forecast the impacts it will generate using information about known policing demands of comparable local development. Other services use such comparables and we believe that the NPPF encourages this.

The proposed development should make provision to mitigate the direct and additional policing impacts it will generate and cannot depend on the police to just absorb these within existing facilities with limited capacities and where police have no flexibility in funding to do this. It is not forced by current spending reductions, although strictures across the public sector reinforce the need to ensure that developments mitigate the direct impacts they cause.

Due to the very serious implications for policing of new developments, police nationally have taken advice about the best way to proceed in the transition period to the CIL regime. As a result, we only make requests solely in relation to the development under consideration; its direct impacts on policing and the necessary mitigations that it should provide. What follows is a detailed explanation of the methodologies used to calculate the contribution and our application of the statutory tests to justify each part.

### Setting-up and Equipping of Officers and Staff

The table enclosed in **Appendix 3** shows the estimated additional personnel that will be required to serve the developments proposed by W/14/0300, W/13/0603 and W/13/1434

combined. As stated previously, it is not appropriate to consider the application site in isolation given the proximity of the other schemes.

Setting-up and equipping police officers and staff entails providing IT, radios, protective equipment, uniforms and bespoke training in the use of these. However, additional staff will require additional equipment. There are practical limits to the extent to which existing equipment can be re-used e.g. with uniforms or where technology has moved on.

In this case, **Appendix 3** demonstrates that the three developments combined would fully occupy the equivalent of an additional 6 police officers and 5 police staff full-time. Staffing levels are under constant review to ensure that minimum acceptable numbers are deployed to meet existing levels of policing demand. This has the benefit of much needed savings in costs, but as a result there is no additional capacity to extend existing staffing to cover additional development.

Where additional development is proposed, as in this instance, we will seek to deploy additional staffing and additional infrastructures at the same level that is required to deliver policing to the locality. It would be complacent not to do this because without additional support unacceptable pressure will be put on existing staff and our capital infrastructures which will seriously undermine our ability to meet the policing needs of these developments, maintain the current level of policing to the rest of the SNT area and across the South Warwickshire TPU. The impacts of the three developments are so significant that they cannot be met without additional staff deployed at a level consistent with the current policing of the locality.

The additional staff needed to police the development will require additional equipment. For a police officer, the additional items are recruitment £1,060, training £4,400, uniform and personal equipment £940, workstation £1,642. For other staff the additional items are recruitment £1,060 and workstation £1,642. As the development is forecast to contribute to a need for the equivalent of 6 full time officers and 5 full time staff members over its lifetime (**Appendix 3**), the contribution for setting-up and equipment is calculated to be £36,569 (**Appendix 4**).

We could not have officers and staff attending and delivering services to this development with less than adequate equipment, training and facilities without unnecessary risks to themselves and occupiers served.

*Is the contribution necessary to make the development acceptable in planning terms?*

Crime and community safety are planning considerations and the Council's own Local Plan further demonstrates this. The NPPF identifies the need to achieve security in new development and makes provisions to deliver this through the planning system. Deployment of equipped staff is fundamental to delivering community safety and mitigating crime.

*Is it directly related to the development?*

The policing demands of this development are identified and police mitigation of these can only be delivered by adequately equipped staff. This has been calculated with reference to robust data sets and the specifications of the proposed development.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

**Appendices 3 and 4** set out the methodology for calculating the contribution that is fairly and reasonably related in scale and kind to the development. In addition, this is a residential development and the policing demands it will generate is known by comparison with local residential development. This is the only satisfactory way of determining the need from development that is not yet built.



It should also be noted that in our calculations we have only accounted for the dwelling houses, not the other developments also proposed, as we do not have the data to quantify the precise demands arising from such uses in policing terms. However, it would be reasonable to assume that there will be a demand for policing services on top of those expected for the residential dwellings. Therefore, level of demand and mitigations have been determined by the scale and kind of the development.

### Police Vehicles

In managing and responding to crime a number of different vehicles can be deployed ranging from general response vehicles and patrol cars, unmarked general support vehicles, police service unit vans and minibuses, scientific (e.g. SOCO) vehicles, pursuit vehicles – 4x4 and high speed, motorcycles and so on. Current fleet deployment to Warwickshire comprises 350 cars/vans and 50 bicycles. Based on the number of posts in WP (1,517), this equates to a ratio of 1 vehicle per 4 posts and 1 bicycle per 30 posts.

The average cost of a vehicle is £28,500. This includes the cost of the vehicle and the operational equipment required. The cost quoted does exclude fuel. We replace vehicles, on average, every 3 years and in the majority of cases there is no resale value. Based on this existing level of deployment to the locality we can forecast additional demands as a result of the developments.

The vehicle fleet also includes bicycles used for local neighbourhood policing.

In order to equip the additional officers (**Appendix 3**) required to police this development and the other proposed for the area, 2 additional vehicles and 1 additional bicycle will be required. The set-up costs for these are shown in **Appendix 5**.

The impact of the development without the contribution will be that we will be required to spend the money ourselves, which in turn will spread existing transport resources too thinly to the extent that service delivery is prejudiced. Residents of the new development and their representatives will expect the same degree of cover as elsewhere in the locality and existing residents will expect existing cover to be maintained and not reduced as a result of the new developments.

*Is the contribution necessary to make the development acceptable in planning terms?*

Vehicles are fundamental infrastructure and facility to deliver community safety and address crime especially at Neighbourhood level.

*Is it directly related to the development?*

Fleet deployment is related to the known policing demands of comparable development in the WP area. The direct demand from the new developments can be accurately forecast. Delivering policing direct to this development, without detriment to existing areas, will not be possible without additional vehicle funding to do so.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is primarily a residential development and the police vehicle demands it will generate are known by comparison with deployment to other local residential development.

It should also be noted that in our calculations we have only accounted for the dwelling houses, not the other types of development proposed, as we do not have the data to quantify the precise demands arising from such uses in policing terms. However, it would be reasonable to assume

that there will be a demand for policing services on top of those expected for the residential dwellings. Therefore, level of demand and mitigations have been determined by the scale and kind of the development.

### Safer Neighbourhood Team (SNT) Police Office

Day-to-day policing services to the application site are currently provided from the Warwick Police Post on Cape Road. It operates on the basis that there is no demand from the three application sites.

There is no reason to doubt that there will be a corresponding increase in crime and demand from new residents, occupiers and visitors to the application site and to the other proposed development site for policing services. These services cover a wide range spectrum of support and intervention.

It will consequently be necessary to accommodate the additional staff (as identified above), to deliver policing to the two proposed development sites. Whilst officers spend time away from base they are not independent and require a start and finish location, storage, briefing and report writing facilities. Our existing facilities cannot accommodate all the additional staff required (see **Appendix 3**) if planning applications W/14/0300, W/13/0603 and W/13/1434 are delivered.

However it is not appropriate, nor logical, to provide separate police offices at each of the proposed development sites.

We therefore contend that a single new Safer Neighbourhood Team (SNT) Police Office should be situated within the development proposed by W/14/0300. This will provide the accommodation necessary for the additional officers and staff to provide services to the proposed developments. The cost of providing it should therefore be shared proportionally by W/14/0300, W/13/0603 and W/13/1434

The Safer Neighbourhood Team (SNT) Police Office can either be freestanding within the local centre proposed by W/14/0300, or as part of a “community hub” within the same local centre. **Appendix 6** provides indicative specifications and costings of the Police Office, on the basis of a freestanding facility. This notwithstanding, the specification does provide an illustration of the type of accommodation required. It also demonstrates that there may be scope for police personnel to share some facilities, such as kitchen and toilet areas, with other users of the community hub if this approach is progressed.

As explained above, the three proposed developments will generate demand for the equivalent of an additional 6 Police Officers and 5 Police Staff. We propose that the office will be the base of 6 Police Officers and 1 member of Police Staff to deal with administrative tasks. The remaining members of staff would be based at the Warwickshire Justice Centre in Royal Leamington Spa and Warwick Police Station.

We contend that the costs of delivering the facility should be shared according to the number of dwellings proposed by each of the three proposed developments. Clearly, the specifications and cost of the new facility will need to be the subject of further detailed discussions in due course. Therefore, it is not possible to calculate a precise cost figure that can be attributed to each planning application at this stage. Instead, agreement is needed on the percentage of the final cost of the facility that each application should contribute. Please see **Appendix 7** for our suggested methodology in this respect.

The request for a contribution towards the provision of a Safer Neighbourhood Team (SNT) Police Office is compliant with the tests set out in CIL Regulation 122, as detailed below:

*Is the infrastructure necessary to make the development acceptable in planning terms?*

Crime and community safety are planning considerations and accommodating staff in the optimum location to serve the three developments is essential if this is to be achieved. The NPPF identifies the need to achieve security in new development and make provision to deliver this through the planning system. In order to meet our statutory obligations, we require the provision of a new Safer Neighbourhood Team (SNT) Police Office.

*Is it directly related to the development?*

The additional staffing needs the development will generate have been established by reference to existing local deployment reflecting the actual Policing demands and crime patterns of the locality. In a similar vein the premises requirements that result from the need to accommodate additional staff at these levels is known. A direct relationship between the development, additional staffing and accommodation is demonstrated and it is appropriate to mitigate this through the planning system.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is primarily a residential development and the accommodation needs of staff delivering Policing to meet local demands of development of this nature are known.

It should also be noted that in our calculations we have only accounted for the dwelling houses, not the other types of development proposed, as we do not have the data to quantify the precise demands arising from such uses in policing terms. However, it would be reasonable to assume that there will be a demand for policing services on top of those expected for the residential dwellings.

Therefore, the contribution requested is based on the scale and kind of the development proposed by W/14/0300, W/13/0603 and W/13/1434.

#### Summary of Contribution Requested from W/14/0300

|   |             |
|---|-------------|
| Recruitment and equipping of officers and staff                   | £36,569     |
| Police vehicles   | £35,398     |
| Total (excluding premises)  | £71,967     |
| Premises (indicative contribution (59%) – see <b>Appendix 7</b> ) | £266,078.79 |
| Total (including premises)  | £338,045.79 |

Without the contribution the development will be unacceptable in planning terms and permission should not be granted as indicated in the NPPF. The lack of capacity in existing infrastructure to accommodate the population growth and associated demands occasioned by the development means that it is necessary for the developers to provide a contribution so that the situation might be remedied. The request is directly related to the development and the direct policing impacts it will generate based on an examination of demand levels in the local SNT and TPU area in which it is situated, adjacent areas and existing policing demands and deployment in relation to this. The request is wholly related in scale and kind of the proposed development.

We have undertaken this approach to requesting contributions taking account of advice we have received and recent reductions in our deployment. We have been advised that the contents of this submission are sufficient to justify the contribution sought. This approach has also been considered in five recent appeals where all the Inspectors and in two cases the Secretary of State, have found police requests for contributions compliant with CIL Regulation 122. These are as follows:

- APP/X2410/A/13/2196938 & APP/X2410/A/13/2196929 (Secretary of State determination) – 8 April 2014
- APP/T2405/A/13/2193758 – 01 August 2013
- APP/G2435/A/13/2192131 – 30 May 2013
- APP/X2410/A/12/2173673 (Secretary of State determination) – 14 May 2013
- APP/X2410/A/12/2187470 – 15 April 2013
- APP/F2415/A/12/2179844 – 14 February 2013

We therefore consider that our request for contributions is robust, demonstrated by the evidence included in the Appendices to this letter and fully compliant with CIL Regulation 122.

Overall, we trust that these representations will be given due consideration and look forward to working with the Council and applicants to address all of the issues raised, namely highways and traffic management, the impacts upon our Greys Mallory Patrol Base, Secured by Design and our request for a contribution to mitigate the demands that delivery of the proposed scheme will have upon police services in this area of the District.

Yours sincerely

**Andrew Morgan**  
**Strategic Planner**

*“Without prejudice to any other obligation imposed upon it, it shall be the duty of each local authority to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area: Section 17(1) of the Crime and Disorder Act 1998.”*

**Decision letter – Land at Melton Road, Barrow-upon-Soar**



**Decision letter – Land off Mountsorrel Lane, Rothley**

**Staffing Levels – Existing and Proposed**

In the context of the uncertainty about the future organisation and staffing numbers for WP, the table uses current planned staffing levels as a basis for calculating the additional staffing requirement to serve the sites. The staffing levels below (identified as budgeted posts) are for the whole WP area and include the various support staff, many of whom are responsible for providing services across the WP area and not just within South Warwickshire. The population of WP's geographical area is currently about 545,500 and the area accommodates about 231,000 dwellings (Census 2011). The total levels of staffing across the whole of the WP area have been used to calculate pro-rata requirements for additional personnel required to serve the proposed developments.

The table below therefore shows the current budgeted posts and estimated additional personnel numbers required to serve 1,520 dwellings. This represents the cumulative total of planning applications W/14/0300, W/13/0603 and W/13/1434.

| <b>Command Area</b>        | <b>Total Posts in Warks</b> | <b>Approx Population in Warks per Post</b> | <b>Approx Dwellings in Warks per Post</b> | <b>Pro Rata Post Requirement (1,520 dw)</b>      |
|----------------------------|-----------------------------|--|---|--|
| <b>Local Policing</b>      |                             |  |   |  |
| Police Officers            | 566                         | 964  | 408                                       | 4  |
| Police Staff               | 400                         | 1,364                                      | 578                                       | 3  |
| <b>Protective Services</b> |                             |  |   |  |
| Police Officers            | 232                         | 2,351                                      | 996                                       | 2  |
| Police Staff               | 163                         | 3,347                                      | 1,417                                     | 1  |
| <b>Enabling Services</b>   |                             |  |   |  |
| Police Officers            | 8                           | 68,188                                     | 28,875                                    | 0  |
| Police Staff               | 103                         | 5,296                                      | 2,243                                     | 1  |
| <b>Finance</b>             |                             |  |   |  |
| Police Officers            | 1                           | 545,500                                    | 231,000                                   | 0  |
| Police Staff               | 44                          | 12,398                                     | 5,250                                     | 0  |
| <b>Total</b>               | <b>1,517</b>                |  |   | <b>11 (6 police officers and 5 police staff)</b> |

The personnel requirements include both officers and support staff; broadly the Protective Services and Local Policing Units comprise mainly officers – the visible police presence – and the remaining units provide support functions. For the purposes of this assessment we consider that the 11 personnel will comprise 6 police officers and 5 police staff members.

These figures have also been discussed and verified with the Command Team for South Warwickshire TPU, led by Superintendent Debra Tedds. The Command Team have confirmed that the level of demand for policing services expected from the new developments, both during construction and once delivered, warrant the personnel numbers being proposed. If required funding for the personnel (see **Appendix 4**) is not provided, this will detrimentally impact on the TPU's ability to deliver sufficient coverage and protection to the developments both during construction and after delivery. This in turn would have 'knock-on' effects for the policing of South Warwickshire as a whole.

**Appendix 4**

**Officers and Staff Set-up Costs**

**Contribution Requested From W/14/0300**

| <b>Additional Officers</b>                       | <b>Approx Set-up Cost per Officer</b> | <b>Pro Rata Requirement for 6 officers</b> |
|--|---------------------------------------|--|
| Recruitment                                      | £1,060                                | £6,360                                     |
| Training   | £4,400                                | £26,400                                    |
| Uniform & Personal equipment                     | £940                                  | £5,640                                     |
| Standard equipment (ICT and furniture)           | £1,642                                | £9,852                                     |
| <b>Total costs</b>                               | <b>£8,042</b>                         | <b>£48,252</b>                             |
| <b>Pro rata total - 900 homes of 1,520 total</b> | -                                     | <b>£28,570</b>                             |

| <b>Additional Central Support Services</b>       | <b>Approx Set-up Cost per Member of Staff</b> | <b>Pro Rata Requirement for 5 Staff</b> |
|--|---|---|
| Recruitment                                      | £1,060  | £5,300                                  |
| Standard equipment (ICT and furniture)           | £1,642  | £8,210                                  |
| <b>Total costs</b>                               | <b>£2,702</b>                                 | <b>£13,510</b>                          |
| <b>Pro rata total - 900 homes of 1,520 total</b> | -   | <b>£7,999</b>                           |



**Appendix 5**

**Vehicle and Bicycle Costs**

**Contribution Requested From W/14/0300**

Current fleet deployment to Warwickshire comprises 350 cars/vans and 50 bicycles. Based on the number of posts in WP (1,517), there is a ratio of 1 vehicle per 4 posts and 1 bicycle per 30 posts.

It is essential that the current ratio of personnel to vehicles and personnel to bicycles applies to the additional personnel required as a result of development growth.

Vehicles costs have been capitalised on 5 year lifetime average costs for a low/medium size equipped vehicles (excluding fuel). Bicycle costs are established at £1,299 per cycle, with an additional maintenance charge of £297 per bicycle per annum, or £1,485 per 5 years, capitalised. The total cost of providing each new cycle and maintaining it for 5 years is therefore £2,784.

These costs do not include any costs for specialist operational equipment, and the cost estimates below are therefore moderated very conservatively.

On the basis of an additional 6 police officers in the territorial and protective services (**Appendix 3**), it is calculated that there will be a requirement for an additional 2 vehicles and 1 bicycle.

The cost of vehicles (both motorised and bicycles) based on 6 additional officers required as a result of the two proposed developments are shown below:

| <b>Additional vehicles and bicycles</b>          | <b>Cost per item</b> | <b>Current cost for planned growth (1,520 dw)</b> |
|--|----------------------|---|
| 2 vehicles                                       | £28,500              | £57,000   |
| 1 bicycle  | £2,784               | £2,784  |
| <b>Total costs</b>                               | <b>£31,284</b>       | <b>£59,784</b>                                    |
| <b>Pro rata total - 900 homes of 1,520 total</b> | -                    | <b>£35,398</b>                                    |

**Indicative Specifications and Cost of Freestanding SNT Police Office**

**Methodology for Calculating Contributions Towards SNT Police Office**

Overall, a total of 1,520 dwellings are proposed by planning applications W/14/0300, W/13/0603 and W/13/1434.

Using the indicative £450,981 total cost given in **Appendix 6** for the SNT Police Office, the methodology for attributing requested contributions to each application towards this total is as follows:

| <b>Planning Application</b> | <b>Number of Dwellings</b> | <b>% of total dwellings</b> | <b>Contribution Requested</b> |
|-----------------------------|----------------------------|-----------------------------|-------------------------------|
| W/14/0300                   | 900                        | 59                          | £266,078.79                   |
| W/13/0603                   | 370                        | 24                          | £108,235.44                   |
| W/13/1434                   | 250                        | 17                          | £76,666.77                    |
| <b>Total</b>                | <b>1,520</b>               | <b>100</b>                  | <b>£450,981</b>               |



Warwickshire  
**POLICE**



West Mercia  
**POLICE**

11 June 2014

Our Ref: P/H Div/0018/14  
Your Ref: W/14/0661

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Ms Penny Butler, Planning Officer  
Development Services  
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Warwick District Council  
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Milverton Hill  
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Dear Ms Butler

## **PLANNING APPLICATION W/14/0661 – LAND AT LOWER HEATHCOTE FARM POLICE SERVICE REPRESENTATIONS**

As part of a Strategic Alliance, Warwickshire Police (WP) and West Mercia Police (WMP) now act as one on all infrastructure and town planning related matters across their combined geographical area. This includes making joint representations to all local planning authorities and other parties. For the avoidance of doubt however, the two forces retain their separate Police and Crime Commissioners (PCCs) and respective command teams.

From the perspective of the police service, planning application W/14/0661 is one of four proposed for this area of Warwick District: -

- W/14/0661 - Land at Lower Heathcote Farm – 785 dwellings – Gallagher Estates
- W/14/0681 – Land South of Gallows Hills – 450 dwellings – Gallagher Estates
- W/14/0689 – Land off Oakley Wood Road – 150 dwellings – Bloor Homes
- W/14/0763 – Land off Seven Acre Close – 25 dwellings – A.C. Lloyd Homes Ltd



[www.warwickshire.police.uk](http://www.warwickshire.police.uk)  
[www.westmercia.police.uk](http://www.westmercia.police.uk)



@warkspolice  
@wmerciapolice



warwickshire police  
west mercia police

1,410 new dwellings are consequently proposed for this area of the District. The result is that the impacts arising from each of the proposed developments directly upon the police service cannot be considered in isolation from one another. By extension, mitigation is therefore not possible in an isolated fashion for each one. Representations have consequently been submitted in relation to each of the above applications. We request that the four representations are considered as one suite of documents making a cumulative case, rather than each one being considered separately.

It should be understood at the outset by all parties that WP and WMP take an entirely neutral position on the question of whether the proposed developments should be granted planning consent. We are aware also that not all the schemes may be granted planning consent. That is not our concern either. To ensure the resilience of the police service on a long-term basis in this area of the District, we are obliged to assume that all four will come forward and plan our infrastructure and service provision accordingly for the moment. As further information becomes available and/or the situation changes, further representations will be made as appropriate and necessary.

These representations to planning application W/14/0661 provide our comments with respect to the following matters: -

1. Traffic management implications;
2. Secured by Design; and
3. Police infrastructure requirements.

### **Description of the Proposed Development**

Outline planning application W/14/0661, proposed by Gallagher Estates, is for the erection of up to 785 dwellings; Provision of three points of access - one from Europa Way and two access points onto Harbury Lane; A mixed use community hub/local centre to include retail development (Class A1 to A5 inclusive) and community buildings (Class D1); Potential provision of a primary school; Comprehensive green infrastructure, continuous open space network and multi functional open space, including children's play space, potential open space for sport, informal open space and SUDS; Potential provision of allotments; Potential footpaths and cycle ways; Foul and surface water drainage infrastructure, including attenuation ponds; Ancillary infrastructure and ground remodelling.

### **Traffic Management Implications**

Planning application W/14/0661, as proposed, has the potential to create a 'rat-run' for two reasons. Firstly, it will create a through route from Harbury Lane to Europa Way; thus avoiding traffic congestion at the Earl Rivers Avenue and Harbury Lane traffic islands. Secondly, planning applications W/14/0661 and W/14/0681, if they are both approved, will create a new cross-roads junction on Europa Way prior to the Harbury Lane traffic island. This consequently has the potential to create a 'rat-run' from Harbury Lane to Gallows Hill through both developments, as traffic seeks to avoid congestion at the Earl Rivers Avenue and Harbury Lane traffic islands.

Traffic calming measures will therefore need to be included as part of the new road throughout both developments. In view of this we request involvement in any Road Safety Audit as the proposals progress, in order to ensure that the highway design maximises road safety (without the need for police intervention) and minimises the potential for disruptive problems arising.

In respect of all of the above comments, our Traffic Management Advisor, Mr Mike Digger, would welcome the opportunity to discuss these matters directly with the Council and the applicants. Mr Digger can be contacted on: -

Tel: 01905 331258  
Email: michael.digger@westmercia.pnn.police.uk

### **Secured by Design**

As planning application W/14/0661 is in outline form, there is insufficient information contained within it to enable us to comment on this matter. If the Council grants planning consent and the proposal progresses to the reserved matters stage, we will make detailed representations on this topic at that time. If the Council or the applicants would like to discuss this matter further in the meantime, please contact our Crime Prevention Design Advisor, Mr Ian King, on: -

Tel: 01926 684279  
Email: ian.king@warwickshire.pnn.police.uk

### **Police Infrastructure Requirements – Request for Section 106 Contribution**

#### What does 'Infrastructure' mean in the Police Context?

Developer contributions are not being sought towards revenue/salary costs by the Police. Only infrastructure that is necessary to facilitate the delivery of policing services to development growth is detailed in these representations.

'Infrastructure' is not however a narrow term referring only to buildings. The Association of Chief Police Officers (ACPO) has taken legal advice from Ian Dove QC and this supports this contention (**Appendix 1** – see paragraph 7). Infrastructure can include equipment, which for example, includes vehicles, communications technology and surveillance equipment. It is also legitimate to include set up costs for new officers and staff covering equipment, training, uniform and personal equipment. As confirmed in this advice, this also pertains under the CIL regime. This is elaborated on further below.

#### Regulatory Context

We have ensured that the request set out below is fully compliant with the tests set out in CIL Regulation 122 as follows:

- Necessary to make the proposed development acceptable in planning terms.
- Directly related to the proposed development.
- Fairly and reasonable related in scale and kind to the proposed development.

Contributions towards police infrastructure have been found to be lawful when tested at appeal in decisions by the Secretary of State. In one appeal decision, (APP/X2410/A/12/2173673), the Inspector noted that:

*“Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services.”*

The decision letter relating to this appeal was issued in May 2013 and relates to a proposal for 300 dwellings on land at Melton Road, Barrow upon Soar, Leicestershire. The decision letter and Inspector's report are included at **Appendix 2**. This appeal was recovered for determination



by the Secretary of State who agreed with the Inspector's conclusions and recommendations, including those relating to Planning Obligations. Paragraphs 288-294 deal with contributions towards policing and paragraphs 291 and 292 are particularly relevant.

The conclusions of the above were tested again recently by the Secretary of State in April 2014 at appeal (APP/X2410/A/13/2196928 & APP/X2410/A/13/2196929) and upheld. He concluded at paragraph 16 of his decision that: -

*"He also agrees with the Inspector (IR8.43-8.46) that the completed s106 Unilateral Undertaking, dated December 2013, between the Appellant, the Council and the Police and Crime Commissioner for Leicestershire (APP10) meets the tests of Regulation 122 and the Framework and should be regarded as material consideration."*

The decision letter, relating to a proposal for 250 dwellings on land off Mountsorrel Lane, Rothley, Leicestershire and Inspector's report are included at **Appendix 3**. Paragraphs 5.1 – 5.12 of the Inspector's report deal with contributions towards policing and paragraphs 5.5 and 5.7 are particularly relevant.

It is therefore clear that where the rationale is clear and supported by evidence, contributions towards policing are compatible with Regulation 122, as confirmed by the aforementioned appeal decisions. We consider that all items of infrastructure sought in relation to the proposed development meet the statutory tests.

### National Policy Context

The national policy position to support our request exists in the National Planning Policy Framework (NPPF). Securing sufficient facilities and services to meet local needs is a core planning principle (paragraph 17). Planning is to deliver facilities and services that communities need (paragraph 70). Local plan policies should deliver the provision of security infrastructure and other local facilities (paragraph 156). Local plan policy and decision making should be seamless (paragraph 186). Infrastructure planning should accompany development planning by LPAs (paragraph 177) who should work together with infrastructure providers (paragraph 162). The NPPF seeks environments where crime and disorder and the fear of crime do not undermine the quality of life and community cohesion (paragraph 69) and planning policies and decisions should deliver this (paragraph 58).

### Local Policy Context

The development plan comprises of the 'Warwick District Local Plan 1996-2011' (adopted September 2007). There are two policies relevant to these representations.

Policy DP14 – 'Crime Prevention' states that the layout and design of development will be encouraged to minimise the potential for crime and anti-social behaviour and improve community safety. Paragraph 4.88 to Policy DP14 highlights the fact that the Council is required under Section 17 of the Crime and Disorder Act 1998 to take account of crime and disorder in all of its work. Paragraph 4.90 adds that applicants will be encouraged to obtain a 'Secured by Design' certificate from our Crime Prevention Design Advisor.

Policy SC14 – 'Community Facilities' confirms that contributions will be sought towards community facilities in conjunction with new development where appropriate. Supporting paragraph 5.83 states that new development puts pressure on existing infrastructure and that Government guidance is clear that planning authorities may seek contributions from applicants to offset the cost of this. Supporting paragraph 5.84 confirms that community facilities are included within the scope of Policy SC14.

The emerging development plan comprises of the '*Warwick District Local Plan 2011-2029 – Publication Draft*' (May 2014). Although this document can only be ascribed limited material weight in view of its draft status, we consider that two policies should be noted by all parties.

Policy HS7 – '*Crime Prevention*' states that development proposals should make provision for appropriate design and security measures to ensure crime prevention. This is elaborated on by the supporting '*Draft Infrastructure Delivery Plan – April 2014*', which states in relation to police infrastructure on page 20 that provision needs to be made for: -

*'3 additional offices (Safer Neighbourhood Team Police Offices) at Europa Way, Lower Heathcote Farm and Thickthorn...'*

*'A range of other CIL compliant costs including vehicles, communications technology and surveillance technology, training, uniform and personal equipment.'*

Policy DM1 – '*Infrastructure Contributions*' states that development will be expected to provide, or contribute towards, the provision of physical and social infrastructure required to make it acceptable in planning terms. Furthermore the policy states that the Council will seek to secure site-specific infrastructure investments and/contributions, as well as off-site contributions and/or investments.

The policy concludes by stating that the Council will work with infrastructure providers to ensure the supporting Infrastructure Delivery Plan is up to date. As noted above, the '*Draft Infrastructure Delivery Plan – April 2014*' confirms that the police and the emergency services are 'infrastructure'; thereby the Council recognises that they are legitimate recipients of planning obligations.

### WP's Role and Responsibility

In this instance, we are responsible for delivering services to address community safety, tackle the fear of crime and seek to achieve a reduction in crime. The delivery of growth and new development, such as W/14/0661, places additional pressure on our infrastructure base, which is critical to the delivery of effective policing and securing safe and sustainable communities.

The primary issue for us is to ensure that new development like W/14/0661 makes adequate provision for the future policing needs it will generate. Like some other public services, our primary funding is insufficient to add new infrastructure to support new development when and wherever this occurs. Further, there are no bespoke funding regimes e.g. like Building Schools for the Future or the Health LIFT, to provide capital investment for our facilities.

This situation has been recognised by the Association of Chief Police Officers (ACPO) nationally for some time and there are public statements which explain our particular funding difficulties.

In addition to the above, the money received by us is comparatively low relative to the size of population in our geographical area. Whilst revenue funding is provided by the Home Office and the Council Tax precept, capital projects are mostly financed through borrowing. Borrowing to provide infrastructure has an impact on delivery of safe and sustainable communities because loans have to be repaid from revenue budgets, the corollary of which is a reduction in the money available to deliver operational policing.

## Current Levels of Policing Demand from the Locality

Policing is a 24/7 service resourced to respond and deploy on an “on demand” and “equal basis” and is wholly dependant on a range of facilities for staff to deliver this. Calls and deployments for this area, via our control room at Leek Wootton, are monitored and give an indication of the level of service demand in different areas

The application site is encompassed within the ‘Warwick Central’ Safer Neighbourhood Team (SNT) area, which is led by Sergeant David Kettle. During the period April 2013 – April 2014 we dealt with 1,675 offences, 8,220 incidents and 1,302 anti-social behaviour incidents from this SNT area. It is worth noting that within the specific geographical area encompassed by the application site almost no crime and incidents were recorded, which reflects the current open field character of the site.

## Current Levels of Deployment and Infrastructure

Regular patrolling of the locality and local community around the application site is maintained by the aforementioned SNT operating from Warwick Police Station. Though the SNT operates on the basis that there is no demand from the application site.

It should however be understood that the wider organisation and delivery of policing services is not on a town by town or even on a district by district basis. In this instance the TPU, led by Superintendent Debra Tedds, delivers all neighbourhood policing services to Warwick District and Stratford-on-Avon District. The TPU also provides some support functions as well. Other TPUs cover the remainder of WP’s and WMP’s combined geographical area. However, the majority of the support and specialist services necessary to support the ‘front line’ are currently provided in this instance from Leek Wootton and our Hindlip Hall campus.

A huge range of central policing services are delivered to the District, encompassing areas such as:

- Investigations
- Intelligence
- Response policing
- Criminal justice
- Operations planning
- Dogs and firearms
- Special branch
- Forensic services
- Road policing
- Tactical support group
- IT and communications
- Child abuse team
- Economic crime team

All of the above central support services and others will be called upon during the lifetime of the proposed development, should it be delivered, just as they currently are for the existing settlements. These services and others in turn require organisational support functions in order to operate, such as:

- Finance
- Human resources
- Training

- Top level management

Specific numbers of staff delivering policing are spread across the following functions:

- 225 police officers deliver neighbourhood policing and emergency responses to South Warwickshire. They are not disaggregated according to District and therefore operate across the combined area. This figure does not include the officers based at Leek Wootton and our Hindlip Hall campus who are part of numerous specialist teams who deploy according to need across the entire force area.
- 59 police staff deliver support functions to the South Warwickshire TPU. Like officers, they deliver services to the whole area and are not disaggregated according to District. However this does not include the staff based at Leek Wootton and our Hindlip Hall campus, who will provide support across the entire alliance geographical area as need arises.

Based on existing crime patterns, and policing demand and deployment from nearby areas, indicates the direct and additional impacts of the development on local policing that will be manifested in demand and responses in the following areas:

- Additional calls and responses per year via our control centre.
- Attendance to additional emergency events within the proposed development and locality each year.
- Additional non-emergency events to follow up with public contact each year.
- Additional recorded crimes in the developments and locality.
- Additional anti-social behaviour incidents each year within the new development and locality.
- Demand for increased patrol cover.
- Additional vehicle use.
- Additional calls on our Airwaves system.
- Additional use of our Police National Database (PND) systems to process and store crime records and intelligence.
- Additional demand for deployment of Mobile CCTV technologies.
- Additional demand for local access to beat staff from local neighbourhood teams.
- Additional policing cover and interventions in all the areas described when considering staffing and functions above and for additional accommodation from which to deliver these.

### The Police Contribution Request

A Section 106 contribution is requested to mitigate the additional impacts of this development. As stated previously, this is intended to be part of a single cumulative request made to the four development schemes (W/14/0661, W/14/0681, W/14/0689 and W/14/0763) proposed for this area. Our existing infrastructures do not have the capacity to meet the impacts arising from these schemes and because, like some other services, we do not have the ability to respond to the growth proposed. We anticipate using rates and Home Office revenues to pay for staff salaries and our day to day routine additional costs (e.g. call charges on telephony and Airwaves and so on).

Contributions are only sought that are related in scale and kind to the development, hence why this request is intended to be one of four. This ensures that the infrastructure in question will be fully funded and delivered. If the contribution is not forthcoming from W/14/0661 there will be a serious impact upon our ability to deliver an effective and efficient service. This is because we

will be required to pay the amount ourselves. This in turn means that funds will have to be diverted away from other areas of deployment in South Warwickshire.

Such contributions are consequently lawful in the context of CIL Regulation 122, as explained earlier in these representations and as they are related in scale and kind to the development. As further justification, we confirm that the contribution will be used wholly to meet the direct impacts of this development and wholly in delivering policing to it. Without the development in place it is reasonable to forecast the impacts it will generate using information about known policing demands of comparable local development. Other services use such comparables and we believe that the NPPF encourages this.

The proposed development should make provision to mitigate the direct and additional policing impacts it will generate and cannot depend on the police to just absorb these within existing facilities with limited capacities and where police have no flexibility in funding to do this. It is not forced by current spending reductions, although strictures across the public sector reinforce the need to ensure that developments mitigate the direct impacts they cause.

Due to the very serious implications for policing of new developments, police nationally have taken advice about the best way to proceed in the transition period to the CIL regime. As a result, we only make requests solely in relation to the development under consideration; its direct impacts on policing and the necessary mitigations that it should provide. What follows is a detailed explanation of the methodologies used to calculate the contribution and our application of the statutory tests to justify each part.

#### Setting-up and Equipping of Officers and Staff

The table enclosed in **Appendix 4** shows the estimated additional personnel that will be required to serve the developments proposed by W/14/0661, W/14/0681, W/14/0689 and W/14/0763 combined. As stated previously, it is not appropriate to consider the application site in isolation given the relatively close proximity of the other schemes.

Setting-up and equipping police officers and staff entails providing IT, radios, protective equipment, uniforms and bespoke training in the use of these. However, additional staff will require additional equipment. There are practical limits to the extent to which existing equipment can be re-used e.g. with uniforms or where technology has moved on.

In this case, **Appendix 4** demonstrates that the four developments combined would fully occupy the equivalent of an additional 5 police officers and 4 police staff full-time. Staffing levels are under constant review to ensure that minimum acceptable numbers are deployed to meet existing levels of policing demand. This has the benefit of much needed savings in costs, but as a result there is no additional capacity to extend existing staffing to cover additional development.

Where additional development is proposed, as in this instance, we will seek to deploy additional staffing and additional infrastructures at the same level that is required to deliver policing to the locality. It would be complacent not to do this because without additional support unacceptable pressure will be put on existing staff and our capital infrastructures which will seriously undermine our ability to meet the policing needs of these developments, maintain the current level of policing to the rest of the SNT area and across the South Warwickshire TPU. The impacts of the four developments are so significant that they cannot be met without additional staff deployed at a level consistent with the current policing of the locality.

The additional staff needed to police the development will require additional equipment. For a police officer, the additional items are recruitment £1,060, training £4,400, uniform and personal

equipment £940, workstation £1,642. For other staff the additional items are recruitment £1,060 and workstation £1,642. As the development is forecast to contribute to a need for the equivalent of 5 full time officers and 4 full time staff members over its lifetime (**Appendix 4**), the contribution for setting-up and equipment is calculated to be £28,403 (**Appendix 5**).

We could not have officers and staff attending and delivering services to this development with less than adequate equipment, training and facilities without unnecessary risks to themselves and occupiers served.

*Is the contribution necessary to make the development acceptable in planning terms?*

Crime and community safety are planning considerations. The Council's own adopted and emerging Local Plans further demonstrate this. The NPPF identifies the need to achieve security in new development and makes provisions to deliver this through the planning system. Deployment of equipped staff is fundamental to delivering community safety and mitigating crime.

*Is it directly related to the development?*

The policing demands of this development are identified and police mitigation of these can only be delivered by adequately equipped staff. This has been calculated with reference to robust data sets and the specifications of the proposed development.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

**Appendices 4 and 5** set out the methodology for calculating the contribution that is fairly and reasonably related in scale and kind to the development. In addition, this is primarily a residential development and the policing demands it will generate is known by comparison with local residential development. This is the only satisfactory way of determining the need from development that is not yet built. Therefore, level of demand and mitigations have been determined by the scale and kind of the development.

### Police Vehicles

In managing and responding to crime a number of different vehicles can be deployed ranging from general response vehicles and patrol cars, unmarked general support vehicles, police service unit vans and minibuses, scientific (e.g. SOCO) vehicles, pursuit vehicles – 4x4 and high speed, motorcycles and so on. Current fleet deployment to Warwickshire comprises 350 cars/vans and 50 bicycles. Based on the number of posts in WP (1,517), this equates to a ratio of 1 vehicle per 4 posts and 1 bicycle per 30 posts.

The average cost of a vehicle is £28,500. This includes the cost of the vehicle and the operational equipment required. The cost quoted does exclude fuel. We replace vehicles, on average, every 3 years and in the majority of cases there is no resale value. Based on this existing level of deployment to the locality we can forecast additional demands as a result of the developments.

The vehicle fleet also includes bicycles used for local neighbourhood policing.

In order to equip the additional officers (**Appendix 4**) required for policing this development and the others proposed for the area, 1 additional vehicle and 1 additional bicycle will be required. The set-up costs for these are shown in **Appendix 6**.

The impact of the development without the contribution will be that we will be required to spend the money ourselves, which in turn will spread existing transport resources too thinly to the extent that service delivery is prejudiced. Residents of the new development and their representatives will expect the same degree of cover as elsewhere in the locality and existing residents will expect existing cover to be maintained and not reduced as a result of the new developments.

*Is the contribution necessary to make the development acceptable in planning terms?*

Vehicles are fundamental infrastructure and facility to deliver community safety and address crime especially at Neighbourhood level.

*Is it directly related to the development?*

Fleet deployment is related to the known policing demands of comparable development in the WP area. The direct demand from the new developments can be accurately forecast. Delivering policing direct to this development, without detriment to existing areas, will not be possible without additional vehicle funding to do so.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is primarily a residential development and the police vehicle demands it will generate are known by comparison with deployment to other local residential developments. Therefore, level of demand and mitigations have been determined by the scale and kind of the development.

#### Automatic Number Plate Recognition (ANPR) Cameras

ANPR is a proven crime fighting tool which is used across the alliance area. Police-monitored ANPR has led to thousands of arrests and been involved in the detection of countless crimes. New development should benefit from the same technology as elsewhere in the alliance area. Indeed, crime levels are mitigated with this technology in place. Without ANPR, crime levels will rise and detection will become much more resource consuming.

Crime levels in the area immediately around the four proposed development sites are relatively low in comparison with other parts of the alliance area. However, once delivered they will unfortunately cumulatively be a draw for travelling criminals locally and nationally. Police monitored ANPR is an effective tool in preventing and combating this type of crime. The use of these technologies also has a beneficial impact in terms of minimising staff attendance.

We therefore currently carrying out an assessment as to how many ANPR cameras will be needed, where they should be located and the precise financial contributions that can be attributable in CIL Regulation 122 terms to the developments proposed by W/14/0661, W/14/0681, W/14/0689 and W/14/0763 respectively.

Unfortunately, it is not possible to complete this detailed ANPR assessment in time for the 21-day public consultation deadlines for W/14/0661, W/14/0681 and W/14/0689. We will however endeavour to submit this as soon as possible. The forthcoming ANPR submission should consequently be considered, once submitted, an addendum to these representations and to those submitted to the other three planning applications.

## Safer Neighbourhood Team (SNT) Police Office

Day-to-day policing services to the application site are currently provided from Warwick Police Station. These services operate on the basis that there is no demand from the four application sites.

Services are not provided from our Greys Mallory Patrol Base (GMPB) located by Europa Way. The GMPB is one of the main vehicle centres for police patrols operating throughout Warwickshire's highways network. The site and building are designed exclusively for this purpose. It is therefore wholly unsuitable for delivering the community policing services that will be required by proposed developments W/14/0661, W/14/0681, W/14/0689 and W/14/0763.

There is however no reason to doubt that there will be a corresponding increase in crime and demand from new residents, occupiers and visitors to the application site and to the other proposed development site for policing services. These services cover a wide range spectrum of support and intervention.

It will consequently be necessary to accommodate the additional staff (as identified above), to deliver policing to the two proposed development sites. Whilst officers spend time away from base they are not independent and require a start and finish location, storage, briefing and report writing facilities. Our existing facilities cannot accommodate all the additional staff required (see **Appendix 4**) if the developments proposed by planning applications W/14/0661, W/14/0681, W/14/0689 and W/14/0763 are delivered.

However it is not appropriate, or logical, to provide separate police offices at each of the proposed development sites.

We therefore contend that a single new Safer Neighbourhood Team (SNT) Police Office should be situated within the local centre proposed by W/14/0661. This will provide the accommodation necessary for the additional officers and staff (**Appendices 4 and 5**) to provide services to the four proposed developments. The cost of providing it should therefore be shared proportionally by applications W/14/0661, W/14/0681, W/14/0689 and W/14/0763.

The Safer Neighbourhood Team (SNT) Police Office can either be freestanding within the local centre proposed by W/14/0661, or as part of a "community hub" within the same local centre. **Appendix 7** provides indicative specifications and costings of the Police Office, on the basis of a freestanding facility. This notwithstanding, the specification does provide an illustration of the type of accommodation required. It also demonstrates that there may be scope for police personnel to share some facilities, such as kitchen and toilet areas, with other users of the community hub if this approach is progressed.

We contend that the costs of delivering the facility should be shared according to the number of dwellings proposed by each of the four proposed developments. Clearly, the specifications and cost of the new facility will need to be the subject of further detailed discussions in due course. Therefore, it is not possible to calculate a precise cost figure that can be attributed to each planning application at this stage. Instead, agreement is needed on the percentage of the final cost of the facility that each application should contribute. Please see **Appendix 8** for our suggested methodology in this respect.

The request for a contribution towards the provision of a Safer Neighbourhood Team (SNT) Police Office is compliant with the tests set out in CIL Regulation 122, as detailed below:



*Is the infrastructure necessary to make the development acceptable in planning terms?*

Crime and community safety are planning considerations and accommodating staff in the optimum location to serve the four developments is essential if this is to be achieved. The NPPF identifies the need to achieve security in new development and make provision to deliver this through the planning system. In order to meet our statutory obligations, we require the provision of a new Safer Neighbourhood Team (SNT) Police Office.

*Is it directly related to the development?*

The additional staffing needs the development will generate have been established by reference to existing local deployment reflecting the actual Policing demands and crime patterns of the locality. In a similar vein the premises requirements that result from the need to accommodate additional staff at these levels is known. A direct relationship between the development, additional staffing and accommodation is demonstrated and it is appropriate to mitigate this through the planning system.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is primarily a residential development and the accommodation needs of staff delivering Policing to meet local demands of development of this nature are known.

It should also be noted that in our calculations we have only accounted for the dwelling houses, not the other types of development proposed, as we do not have the data to quantify the precise demands arising from such uses in policing terms. However, it would be reasonable to assume that there will be a demand for policing services on top of those expected for the residential dwellings.

Therefore, the contribution requested is based on the scale and kind of the development proposed by W/14/0661, W/14/0681, W/14/0689 and W/14/0763.

Summary of Pro Rata Contributions Requested from W/14/0661

|   |                    |
|---|--------------------|
| Recruitment and equipping of officers and staff | £28,403            |
| Police Vehicles                                 | £17,417            |
| Automatic Number Plate Recognition Cameras      | To be confirmed    |
| Premises (indicative contribution - 55%)        | £248,039.55        |
| <b>Total (excluding ANPR)</b>                   | <b>£293,859.55</b> |

Without the contribution the development will be unacceptable in planning terms and permission should not be granted as indicated in the NPPF. The lack of capacity in existing infrastructure to accommodate the population growth and associated demands occasioned by the development means that it is necessary for the developers to provide a contribution so that the situation might be remedied. The request is directly related to the development and the direct policing impacts it will generate based on an examination of demand levels in the local SNT and TPU area in which it is situated, adjacent areas and existing policing demands and deployment in relation to this. The request is wholly related in scale and kind of the proposed development.

We have undertaken this approach to requesting contributions taking account of advice we have received and recent reductions in our deployment. We have been advised that the contents of this submission are sufficient to justify the contribution sought. This approach has also been considered in six appeals where all the Inspectors and in two cases the Secretary of State, have found police requests for contributions compliant with CIL Regulation 122. These are as follows: -

- APP/X2410/A/13/2196938 & APP/X2410/A/13/2196929 (Secretary of State determination) – 8 April 2014
- APP/T2405/A/13/2193758 – 01 August 2013
- APP/G2435/A/13/2192131 – 30 May 2013
- APP/X2410/A/12/2173673 (Secretary of State determination) – 14 May 2013
- APP/X2410/A/12/2187470 – 15 April 2013
- APP/F2415/A/12/2179844 – 14 February 2013

We therefore consider that our request for contributions is robust, demonstrated by the evidence included in the Appendices to these representations and fully compliant with CIL Regulation 122.

Overall, we trust that these representations will be given due consideration and look forward to working with the Council and applicants to address all of the issues raised, namely highways and traffic management, Secured by Design and our request for a Section 106 contribution to mitigate the demands that delivery of the proposed scheme will have upon police services in this area of the District.

Yours sincerely

**Andrew Morgan**  
**Strategic Planner**

*“Without prejudice to any other obligation imposed upon it, it shall be the duty of each local authority to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area: Section 17(1) of the Crime and Disorder Act 1998.”*

## **Appendix 1**

### **Ian Dove QC Advice**

**Decision letter – Land at Melton Road, Barrow-upon-Soar**

**Decision letter – Land off Mountsorrel Lane, Rothley**

**Staffing Levels – Existing and Proposed**

In the context of the uncertainty about the future organisation and staffing numbers for WP, the table uses current planned staffing levels as a basis for calculating the additional staffing requirement to serve the sites. The staffing levels below (identified as budgeted posts) are for the whole WP area and include the various support staff, many of whom are responsible for providing services across the WP area and not just within South Warwickshire. The population of WP's geographical area is currently about 545,500 and the area accommodates about 231,000 dwellings (Census 2011). The total levels of staffing across the whole of the WP area have been used to calculate pro-rata requirements for additional personnel required to serve the proposed developments.

The table below therefore shows the current budgeted posts and estimated additional personnel numbers required to serve 1,410 dwellings. This represents the cumulative total of planning applications W/14/0661, W/14/0681, W/14/0689 and W/14/0763.

| <b>Command Area</b>        | <b>Total Posts in Warks</b> | <b>Approx Population in Warks per Post</b> | <b>Approx Dwellings in Warks per Post</b> | <b>Pro Rata Post Requirement (1,410 dw)</b>             |
|----------------------------|-----------------------------|--|---|---|
| <b>Local Policing</b>      |                             |  |   |   |
| Police Officers            | 566                         | 964  | 408                                       | 4   |
| Police Staff               | 400                         | 1,364                                      | 578                                       | 2   |
| <b>Protective Services</b> |                             |  |   |   |
| Police Officers            | 232                         | 2,351                                      | 996                                       | 1   |
| Police Staff               | 163                         | 3,347                                      | 1,417                                     | 1   |
| <b>Enabling Services</b>   |                             |  |   |   |
| Police Officers            | 8                           | 68,188                                     | 28,875                                    | 0   |
| Police Staff               | 103                         | 5,296                                      | 2,243                                     | 1   |
| <b>Finance</b>             |                             |  |   |   |
| Police Officers            | 1                           | 545,500                                    | 231,000                                   | 0   |
| Police Staff               | 44                          | 12,398                                     | 5,250                                     | 0   |
| <b>Total</b>               | <b>1,517</b>                |  |   | <b>9<br/>(5 Police Officers<br/>and 4 Police Staff)</b> |

The personnel requirements include both officers and support staff; broadly the Protective Services and Local Policing Units comprise mainly officers – the visible police presence – and the remaining units provide support functions. For the purposes of this assessment we consider that the 9 personnel will comprise 5 Police Officers and 4 Police Staff members.

These figures have also been discussed and verified with the Command Team for South Warwickshire TPU, led by Superintendent Debra Tedds. The Command Team have confirmed that the level of demand for policing services expected from the new developments, both during construction and once delivered, warrant the personnel numbers being proposed. If required funding for the personnel (see **Appendix 5**) is not provided, this will detrimentally impact on the TPU's ability to deliver sufficient coverage and protection to the developments both during construction and after delivery. This in turn would have 'knock-on' effects for the policing of South Warwickshire as a whole.

**Appendix 5**

**Officers and Staff Set-up Costs**

**Contribution Requested From W/14/0661**



| <b>Additional Officers</b>                       | <b>Approx Set-up Cost per Officer</b> | <b>Pro Rata Requirement for 5 Officers</b> |
|--|---------------------------------------|--|
| Recruitment                                      | £1,060                                | £5,300                                     |
| Training   | £4,400                                | £22,000                                    |
| Uniform & Personal equipment                     | £940                                  | £4,700                                     |
| Standard equipment (ICT and furniture)           | £1,642                                | £8,210                                     |
| <b>Total costs</b>                               | <b>£8,042</b>                         | <b>£40,210</b>                             |
| <b>Pro rata total - 785 homes of 1,410 total</b> | -                                     | <b>£22,386</b>                             |

| <b>Additional Central Support Services</b>       | <b>Approx Set-up Cost per Member of Staff</b> | <b>Pro Rata Requirement for 4 Staff</b> |
|--|---|---|
| Recruitment                                      | £1,060  | £4,240                                  |
| Standard equipment (ICT and furniture)           | £1,642  | £6,568                                  |
| <b>Total costs</b>                               | <b>£2,702</b>                                 | <b>£10,808</b>                          |
| <b>Pro rata total - 785 homes of 1,410 total</b> | -   | <b>£6,017</b>                           |

**Appendix 6**

**Vehicle and Bicycle Costs**

**Contribution Requested From W/14/0661**

Current fleet deployment to Warwickshire comprises 350 cars/vans and 50 bicycles. Based on the number of posts in WP (1,517), there is a ratio of 1 vehicle per 4 posts and 1 bicycle per 30 posts.

It is essential that the current ratio of personnel to vehicles and personnel to bicycles applies to the additional personnel required as a result of development growth.

Vehicles costs have been capitalised on 5 year lifetime average costs for a low/medium size equipped vehicles (excluding fuel). Bicycle costs are established at £1,299 per cycle, with an additional maintenance charge of £297 per bicycle per annum, or £1,485 per 5 years, capitalised. The total cost of providing each new cycle and maintaining it for 5 years is therefore £2,784.

These costs do not include any costs for specialist operational equipment, and the cost estimates below are therefore moderated very conservatively.

On the basis of an additional 5 Police Officers in the territorial and protective services (**Appendix 4**), it is calculated that there will be a requirement for an additional vehicle and bicycle.

The cost of vehicles (both motorised and bicycles) based on 5 additional Police Officers required as a result of the proposed developments are shown below:

| <b>Additional vehicles and bicycles</b>          | <b>Cost per item</b> | <b>Current cost for planned growth (1,410 dw)</b> |
|--|----------------------|---|
| 1 vehicle  | £28,500              | £28,500   |
| 1 bicycle  | £2,784               | £2,784  |
| <b>Total costs</b>                               | <b>£31,284</b>       | <b>£31,284</b>                                    |
| <b>Pro rata total - 785 homes of 1,410 total</b> | -                    | <b>£17,417</b>                                    |

**Indicative Specifications and Cost of Freestanding SNT Police Office**

**Methodology for Calculating Contributions Towards SNT Police Office**

Overall, a total of 1,410 dwellings are proposed by planning applications W/14/0661, W/14/0681, W/14/0689 and W/14/0763.

Using the indicative £450,981 total cost given in **Appendix 7** for the SNT Police Office, the methodology for attributing requested contributions to each application towards this total is as follows:

| <b>Planning Application</b> | <b>Number of Dwellings</b> | <b>% of Total Dwellings</b> | <b>Contribution Requested</b> |
|-----------------------------|----------------------------|-----------------------------|-------------------------------|
| W/14/0661                   | 785                        | 55                          | £248,039.55                   |
| W/14/0681                   | 450                        | 32                          | £144,313.92                   |
| W/14/0689                   | 150                        | 11                          | £49,607.91                    |
| W/14/0763                   | 25                         | 2                           | £9,019.62                     |
| <b>Total</b>                | <b>1,410</b>               | <b>100</b>                  | <b>£450,981</b>               |



Warwickshire  
**POLICE**



West Mercia  
**POLICE**

11 June 2014

Our Ref: P/H Div/0019/14  
Your Ref: W/14/0681

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Ms Penny Butler, Planning Officer  
Development Services  
PO Box 2178  
Warwick District Council  
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Milverton Hill  
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Dear Ms Butler

## **PLANNING APPLICATION W/14/0681 – LAND SOUTH OF GALLOWS HILL, WARWICK POLICE SERVICE REPRESENTATIONS**

As part of a Strategic Alliance, Warwickshire Police (WP) and West Mercia Police (WMP) now act as one on all infrastructure and town planning related matters across their combined geographical area. This includes making joint representations to all local planning authorities and other parties. For the avoidance of doubt however, the two forces retain their separate Police and Crime Commissioners (PCCs) and respective command teams.

From the perspective of the police service, planning application W/14/0681 is one of four proposed for this area of Warwick District: -

- W/14/0681 – Land South of Gallows Hills – 450 dwellings – Gallagher Estates
- W/14/0661 - Land at Lower Heathcote Farm – 785 dwellings – Gallagher Estates
- W/14/0689 – Land off Oakley Wood Road – 150 dwellings – Bloor Homes
- W/14/0763 – Land off Seven Acre Close – 25 dwellings – A.C. Lloyd Homes Ltd



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warwickshire police  
west mercia police

1,410 new dwellings are consequently proposed for this area of the District. The result is that the impacts arising from each of the proposed developments directly upon the police service cannot be considered in isolation from one another. By extension, mitigation is therefore not possible in an isolated fashion for each one. Representations have consequently been submitted in relation to each of the above applications. We request that the four representations are considered as one suite of documents making a cumulative case, rather than each one being considered separately.

It should be understood at the outset by all parties that WP and WMP take an entirely neutral position on the question of whether the proposed developments should be granted planning consent. We are aware also that not all the schemes may be granted planning consent. That is not our concern either. To ensure the resilience of the police service on a long-term basis in this area of the District, we are obliged to assume that all four will come forward and plan our infrastructure and service provision accordingly for the moment. As further information becomes available and/or the situation changes, further representations will be made as appropriate and necessary.

These representations to planning application W/14/0681 provide our comments with respect to the following matters: -

1. Traffic management implications;
2. Secured by Design; and
3. Police infrastructure requirements.

### **Description of the Proposed Development**

Outline planning application W/14/0681, proposed by Gallagher Estates, is for the erection of up to 450 dwellings; Provision of two points of access (one from Europa Way and one from Gallows Hill); Comprehensive green infrastructure and open spaces including potential children's play space; Potential footpaths and cycleways; Foul and surface water drainage infrastructure, including attenuation pond; Ancillary infrastructure and ground modelling.

### **Traffic Management Implications**

In the same manner to withdrawn planning application W/13/0603, the indicative Masterplan supporting W/14/0681 proposes a road linking the A425 Gallows Hill with the A452 Europa Way. The access plans therefore confirm that there is the potential to create a 'rat-run' for two reasons.

Firstly, because whilst it would enable traffic to avoid queuing to turn left at the Harbury Lane traffic island, it would create a potential for collisions at the new junction on Gallows Hill. This would arise from vehicles turning on and off the A425 where traffic is travelling at high speed.

In the current traffic configuration at the site, vehicles turning left onto Gallows Hill at the Harbury Lane traffic island do so at a lower rate, thus reducing the potential for collisions. The new road should therefore include physical speed reduction measures from the outset to avoid traffic problems being created, which would ultimately fall on WP to resolve on a continuing basis.

Secondly planning applications W/14/0681 and W/14/0661, if they are both approved, will create a new cross-roads junction on Europa Way prior to the Harbury Lane traffic island. This consequently has the potential to create a 'rat-run' from Harbury Lane to Gallows Hill through



both developments, as traffic seeks to avoid congestion at the Earl Rivers Avenue and Harbury Lane traffic islands. This reinforces the need for traffic calming measures to be included as part of the new road throughout both developments.

In view of the above, we request involvement in any Road Safety Audit as these proposals progress, to ensure that the highway design maximises road safety (without the need for police intervention) and minimises the potential for disruptive problems arising.

In respect of all of the above comments, our Traffic Management Advisor, Mr Mike Digger, would welcome the opportunity to discuss these matters directly with the Council and the applicants. Mr Digger can be contacted on: -

Tel: 01905 331258  
Email: michael.digger@westmercia.pnn.police.uk

### **Secured by Design**

As planning application W/14/0681 is in outline form, there is insufficient information contained within it to enable us to comment on this matter. If the Council grants planning consent and the proposal progresses to the reserved matters stage, we will make detailed representations on this topic at that time. If the Council or the applicants would like to discuss this matter further in the meantime, please contact our Crime Prevention Design Advisor, Mr Ian King, on: -

Tel: 01926 684279  
Email: ian.king@warwickshire.pnn.police.uk

### **Police Infrastructure Requirements – Request for Section 106 Contribution**

#### What does 'Infrastructure' mean in the Police Context?

Developer contributions are not being sought towards revenue/salary costs by the Police. Only infrastructure that is necessary to facilitate the delivery of policing services to development growth is detailed in these representations.

'Infrastructure' is not however a narrow term referring only to buildings. The Association of Chief Police Officers (ACPO) has taken legal advice from Ian Dove QC and this supports this contention (**Appendix 1** – see paragraph 7). Infrastructure can include equipment, which for example, includes vehicles, communications technology and surveillance equipment. It is also legitimate to include set up costs for new officers and staff covering equipment, training, uniform and personal equipment. As confirmed in this advice, this also pertains under the CIL regime. This is elaborated on further below.

#### Regulatory Context

We have ensured that the request set out below is fully compliant with the tests set out in CIL Regulation 122 as follows:

- Necessary to make the proposed development acceptable in planning terms.
- Directly related to the proposed development.
- Fairly and reasonable related in scale and kind to the proposed development.

Contributions towards police infrastructure have been found to be lawful when tested at appeal in decisions by the Secretary of State. In one appeal decision, (APP/X2410/A/12/2173673), the Inspector noted that:

*“Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services.”*

The decision letter relating to this appeal was issued in May 2013 and relates to a proposal for 300 dwellings on land at Melton Road, Barrow upon Soar, Leicestershire. The decision letter and Inspector’s report are included at **Appendix 2**. This appeal was recovered for determination by the Secretary of State who agreed with the Inspector’s conclusions and recommendations, including those relating to Planning Obligations. Paragraphs 288-294 deal with contributions towards policing and paragraphs 291 and 292 are particularly relevant.

The conclusions of the above were tested again recently by the Secretary of State in April 2014 at appeal (APP/X2410/A/13/2196928 & APP/X2410/A/13/2196929) and upheld. He concluded at paragraph 16 of his decision that: -

*“He also agrees with the Inspector (IR8.43-8.46) that the completed s106 Unilateral Undertaking, dated December 2013, between the Appellant, the Council and the Police and Crime Commissioner for Leicestershire (APP10) meets the tests of Regulation 122 and the Framework and should be regarded as material consideration.”*

The decision letter, relating to a proposal for 250 dwellings on land off Mountsorrel Lane, Rothley, Leicestershire and Inspector’s report are included at **Appendix 3**. Paragraphs 5.1 – 5.12 of the Inspector’s report deal with contributions towards policing and paragraphs 5.5 and 5.7 are particularly relevant.

It is therefore clear that where the rationale is clear and supported by evidence, contributions towards policing are compatible with Regulation 122, as confirmed by the aforementioned appeal decisions. We consider that all items of infrastructure sought in relation to the proposed development meet the statutory tests.

### National Policy Context

The national policy position to support our request exists in the National Planning Policy Framework (NPPF). Securing sufficient facilities and services to meet local needs is a core planning principle (paragraph 17). Planning is to deliver facilities and services that communities need (paragraph 70). Local plan policies should deliver the provision of security infrastructure and other local facilities (paragraph 156). Local plan policy and decision making should be seamless (paragraph 186). Infrastructure planning should accompany development planning by LPAs (paragraph 177) who should work together with infrastructure providers (paragraph 162). The NPPF seeks environments where crime and disorder and the fear of crime do not undermine the quality of life and community cohesion (paragraph 69) and planning policies and decisions should deliver this (paragraph 58).

### Local Policy Context

The development plan comprises of the ‘Warwick District Local Plan 1996-2011’ (adopted September 2007). There are two policies relevant to these representations.

Policy DP14 – ‘Crime Prevention’ states that the layout and design of development will be encouraged to minimise the potential for crime and anti-social behaviour and improve community safety. Paragraph 4.88 to Policy DP14 highlights the fact that the Council is required under Section 17 of the Crime and Disorder Act 1998 to take account of crime and disorder in all of its work. Paragraph 4.90 adds that applicants will be encouraged to obtain a ‘Secured by Design’ certificate from our Crime Prevention Design Advisor.

Policy SC14 – ‘*Community Facilities*’ confirms that contributions will be sought towards community facilities in conjunction with new development where appropriate. Supporting paragraph 5.83 states that new development puts pressure on existing infrastructure and that Government guidance is clear that planning authorities may seek contributions from applicants to offset the cost of this. Supporting paragraph 5.84 confirms that community facilities are included within the scope of Policy SC14.

The emerging development plan comprises of the ‘*Warwick District Local Plan 2011-2029 – Publication Draft*’ (May 2014). Although this document can only be ascribed limited material weight in view of its draft status, we consider that two policies should be noted by all parties.

Policy HS7 – ‘*Crime Prevention*’ states that development proposals should make provision for appropriate design and security measures to ensure crime prevention. This is elaborated on by the supporting ‘*Draft Infrastructure Delivery Plan – April 2014*’, which states in relation to police infrastructure on page 20 that provision needs to be made for: -

*‘3 additional offices (Safer Neighbourhood Team Police Offices) at Europa Way, Lower Heathcote Farm and Thickthorn...*

*A range of other CIL compliant costs including vehicles, communications technology and surveillance technology, training, uniform and personal equipment.’*

Policy DM1 – ‘*Infrastructure Contributions*’ states that development will be expected to provide, or contribute towards, the provision of physical and social infrastructure required to make it acceptable in planning terms. Furthermore the policy states that the Council will seek to secure site-specific infrastructure investments and/contributions, as well as off-site contributions and/or investments.

The policy concludes by stating that the Council will work with infrastructure providers to ensure the supporting Infrastructure Delivery Plan is up to date. As noted above, the ‘*Draft Infrastructure Delivery Plan – April 2014*’ confirms that the police and the emergency services are ‘infrastructure’; thereby the Council recognises that they are legitimate recipients of planning obligations.

### WP’s Role and Responsibility

In this instance, we are responsible for delivering services to address community safety, tackle the fear of crime and seek to achieve a reduction in crime. The delivery of growth and new development, such as W/14/0681, places additional pressure on our infrastructure base, which is critical to the delivery of effective policing and securing safe and sustainable communities.

The primary issue for us is to ensure that new development like W/14/0681 makes adequate provision for the future policing needs it will generate. Like some other public services, our primary funding is insufficient to add new infrastructure to support new development when and wherever this occurs. Further, there are no bespoke funding regimes e.g. like Building Schools for the Future or the Health LIFT, to provide capital investment for our facilities.

This situation has been recognised by the Association of Chief Police Officers (ACPO) nationally for some time and there are public statements which explain our particular funding difficulties.

In addition to the above, the money received by us is comparatively low relative to the size of population in our geographical area. Whilst revenue funding is provided by the Home Office and the Council Tax precept, capital projects are mostly financed through borrowing. Borrowing to

provide infrastructure has an impact on delivery of safe and sustainable communities because loans have to be repaid from revenue budgets, the corollary of which is a reduction in the money available to deliver operational policing.

### Current Levels of Policing Demand from the Locality

Policing is a 24/7 service resourced to respond and deploy on an “on demand” and “equal basis” and is wholly dependant on a range of facilities for staff to deliver this. Calls and deployments for this area, via our control room at Leek Wootton, are monitored and give an indication of the level of service demand in different areas

The application site is encompassed within the ‘Warwick Central’ Safer Neighbourhood Team (SNT) area, which is led by Sergeant David Kettle. During the period April 2013 – April 2014 we dealt with 1,675 offences, 8,220 incidents and 1,302 anti-social behaviour incidents from this SNT area. It is worth noting that within the specific geographical area encompassed by the application site almost no crime and incidents were recorded, which reflects the current open field character of the site.

### Current Levels of Deployment and Infrastructure

Regular patrolling of the locality and local community around the application site is maintained by the aforementioned SNT operating from Warwick Police Station. Though the SNT operates on the basis that there is no demand from the application site.

It should however be understood that the wider organisation and delivery of policing services is not on a town by town or even on a district by district basis. In this instance the TPU, led by Superintendent Debra Tedds, delivers all neighbourhood policing services to Warwick District and Stratford-on-Avon District. The TPU also provides some support functions as well. Other TPUs cover the remainder of WP’s and WMP’s combined geographical area. However, the majority of the support and specialist services necessary to support the ‘front line’ are currently provided in this instance from Leek Wootton and our Hindlip Hall campus.

A huge range of central policing services are delivered to the District, encompassing areas such as:

- Investigations
- Intelligence
- Response policing
- Criminal justice
- Operations planning
- Dogs and firearms
- Special branch
- Forensic services
- Road policing
- Tactical support group
- IT and communications
- Child abuse team
- Economic crime team

All of the above central support services and others will be called upon during the lifetime of the proposed development, should it be delivered, just as they currently are for the existing settlements. These services and others in turn require organisational support functions in order to operate, such as:

- Finance
- Human resources
- Training
- Top level management

Specific numbers of staff delivering policing are spread across the following functions:

- 225 Police Officers deliver neighbourhood policing and emergency responses to South Warwickshire. They are not disaggregated according to District and therefore operate across the combined area. This figure does not include the officers based at Leek Wootton and our Hindlip Hall campus who are part of numerous specialist teams who deploy according to need across the entire force area.
- 59 Police Staff deliver support functions to the South Warwickshire TPU. Like officers, they deliver services to the whole area and are not disaggregated according to District. However this does not include the staff based at Leek Wootton and our Hindlip Hall campus, who will provide support across the entire alliance geographical area as need arises.

Based on existing crime patterns, and policing demand and deployment from nearby areas, indicates the direct and additional impacts of the development on local policing that will be manifested in demand and responses in the following areas:

- Additional calls and responses per year via our control centre.
- Attendance to additional emergency events within the proposed development and locality each year.
- Additional non-emergency events to follow up with public contact each year.
- Additional recorded crimes in the developments and locality.
- Additional anti-social behaviour incidents each year within the new development and locality.
- Demand for increased patrol cover.
- Additional vehicle use.
- Additional calls on our Airwaves system.
- Additional use of our Police National Database (PND) systems to process and store crime records and intelligence.
- Additional demand for deployment of Mobile CCTV technologies.
- Additional demand for local access to beat staff from local neighbourhood teams.
- Additional policing cover and interventions in all the areas described when considering staffing and functions above and for additional accommodation from which to deliver these.

### The Police Contribution Request

A Section 106 contribution is requested to mitigate the additional impacts of this development. As stated previously, this is intended to be part of a single cumulative request made to the four development schemes (W/14/0681, W/14/0661, W/14/0689 and W/14/0763) proposed for this area. Our existing infrastructures do not have the capacity to meet the impacts arising from these schemes and because, like some other services, we do not have the ability to respond to the growth proposed. We anticipate using rates and Home Office revenues to pay for staff salaries and our day to day routine additional costs (e.g. call charges on telephony and Airwaves and so on).

Contributions are only sought that are related in scale and kind to the development, hence why this request is intended to be one of four. This ensures that the infrastructure in question will be fully funded and delivered. If the contribution is not forthcoming from W/14/0681 there will be a serious impact upon our ability to deliver an effective and efficient service. This is because we will be required to pay the amount ourselves. This in turn means that funds will have to be diverted away from other areas of deployment in South Warwickshire.

Such contributions are consequently lawful in the context of CIL Regulation 122, as explained earlier in these representations and as they are related in scale and kind to the development. As further justification, we confirm that the contribution will be used wholly to meet the direct impacts of this development and wholly in delivering policing to it. Without the development in place it is reasonable to forecast the impacts it will generate using information about known policing demands of comparable local development. Other services use such comparables and we believe that the NPPF encourages this.

The proposed development should make provision to mitigate the direct and additional policing impacts it will generate and cannot depend on the police to just absorb these within existing facilities with limited capacities and where police have no flexibility in funding to do this. It is not forced by current spending reductions, although strictures across the public sector reinforce the need to ensure that developments mitigate the direct impacts they cause.

Due to the very serious implications for policing of new developments, police nationally have taken advice about the best way to proceed in the transition period to the CIL regime. As a result, we only make requests solely in relation to the development under consideration; its direct impacts on policing and the necessary mitigations that it should provide. What follows is a detailed explanation of the methodologies used to calculate the contribution and our application of the statutory tests to justify each part.

#### Setting-up and Equipping of Officers and Staff

The table enclosed in **Appendix 4** shows the estimated additional personnel that will be required to serve the developments proposed by W/14/0681, W/14/0661, W/14/0689 and W/14/0763 combined. As stated previously, it is not appropriate to consider the application site in isolation given the relatively close proximity of the other schemes.

Setting-up and equipping police officers and staff entails providing IT, radios, protective equipment, uniforms and bespoke training in the use of these. However, additional staff will require additional equipment. There are practical limits to the extent to which existing equipment can be re-used e.g. with uniforms or where technology has moved on.

In this case, **Appendix 4** demonstrates that the four developments combined would fully occupy the equivalent of an additional 5 police officers and 4 police staff full-time. Staffing levels are under constant review to ensure that minimum acceptable numbers are deployed to meet existing levels of policing demand. This has the benefit of much needed savings in costs, but as a result there is no additional capacity to extend existing staffing to cover additional development.

Where additional development is proposed, as in this instance, we will seek to deploy additional staffing and additional infrastructures at the same level that is required to deliver policing to the locality. It would be complacent not to do this because without additional support unacceptable pressure will be put on existing staff and our capital infrastructures which will seriously undermine our ability to meet the policing needs of these developments, maintain the current level of policing to the rest of the SNT area and across the South Warwickshire TPU. The

impacts of the four developments are so significant that they cannot be met without additional staff deployed at a level consistent with the current policing of the locality.

The additional staff needed to police the development will require additional equipment. For a police officer, the additional items are recruitment £1,060, training £4,400, uniform and personal equipment £940, workstation £1,642. For other staff the additional items are recruitment £1,060 and workstation £1,642. As the development is forecast to contribute to a need for the equivalent of 5 full time officers and 4 full time staff members over its lifetime (**Appendix 4**), the contribution for setting-up and equipment is calculated to be £16,282 (**Appendix 5**).

We could not have officers and staff attending and delivering services to this development with less than adequate equipment, training and facilities without unnecessary risks to themselves and occupiers served.

*Is the contribution necessary to make the development acceptable in planning terms?*

Crime and community safety are planning considerations. The Council's own adopted and emerging Local Plans further demonstrate this. The NPPF identifies the need to achieve security in new development and makes provisions to deliver this through the planning system. Deployment of equipped staff is fundamental to delivering community safety and mitigating crime.

*Is it directly related to the development?*

The policing demands of this development are identified and police mitigation of these can only be delivered by adequately equipped staff. This has been calculated with reference to robust data sets and the specifications of the proposed development.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

**Appendices 4 and 5** set out the methodology for calculating the contribution that is fairly and reasonably related in scale and kind to the development. In addition, this is a residential development and the policing demands it will generate is known by comparison with local residential development. This is the only satisfactory way of determining the need from development that is not yet built. Therefore, level of demand and mitigations have been determined by the scale and kind of the development.

### Police Vehicles

In managing and responding to crime a number of different vehicles can be deployed ranging from general response vehicles and patrol cars, unmarked general support vehicles, police service unit vans and minibuses, scientific (e.g. SOCO) vehicles, pursuit vehicles – 4x4 and high speed, motorcycles and so on. Current fleet deployment to Warwickshire comprises 350 cars/vans and 50 bicycles. Based on the number of posts in WP (1,517), this equates to a ratio of 1 vehicle per 4 posts and 1 bicycle per 30 posts.

The average cost of a vehicle is £28,500. This includes the cost of the vehicle and the operational equipment required. The cost quoted does exclude fuel. We replace vehicles, on average, every 3 years and in the majority of cases there is no resale value. Based on this existing level of deployment to the locality we can forecast additional demands as a result of the developments.

The vehicle fleet also includes bicycles used for local neighbourhood policing.

In order to equip the additional officers (**Appendix 4**) required for policing this development and the others proposed for the area, 1 additional vehicle and 1 additional bicycle will be required. The set-up costs for these are shown in **Appendix 6**.

The impact of the development without the contribution will be that we will be required to spend the money ourselves, which in turn will spread existing transport resources too thinly to the extent that service delivery is prejudiced. Residents of the new development and their representatives will expect the same degree of cover as elsewhere in the locality and existing residents will expect existing cover to be maintained and not reduced as a result of the new developments.

*Is the contribution necessary to make the development acceptable in planning terms?*

Vehicles are fundamental infrastructure and facility to deliver community safety and address crime especially at Neighbourhood level.

*Is it directly related to the development?*

Fleet deployment is related to the known policing demands of comparable development in the WP area. The direct demand from the new developments can be accurately forecast. Delivering policing direct to this development, without detriment to existing areas, will not be possible without additional vehicle funding to do so.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the police vehicle demands it will generate are known by comparison with deployment to other local residential developments. Therefore, level of demand and mitigations have been determined by the scale and kind of the development.

#### Automatic Number Plate Recognition (ANPR) Cameras

ANPR is a proven crime fighting tool which is used across the alliance area. Police-monitored ANPR has led to thousands of arrests and been involved in the detection of countless crimes. New development should benefit from the same technology as elsewhere in the alliance area. Indeed, crime levels are mitigated with this technology in place. Without ANPR, crime levels will rise and detection will become much more resource consuming.

Crime levels in the area immediately around the four proposed development sites are relatively low in comparison with other parts of the alliance area. However, once delivered they will unfortunately cumulatively be a draw for travelling criminals locally and nationally. Police monitored ANPR is an effective tool in preventing and combating this type of crime. The use of these technologies also has a beneficial impact in terms of minimising staff attendance.

We therefore currently carrying out an assessment as to how many ANPR cameras will be needed, where they should be located and the precise financial contributions that can be attributable in CIL Regulation 122 terms to the developments proposed by W/14/0681, W/14/0661, W/14/0689 and W/14/0763 respectively.

Unfortunately, it is not possible to complete this detailed ANPR assessment in time for the 21-day public consultation deadlines for W/14/0681, W/14/0661 and W/14/0689. We will however endeavour to submit this as soon as possible. The forthcoming ANPR submission should consequently be considered, once submitted, an addendum to these representations and to those submitted to the other three planning applications.



## Safer Neighbourhood Team (SNT) Police Office

Day-to-day policing services to the application site are currently provided from Warwick Police Station. These services operate on the basis that there is no demand from the four application sites.

Services are not provided from our Greys Mallory Patrol Base (GMPB) located by Europa Way. The GMPB is one of the main vehicle centres for police patrols operating throughout Warwickshire's highways network. The site and building are designed exclusively for this purpose. It is therefore wholly unsuitable for delivering the community policing services that will be required by proposed developments W/14/0681, W/14/0661, W/14/0689 and W/14/0763.

There is however no reason to doubt that there will be a corresponding increase in crime and demand from new residents, occupiers and visitors to the application site and to the other proposed development site for policing services. These services cover a wide range spectrum of support and intervention.

It will consequently be necessary to accommodate the additional staff (as identified above), to deliver policing to the two proposed development sites. Whilst officers spend time away from base they are not independent and require a start and finish location, storage, briefing and report writing facilities. Our existing facilities cannot accommodate all the additional staff required (see **Appendix 4**) if the developments proposed by planning applications W/14/0681, W/14/0661, W/14/0689 and W/14/0763 are delivered.

However it is not appropriate, or logical, to provide separate police offices at each of the proposed development sites.

We therefore contend that a single new Safer Neighbourhood Team (SNT) Police Office should be situated within the local centre proposed by W/14/0661. This will provide the accommodation necessary for the additional officers and staff (**Appendices 4 and 5**) to provide services to the four proposed developments. The cost of providing it should therefore be shared proportionally by applications W/14/0681, W/14/0661, W/14/0689 and W/14/0763.

The Safer Neighbourhood Team (SNT) Police Office can either be freestanding within the local centre proposed by W/14/0661, or as part of a "community hub" within the same local centre. **Appendix 7** provides indicative specifications and costings of the Police Office, on the basis of a freestanding facility. This notwithstanding, the specification does provide an illustration of the type of accommodation required. It also demonstrates that there may be scope for police personnel to share some facilities, such as kitchen and toilet areas, with other users of the community hub if this approach is progressed.

We contend that the costs of delivering the facility should be shared according to the number of dwellings proposed by each of the four proposed developments. Clearly, the specifications and cost of the new facility will need to be the subject of further detailed discussions in due course. Therefore, it is not possible to calculate a precise cost figure that can be attributed to each planning application at this stage. Instead, agreement is needed on the percentage of the final cost of the facility that each application should contribute. Please see **Appendix 8** for our suggested methodology in this respect.

The request for a contribution towards the provision of a Safer Neighbourhood Team (SNT) Police Office is compliant with the tests set out in CIL Regulation 122, as detailed below:

*Is the infrastructure necessary to make the development acceptable in planning terms?*

Crime and community safety are planning considerations and accommodating staff in the optimum location to serve the four developments is essential if this is to be achieved. The NPPF identifies the need to achieve security in new development and make provision to deliver this through the planning system. In order to meet our statutory obligations, we require the provision of a new Safer Neighbourhood Team (SNT) Police Office.

*Is it directly related to the development?*

The additional staffing needs the development will generate have been established by reference to existing local deployment reflecting the actual Policing demands and crime patterns of the locality. In a similar vein the premises requirements that result from the need to accommodate additional staff at these levels is known. A direct relationship between the development, additional staffing and accommodation is demonstrated and it is appropriate to mitigate this through the planning system.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the accommodation needs of staff delivering Policing to meet local demands of development of this nature are known.

It should also be noted that in our calculations we have only accounted for the dwelling houses, not the other types of development proposed, as we do not have the data to quantify the precise demands arising from such uses in policing terms. However, it would be reasonable to assume that there will be a demand for policing services on top of those expected for the residential dwellings.

Therefore, the contribution requested is based on the scale and kind of the development proposed by W/14/0681, W/14/0661, W/14/0689 and W/14/0763.

Summary of Pro Rata Contributions Requested from W/14/0681

|   |                    |
|---|--------------------|
| Recruitment and equipping of officers and staff | £16,282            |
| Police Vehicles                                 | £9,984             |
| Automatic Number Plate Recognition Cameras      | To be confirmed    |
| Premises (indicative contribution - 32%)        | £144,313.92        |
| <b>Total (excluding ANPR)</b>                   | <b>£170,579.92</b> |

Without the contribution the development will be unacceptable in planning terms and permission should not be granted as indicated in the NPPF. The lack of capacity in existing infrastructure to accommodate the population growth and associated demands occasioned by the development means that it is necessary for the developers to provide a contribution so that the situation might be remedied. The request is directly related to the development and the direct policing impacts it will generate based on an examination of demand levels in the local SNT and TPU area in which it is situated, adjacent areas and existing policing demands and deployment in relation to this. The request is wholly related in scale and kind of the proposed development.

We have undertaken this approach to requesting contributions taking account of advice we have received and recent reductions in our deployment. We have been advised that the contents of this submission are sufficient to justify the contribution sought. This approach has also been considered in six appeals where all the Inspectors and in two cases the Secretary of State, have found police requests for contributions compliant with CIL Regulation 122. These are as follows: -

- APP/X2410/A/13/2196938 & APP/X2410/A/13/2196929 (Secretary of State determination) – 8 April 2014
- APP/T2405/A/13/2193758 – 01 August 2013
- APP/G2435/A/13/2192131 – 30 May 2013
- APP/X2410/A/12/2173673 (Secretary of State determination) – 14 May 2013
- APP/X2410/A/12/2187470 – 15 April 2013
- APP/F2415/A/12/2179844 – 14 February 2013

We therefore consider that our request for contributions is robust, demonstrated by the evidence included in the Appendices to these representations and fully compliant with CIL Regulation 122.

Overall, we trust that these representations will be given due consideration and look forward to working with the Council and applicants to address all of the issues raised, namely highways and traffic management, Secured by Design and our request for a Section 106 contribution to mitigate the demands that delivery of the proposed scheme will have upon police services in this area of the District.

Yours sincerely

**Andrew Morgan**  
**Strategic Planner**

*“Without prejudice to any other obligation imposed upon it, it shall be the duty of each local authority to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area: Section 17(1) of the Crime and Disorder Act 1998.”*

## **Appendix 1**

### **Ian Dove QC Advice**

**Decision letter – Land at Melton Road, Barrow-upon-Soar**

**Decision letter – Land off Mountsorrel Lane, Rothley**

**Staffing Levels – Existing and Proposed**

In the context of the uncertainty about the future organisation and staffing numbers for WP, the table uses current planned staffing levels as a basis for calculating the additional staffing requirement to serve the sites. The staffing levels below (identified as budgeted posts) are for the whole WP area and include the various support staff, many of whom are responsible for providing services across the WP area and not just within South Warwickshire. The population of WP's geographical area is currently about 545,500 and the area accommodates about 231,000 dwellings (Census 2011). The total levels of staffing across the whole of the WP area have been used to calculate pro-rata requirements for additional personnel required to serve the proposed developments.

The table below therefore shows the current budgeted posts and estimated additional personnel numbers required to serve 1,410 dwellings. This represents the cumulative total of planning applications W/14/0681, W/14/0661, W/14/0689 and W/14/0763.

| <b>Command Area</b>        | <b>Total Posts in Warks</b> | <b>Approx Population in Warks per Post</b> | <b>Approx Dwellings in Warks per Post</b> | <b>Pro Rata Post Requirement (1,410 dw)</b>             |
|----------------------------|-----------------------------|--|---|---|
| <b>Local Policing</b>      |                             |  |   |   |
| Police Officers            | 566                         | 964  | 408                                       | 4   |
| Police Staff               | 400                         | 1,364                                      | 578                                       | 2   |
| <b>Protective Services</b> |                             |  |   |   |
| Police Officers            | 232                         | 2,351                                      | 996                                       | 1   |
| Police Staff               | 163                         | 3,347                                      | 1,417                                     | 1   |
| <b>Enabling Services</b>   |                             |  |   |   |
| Police Officers            | 8                           | 68,188                                     | 28,875                                    | 0   |
| Police Staff               | 103                         | 5,296                                      | 2,243                                     | 1   |
| <b>Finance</b>             |                             |  |   |   |
| Police Officers            | 1                           | 545,500                                    | 231,000                                   | 0   |
| Police Staff               | 44                          | 12,398                                     | 5,250                                     | 0   |
| <b>Total</b>               | <b>1,517</b>                |  |   | <b>9<br/>(5 Police Officers<br/>and 4 Police Staff)</b> |

The personnel requirements include both officers and support staff; broadly the Protective Services and Local Policing Units comprise mainly officers – the visible police presence – and the remaining units provide support functions. For the purposes of this assessment we consider that the 9 personnel will comprise 5 Police Officers and 4 Police Staff members.

These figures have also been discussed and verified with the Command Team for South Warwickshire TPU, led by Superintendent Debra Tedds. The Command Team have confirmed that the level of demand for policing services expected from the new developments, both during construction and once delivered, warrant the personnel numbers being proposed. If required funding for the personnel (see **Appendix 5**) is not provided, this will detrimentally impact on the TPU's ability to deliver sufficient coverage and protection to the developments both during construction and after delivery. This in turn would have 'knock-on' effects for the policing of South Warwickshire as a whole.



**Appendix 5**

**Officers and Staff Set-up Costs**

**Contribution Requested From W/14/0681**

| <b>Additional Officers</b>                       | <b>Approx Set-up Cost per Officer</b> | <b>Pro Rata Requirement for 5 Officers</b> |
|--|---------------------------------------|--|
| Recruitment                                      | £1,060                                | £5,300                                     |
| Training   | £4,400                                | £22,000                                    |
| Uniform & Personal equipment                     | £940                                  | £4,700                                     |
| Standard equipment (ICT and furniture)           | £1,642                                | £8,210                                     |
| <b>Total costs</b>                               | <b>£8,042</b>                         | <b>£40,210</b>                             |
| <b>Pro rata total - 450 homes of 1,410 total</b> | -                                     | <b>£12,833</b>                             |

| <b>Additional Central Support Services</b>       | <b>Approx Set-up Cost per Member of Staff</b> | <b>Pro Rata Requirement for 4 Staff</b> |
|--|---|---|
| Recruitment                                      | £1,060  | £4,240                                  |
| Standard equipment (ICT and furniture)           | £1,642  | £6,568                                  |
| <b>Total costs</b>                               | <b>£2,702</b>                                 | <b>£10,808</b>                          |
| <b>Pro rata total - 450 homes of 1,410 total</b> | -   | <b>£3,449</b>                           |

**Appendix 6**

**Vehicle and Bicycle Costs**

**Contribution Requested From W/14/0681**

Current fleet deployment to Warwickshire comprises 350 cars/vans and 50 bicycles. Based on the number of posts in WP (1,517), there is a ratio of 1 vehicle per 4 posts and 1 bicycle per 30 posts.

It is essential that the current ratio of personnel to vehicles and personnel to bicycles applies to the additional personnel required as a result of development growth.

Vehicles costs have been capitalised on 5 year lifetime average costs for a low/medium size equipped vehicles (excluding fuel). Bicycle costs are established at £1,299 per cycle, with an additional maintenance charge of £297 per bicycle per annum, or £1,485 per 5 years, capitalised. The total cost of providing each new cycle and maintaining it for 5 years is therefore £2,784.

These costs do not include any costs for specialist operational equipment, and the cost estimates below are therefore moderated very conservatively.

On the basis of an additional 5 Police Officers in the territorial and protective services (**Appendix 4**), it is calculated that there will be a requirement for an additional vehicle and bicycle.

The cost of vehicles (both motorised and bicycles) based on 5 additional Police Officers required as a result of the proposed developments are shown below:

| <b>Additional vehicles and bicycles</b>          | <b>Cost per item</b> | <b>Current cost for planned growth (1,410 dw)</b> |
|--|----------------------|---|
| 1 vehicle  | £28,500              | £28,500   |
| 1 bicycle  | £2,784               | £2,784  |
| <b>Total costs</b>                               | <b>£31,284</b>       | <b>£31,284</b>                                    |
| <b>Pro rata total - 450 homes of 1,410 total</b> | -                    | <b>£9,984</b>                                     |

**Indicative Specifications and Cost of Freestanding SNT Police Office**

**Methodology for Calculating Contributions Towards SNT Police Office**

Overall, a total of 1,410 dwellings are proposed by planning applications W/14/0681, W/14/0661, W/14/0689 and W/14/0763.

Using the indicative £450,981 total cost given in **Appendix 7** for the SNT Police Office, the methodology for attributing requested contributions to each application towards this total is as follows:

| <b>Planning Application</b> | <b>Number of Dwellings</b> | <b>% of Total Dwellings</b> | <b>Contribution Requested</b> |
|-----------------------------|----------------------------|-----------------------------|-------------------------------|
| W/14/0661                   | 785                        | 55                          | £248,039.55                   |
| W/14/0681                   | 450                        | 32                          | £144,313.92                   |
| W/14/0689                   | 150                        | 11                          | £49,607.91                    |
| W/14/0763                   | 25                         | 2                           | £9,019.62                     |
| <b>Total</b>                | <b>1,410</b>               | <b>100</b>                  | <b>£450,981</b>               |



Warwickshire  
**POLICE**



West Mercia  
**POLICE**

11 June 2014

Our Ref: P/H Div/0020/14  
Your Ref: W/14/0689

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Mr Rob Young, Planning Officer  
Development Services  
PO Box 2178  
Warwick District Council  
Riverside House  
Milverton Hill  
Royal Leamington Spa  
CV32 5QH

Dear Mr Young

## **PLANNING APPLICATION W/14/0689 – LAND OFF OAKLEY WOOD ROAD POLICE SERVICE REPRESENTATIONS**

As part of a Strategic Alliance, Warwickshire Police (WP) and West Mercia Police (WMP) now act as one on all infrastructure and town planning related matters across their combined geographical area. This includes making joint representations to all local planning authorities and other parties. For the avoidance of doubt however, the two forces retain their separate Police and Crime Commissioners (PCCs) and respective command teams.

From the perspective of the police service, planning application W/14/0689 is one of four proposed for this area of Warwick District: -

- W/14/0689 – Land off Oakley Wood Road – 150 dwellings – Bloor Homes
- W/14/0661 - Land at Lower Heathcote Farm – 785 dwellings – Gallagher Estates
- W/14/0681 – Land South of Gallows Hills – 450 dwellings – Gallagher Estates
- W/14/0763 – Land off Seven Acre Close – 25 dwellings – A.C. Lloyd Homes Ltd



[www.warwickshire.police.uk](http://www.warwickshire.police.uk)  
[www.westmercia.police.uk](http://www.westmercia.police.uk)



@warkspolice  
@wmerciapolice



warwickshire police  
west mercia police



1,410 new dwellings are consequently proposed for this area of the District. The result is that the impacts arising from each of the proposed developments directly upon the police service cannot be considered in isolation from one another. By extension, mitigation is therefore not possible in an isolated fashion for each one. Representations have consequently been submitted in relation to each of the above applications. We request that the four representations are considered as one suite of documents making a cumulative case, rather than each one being considered separately.

It should be understood at the outset by all parties that WP and WMP take an entirely neutral position on the question of whether the proposed developments should be granted planning consent. We are aware also that not all the schemes may be granted planning consent. That is not our concern either. To ensure the resilience of the police service on a long-term basis in this area of the District, we are obliged to assume that all four will come forward and plan our infrastructure and service provision accordingly for the moment. As further information becomes available and/or the situation changes, further representations will be made as appropriate and necessary.

These representations to planning application W/14/0689 provide our comments with respect to the following matters: -

1. Traffic management implications;
2. Secured by Design; and
3. Police infrastructure requirements.

### **Description of the Proposed Development**

Outline planning application W/14/0689, proposed by Bloor Homes Ltd, is for the erection of up to 150 dwellings, school drop-off, open space, landscaping, sustainable drainage systems, access, footpaths and associated infrastructure.

### **Traffic Management Implications**

We recommend that the access road for the development includes traffic calming measures to maximise road safety without the need for continual police intervention. To this end, we request involvement in any Road Safety Audit as these proposals progress.

In respect of the above comments our Traffic Management Advisor, Mr Mike Digger, would welcome the opportunity to discuss them directly with the Council and the applicants. Mr Digger can be contacted on: -

Tel: 01905 331258  
Email: michael.digger@westmercia.pnn.police.uk

### **Secured by Design**

As planning application W/14/0689 is in outline form, there is insufficient information contained within it to enable us to comment on this matter. If the Council grants planning consent and the proposal progresses to the reserved matters stage, we will make detailed representations on this topic at that time. If the Council or the applicants would like to discuss this matter further in the meantime, please contact our Crime Prevention Design Advisor, Mr Ian King, on: -

Tel: 01926 684279  
Email: ian.king@warwickshire.pnn.police.uk

## **Police Infrastructure Requirements – Request for Section 106 Contribution**

### What does 'Infrastructure' mean in the Police Context?

Developer contributions are not being sought towards revenue/salary costs by the Police. Only infrastructure that is necessary to facilitate the delivery of policing services to development growth is detailed in these representations.

'Infrastructure' is not however a narrow term referring only to buildings. The Association of Chief Police Officers (ACPO) has taken legal advice from Ian Dove QC and this supports this contention (**Appendix 1** – see paragraph 7). Infrastructure can include equipment, which for example, includes vehicles, communications technology and surveillance equipment. It is also legitimate to include set up costs for new officers and staff covering equipment, training, uniform and personal equipment. As confirmed in this advice, this also pertains under the CIL regime. This is elaborated on further below.

### Regulatory Context

We have ensured that the request set out below is fully compliant with the tests set out in CIL Regulation 122 as follows:

- Necessary to make the proposed development acceptable in planning terms.
- Directly related to the proposed development.
- Fairly and reasonable related in scale and kind to the proposed development.

Contributions towards police infrastructure have been found to be lawful when tested at appeal in decisions by the Secretary of State. In one appeal decision, (APP/X2410/A/12/2173673), the Inspector noted that:

*“Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services.”*

The decision letter relating to this appeal was issued in May 2013 and relates to a proposal for 300 dwellings on land at Melton Road, Barrow upon Soar, Leicestershire. The decision letter and Inspector's report are included at **Appendix 2**. This appeal was recovered for determination by the Secretary of State who agreed with the Inspector's conclusions and recommendations, including those relating to Planning Obligations. Paragraphs 288-294 deal with contributions towards policing and paragraphs 291 and 292 are particularly relevant.

The conclusions of the above were tested again recently by the Secretary of State in April 2014 at appeal (APP/X2410/A/13/2196928 & APP/X2410/A/13/2196929) and upheld. He concluded at paragraph 16 of his decision that: -

*“He also agrees with the Inspector (IR8.43-8.46) that the completed s106 Unilateral Undertaking, dated December 2013, between the Appellant, the Council and the Police and Crime Commissioner for Leicestershire (APP10) meets the tests of Regulation 122 and the Framework and should be regarded as material consideration.”*

The decision letter, relating to a proposal for 250 dwellings on land off Mountsorrel Lane, Rothley, Leicestershire and Inspector's report are included at **Appendix 3**. Paragraphs 5.1 –

5.12 of the Inspector's report deal with contributions towards policing and paragraphs 5.5 and 5.7 are particularly relevant.

It is therefore clear that where the rationale is clear and supported by evidence, contributions towards policing are compatible with Regulation 122, as confirmed by the aforementioned appeal decisions. We consider that all items of infrastructure sought in relation to the proposed development meet the statutory tests.

### National Policy Context

The national policy position to support our request exists in the National Planning Policy Framework (NPPF). Securing sufficient facilities and services to meet local needs is a core planning principle (paragraph 17). Planning is to deliver facilities and services that communities need (paragraph 70). Local plan policies should deliver the provision of security infrastructure and other local facilities (paragraph 156). Local plan policy and decision making should be seamless (paragraph 186). Infrastructure planning should accompany development planning by LPAs (paragraph 177) who should work together with infrastructure providers (paragraph 162). The NPPF seeks environments where crime and disorder and the fear of crime do not undermine the quality of life and community cohesion (paragraph 69) and planning policies and decisions should deliver this (paragraph 58).

### Local Policy Context

The development plan comprises of the '*Warwick District Local Plan 1996-2011*' (adopted September 2007). There are two policies relevant to these representations.

Policy DP14 – '*Crime Prevention*' states that the layout and design of development will be encouraged to minimise the potential for crime and anti-social behaviour and improve community safety. Paragraph 4.88 to Policy DP14 highlights the fact that the Council is required under Section 17 of the Crime and Disorder Act 1998 to take account of crime and disorder in all of its work. Paragraph 4.90 adds that applicants will be encouraged to obtain a 'Secured by Design' certificate from our Crime Prevention Design Advisor.

Policy SC14 – '*Community Facilities*' confirms that contributions will be sought towards community facilities in conjunction with new development where appropriate. Supporting paragraph 5.83 states that new development puts pressure on existing infrastructure and that Government guidance is clear that planning authorities may seek contributions from applicants to offset the cost of this. Supporting paragraph 5.84 confirms that community facilities are included within the scope of Policy SC14.

The emerging development plan comprises of the '*Warwick District Local Plan 2011-2029 – Publication Draft*' (May 2014). Although this document can only be ascribed limited material weight in view of its draft status, we consider that two policies should be noted by all parties.

Policy HS7 – '*Crime Prevention*' states that development proposals should make provision for appropriate design and security measures to ensure crime prevention. This is elaborated on by the supporting '*Draft Infrastructure Delivery Plan – April 2014*', which states in relation to police infrastructure on page 20 that provision needs to be made for: -

*'3 additional offices (Safer Neighbourhood Team Police Offices) at Europa Way, Lower Heathcote Farm and Thickthorn...*

*A range of other CIL compliant costs including vehicles, communications technology and surveillance technology, training, uniform and personal equipment.'*

Policy DM1 – ‘*Infrastructure Contributions*’ states that development will be expected to provide, or contribute towards, the provision of physical and social infrastructure required to make it acceptable in planning terms. Furthermore the policy states that the Council will seek to secure site-specific infrastructure investments and/contributions, as well as off-site contributions and/or investments.

The policy concludes by stating that the Council will work with infrastructure providers to ensure the supporting Infrastructure Delivery Plan is up to date. As noted above, the ‘*Draft Infrastructure Delivery Plan – April 2014*’ confirms that the police and the emergency services are ‘infrastructure’; thereby the Council recognises that they are legitimate recipients of planning obligations.

### WP’s Role and Responsibility

In this instance, we are responsible for delivering services to address community safety, tackle the fear of crime and seek to achieve a reduction in crime. The delivery of growth and new development, such as W/14/0689, places additional pressure on our infrastructure base, which is critical to the delivery of effective policing and securing safe and sustainable communities.

The primary issue for us is to ensure that new development like W/14/0689 makes adequate provision for the future policing needs it will generate. Like some other public services, our primary funding is insufficient to add new infrastructure to support new development when and wherever this occurs. Further, there are no bespoke funding regimes e.g. like Building Schools for the Future or the Health LIFT, to provide capital investment for our facilities.

This situation has been recognised by the Association of Chief Police Officers (ACPO) nationally for some time and there are public statements which explain our particular funding difficulties.

In addition to the above, the money received by us is comparatively low relative to the size of population in our geographical area. Whilst revenue funding is provided by the Home Office and the Council Tax precept, capital projects are mostly financed through borrowing. Borrowing to provide infrastructure has an impact on delivery of safe and sustainable communities because loans have to be repaid from revenue budgets, the corollary of which is a reduction in the money available to deliver operational policing.

### Current Levels of Policing Demand from the Locality

Policing is a 24/7 service resourced to respond and deploy on an “on demand” and “equal basis” and is wholly dependant on a range of facilities for staff to deliver this. Calls and deployments for this area, via our control room at Leek Wootton, are monitored and give an indication of the level of service demand in different areas

The application site is encompassed within the ‘Warwick Rural West’ Safer Neighbourhood Team (SNT) area, which is led by Sergeant David Kettle. During the period April 2013 – April 2014 we dealt with 392 offences, 3,409 incidents and 202 anti-social behaviour incidents from this SNT area. It is worth noting that within the specific geographical area encompassed by the application site almost no crime and incidents were recorded, which reflects the current open field character of the site.

## Current Levels of Deployment and Infrastructure

Regular patrolling of the locality and local community around the application site is maintained by the aforementioned SNT operating from Warwick Police Post on Cape Road. Though the SNT operates on the basis that there is no demand from the application site.

It should however be understood that the wider organisation and delivery of policing services is not on a town by town or even on a district by district basis. In this instance the TPU, led by Superintendent Debra Tedds, delivers all neighbourhood policing services to Warwick District and Stratford-on-Avon District. The TPU also provides some support functions as well. Other TPUs cover the remainder of WP's and WMP's combined geographical area. However, the majority of the support and specialist services necessary to support the 'front line' are currently provided in this instance from Leek Wootton and our Hindlip Hall campus.

A huge range of central policing services are delivered to the District, encompassing areas such as:

- Investigations
- Intelligence
- Response policing
- Criminal justice
- Operations planning
- Dogs and firearms
- Special branch
- Forensic services
- Road policing
- Tactical support group
- IT and communications
- Child abuse team
- Economic crime team

All of the above central support services and others will be called upon during the lifetime of the proposed development, should it be delivered, just as they currently are for the existing settlements. These services and others in turn require organisational support functions in order to operate, such as:

- Finance
- Human resources
- Training
- Top level management

Specific numbers of staff delivering policing are spread across the following functions:

- 225 Police Officers deliver neighbourhood policing and emergency responses to South Warwickshire. They are not disaggregated according to District and therefore operate across the combined area. This figure does not include the officers based at Leek Wootton and our Hindlip Hall campus who are part of numerous specialist teams who deploy according to need across the entire force area.
- 59 Police Staff deliver support functions to the South Warwickshire TPU. Like officers, they deliver services to the whole area and are not disaggregated according to District. However this does not include the staff based at Leek Wootton and our Hindlip Hall

campus, who will provide support across the entire alliance geographical area as need arises.

Based on existing crime patterns, and policing demand and deployment from nearby areas, indicates the direct and additional impacts of the development on local policing that will be manifested in demand and responses in the following areas:

- Additional calls and responses per year via our control centre.
- Attendance to additional emergency events within the proposed development and locality each year.
- Additional non-emergency events to follow up with public contact each year.
- Additional recorded crimes in the developments and locality.
- Additional anti-social behaviour incidents each year within the new development and locality.
- Demand for increased patrol cover.
- Additional vehicle use.
- Additional calls on our Airwaves system.
- Additional use of our Police National Database (PND) systems to process and store crime records and intelligence.
- Additional demand for deployment of Mobile CCTV technologies.
- Additional demand for local access to beat staff from local neighbourhood teams.
- Additional policing cover and interventions in all the areas described when considering staffing and functions above and for additional accommodation from which to deliver these.

#### The Police Contribution Request

A Section 106 contribution is requested to mitigate the additional impacts of this development. As stated previously, this is intended to be part of a single cumulative request made to the four development schemes (W/14/0689, W/14/0661, W/14/0681 and W/14/0763) proposed for this area. Our existing infrastructures do not have the capacity to meet the impacts arising from these schemes and because, like some other services, we do not have the ability to respond to the growth proposed. We anticipate using rates and Home Office revenues to pay for staff salaries and our day to day routine additional costs (e.g. call charges on telephony and Airwaves and so on).

Contributions are only sought that are related in scale and kind to the development, hence why this request is intended to be one of four. This ensures that the infrastructure in question will be fully funded and delivered. If the contribution is not forthcoming from W/14/0689 there will be a serious impact upon our ability to deliver an effective and efficient service. This is because we will be required to pay the amount ourselves. This in turn means that funds will have to be diverted away from other areas of deployment in South Warwickshire.

Such contributions are consequently lawful in the context of CIL Regulation 122, as explained earlier in these representations and as they are related in scale and kind to the development. As further justification, we confirm that the contribution will be used wholly to meet the direct impacts of this development and wholly in delivering policing to it. Without the development in place it is reasonable to forecast the impacts it will generate using information about known policing demands of comparable local development. Other services use such comparables and we believe that the NPPF encourages this.

The proposed development should make provision to mitigate the direct and additional policing impacts it will generate and cannot depend on the police to just absorb these within existing facilities with limited capacities and where police have no flexibility in funding to do this. It is not

forced by current spending reductions, although strictures across the public sector reinforce the need to ensure that developments mitigate the direct impacts they cause.

Due to the very serious implications for policing of new developments, police nationally have taken advice about the best way to proceed in the transition period to the CIL regime. As a result, we only make requests solely in relation to the development under consideration; its direct impacts on policing and the necessary mitigations that it should provide. What follows is a detailed explanation of the methodologies used to calculate the contribution and our application of the statutory tests to justify each part.

#### Setting-up and Equipping of Officers and Staff

The table enclosed in **Appendix 4** shows the estimated additional personnel that will be required to serve the developments proposed by W/14/0689, W/14/0661, W/14/0681 and W/14/0763 combined. As stated previously, it is not appropriate to consider the application site in isolation given the relatively close proximity of the other schemes.

Setting-up and equipping police officers and staff entails providing IT, radios, protective equipment, uniforms and bespoke training in the use of these. However, additional staff will require additional equipment. There are practical limits to the extent to which existing equipment can be re-used e.g. with uniforms or where technology has moved on.

In this case, **Appendix 4** demonstrates that the four developments combined would fully occupy the equivalent of an additional 5 police officers and 4 police staff full-time. Staffing levels are under constant review to ensure that minimum acceptable numbers are deployed to meet existing levels of policing demand. This has the benefit of much needed savings in costs, but as a result there is no additional capacity to extend existing staffing to cover additional development.

Where additional development is proposed, as in this instance, we will seek to deploy additional staffing and additional infrastructures at the same level that is required to deliver policing to the locality. It would be complacent not to do this because without additional support unacceptable pressure will be put on existing staff and our capital infrastructures which will seriously undermine our ability to meet the policing needs of these developments, maintain the current level of policing to the rest of the SNT area and across the South Warwickshire TPU. The impacts of the four developments are so significant that they cannot be met without additional staff deployed at a level consistent with the current policing of the locality.

The additional staff needed to police the development will require additional equipment. For a police officer, the additional items are recruitment £1,060, training £4,400, uniform and personal equipment £940, workstation £1,642. For other staff the additional items are recruitment £1,060 and workstation £1,642. As the development is forecast to contribute to a need for the equivalent of 5 full time officers and 4 full time staff members over its lifetime (**Appendix 4**), the contribution for setting-up and equipment is calculated to be £5,428 (**Appendix 5**).

We could not have officers and staff attending and delivering services to this development with less than adequate equipment, training and facilities without unnecessary risks to themselves and occupiers served.

*Is the contribution necessary to make the development acceptable in planning terms?*

Crime and community safety are planning considerations. The Council's own adopted and emerging Local Plans further demonstrate this. The NPPF identifies the need to achieve security in new development and makes provisions to deliver this through the planning system.

Deployment of equipped staff is fundamental to delivering community safety and mitigating crime.

*Is it directly related to the development?*

The policing demands of this development are identified and police mitigation of these can only be delivered by adequately equipped staff. This has been calculated with reference to robust data sets and the specifications of the proposed development.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

**Appendices 4 and 5** set out the methodology for calculating the contribution that is fairly and reasonably related in scale and kind to the development. In addition, this is primarily a residential development and the policing demands it will generate is known by comparison with local residential development. This is the only satisfactory way of determining the need from development that is not yet built. Therefore, level of demand and mitigations have been determined by the scale and kind of the development.

### Police Vehicles

In managing and responding to crime a number of different vehicles can be deployed ranging from general response vehicles and patrol cars, unmarked general support vehicles, police service unit vans and minibuses, scientific (e.g. SOCO) vehicles, pursuit vehicles – 4x4 and high speed, motorcycles and so on. Current fleet deployment to Warwickshire comprises 350 cars/vans and 50 bicycles. Based on the number of posts in WP (1,517), this equates to a ratio of 1 vehicle per 4 posts and 1 bicycle per 30 posts.

The average cost of a vehicle is £28,500. This includes the cost of the vehicle and the operational equipment required. The cost quoted does exclude fuel. We replace vehicles, on average, every 3 years and in the majority of cases there is no resale value. Based on this existing level of deployment to the locality we can forecast additional demands as a result of the developments.

The vehicle fleet also includes bicycles used for local neighbourhood policing.

In order to equip the additional officers (**Appendix 4**) required for policing this development and the others proposed for the area, 1 additional vehicle and 1 additional bicycle will be required. The set-up costs for these are shown in **Appendix 6**.

The impact of the development without the contribution will be that we will be required to spend the money ourselves, which in turn will spread existing transport resources too thinly to the extent that service delivery is prejudiced. Residents of the new development and their representatives will expect the same degree of cover as elsewhere in the locality and existing residents will expect existing cover to be maintained and not reduced as a result of the new developments.

*Is the contribution necessary to make the development acceptable in planning terms?*

Vehicles are fundamental infrastructure and facility to deliver community safety and address crime especially at Neighbourhood level.



*Is it directly related to the development?*

Fleet deployment is related to the known policing demands of comparable development in the WP area. The direct demand from the new developments can be accurately forecast. Delivering policing direct to this development, without detriment to existing areas, will not be possible without additional vehicle funding to do so.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the police vehicle demands it will generate are known by comparison with deployment to other local residential developments. Therefore, level of demand and mitigations have been determined by the scale and kind of the development.

#### Automatic Number Plate Recognition (ANPR) Cameras

ANPR is a proven crime fighting tool which is used across the alliance area. Police-monitored ANPR has led to thousands of arrests and been involved in the detection of countless crimes. New development should benefit from the same technology as elsewhere in the alliance area. Indeed, crime levels are mitigated with this technology in place. Without ANPR, crime levels will rise and detection will become much more resource consuming.

Crime levels in the area immediately around the four proposed development sites are relatively low in comparison with other parts of the alliance area. However, once delivered they will unfortunately cumulatively be a draw for travelling criminals locally and nationally. Police monitored ANPR is an effective tool in preventing and combating this type of crime. The use of these technologies also has a beneficial impact in terms of minimising staff attendance.

We therefore currently carrying out an assessment as to how many ANPR cameras will be needed, where they should be located and the precise financial contributions that can be attributable in CIL Regulation 122 terms to the developments proposed by W/14/0689, W/14/0661, W/14/0681 and W/14/0763 respectively.

Unfortunately, it is not possible to complete this detailed ANPR assessment in time for the 21-day public consultation deadlines for W/14/0689, W/14/0661 and W/14/0681. We will however endeavour to submit this as soon as possible. The forthcoming ANPR submission should consequently be considered, once submitted, an addendum to these representations and to those submitted to the other three planning applications.

#### Safer Neighbourhood Team (SNT) Police Office

Day-to-day policing services to the application site are currently provided from Warwick Police Station. These services operate on the basis that there is no demand from the four application sites.

Services are not provided from our Greys Mallory Patrol Base (GMPB) located by Europa Way. The GMPB is one of the main vehicle centres for police patrols operating throughout Warwickshire's highways network. The site and building are designed exclusively for this purpose. It is therefore wholly unsuitable for delivering the community policing services that will be required by proposed developments W/14/0689, W/14/0661, W/14/0681 and W/14/0763.

There is however no reason to doubt that there will be a corresponding increase in crime and demand from new residents, occupiers and visitors to the application site and to the other proposed development site for policing services. These services cover a wide range spectrum of support and intervention.

It will consequently be necessary to accommodate the additional staff (as identified above), to deliver policing to the two proposed development sites. Whilst officers spend time away from base they are not independent and require a start and finish location, storage, briefing and report writing facilities. Our existing facilities cannot accommodate all the additional staff required (see **Appendix 4**) if the developments proposed by planning applications W/14/0689, W/14/0661, W/14/0681 and W/14/0763 are delivered.

However it is not appropriate, or logical, to provide separate police offices at each of the proposed development sites.

We therefore contend that a single new Safer Neighbourhood Team (SNT) Police Office should be situated within the local centre proposed by W/14/0661. This will provide the accommodation necessary for the additional officers and staff (**Appendices 4 and 5**) to provide services to the four proposed developments. The cost of providing it should therefore be shared proportionally by applications W/14/0689, W/14/0661, W/14/0681 and W/14/0763.

The Safer Neighbourhood Team (SNT) Police Office can either be freestanding within the local centre proposed by W/14/0661, or as part of a “community hub” within the same local centre. **Appendix 7** provides indicative specifications and costings of the Police Office, on the basis of a freestanding facility. This notwithstanding, the specification does provide an illustration of the type of accommodation required. It also demonstrates that there may be scope for police personnel to share some facilities, such as kitchen and toilet areas, with other users of the community hub if this approach is progressed.

We contend that the costs of delivering the facility should be shared according to the number of dwellings proposed by each of the four proposed developments. Clearly, the specifications and cost of the new facility will need to be the subject of further detailed discussions in due course. Therefore, it is not possible to calculate a precise cost figure that can be attributed to each planning application at this stage. Instead, agreement is needed on the percentage of the final cost of the facility that each application should contribute. Please see **Appendix 8** for our suggested methodology in this respect.

The request for a contribution towards the provision of a Safer Neighbourhood Team (SNT) Police Office is compliant with the tests set out in CIL Regulation 122, as detailed below:

*Is the infrastructure necessary to make the development acceptable in planning terms?*

Crime and community safety are planning considerations and accommodating staff in the optimum location to serve the four developments is essential if this is to be achieved. The NPPF identifies the need to achieve security in new development and make provision to deliver this through the planning system. In order to meet our statutory obligations, we require the provision of a new Safer Neighbourhood Team (SNT) Police Office.

*Is it directly related to the development?*

The additional staffing needs the development will generate have been established by reference to existing local deployment reflecting the actual Policing demands and crime patterns of the locality. In a similar vein the premises requirements that result from the need to accommodate additional staff at these levels is known. A direct relationship between the development, additional staffing and accommodation is demonstrated and it is appropriate to mitigate this through the planning system.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the accommodation needs of staff delivering Policing to meet local demands of development of this nature are known.

It should also be noted that in our calculations we have only accounted for the dwelling houses, not the other types of development proposed, as we do not have the data to quantify the precise demands arising from such uses in policing terms. However, it would be reasonable to assume that there will be a demand for policing services on top of those expected for the residential dwellings.

Therefore, the contribution requested is based on the scale and kind of the development proposed by W/14/0689, W/14/0661, W/14/0681 and W/14/0763.

Summary of Pro Rata Contributions Requested from W/14/0689

|   |                   |
|---|-------------------|
| Recruitment and equipping of officers and staff | £5,428            |
| Police Vehicles                                 | £3,328            |
| Automatic Number Plate Recognition Cameras      | To be confirmed   |
| Premises (indicative contribution - 11%)        | £49,607.91        |
| <b>Total (excluding ANPR)</b>                   | <b>£58,363.91</b> |

Without the contribution the development will be unacceptable in planning terms and permission should not be granted as indicated in the NPPF. The lack of capacity in existing infrastructure to accommodate the population growth and associated demands occasioned by the development means that it is necessary for the developers to provide a contribution so that the situation might be remedied. The request is directly related to the development and the direct policing impacts it will generate based on an examination of demand levels in the local SNT and TPU area in which it is situated, adjacent areas and existing policing demands and deployment in relation to this. The request is wholly related in scale and kind of the proposed development.

We have undertaken this approach to requesting contributions taking account of advice we have received and recent reductions in our deployment. We have been advised that the contents of this submission are sufficient to justify the contribution sought. This approach has also been considered in six appeals where all the Inspectors and in two cases the Secretary of State, have found police requests for contributions compliant with CIL Regulation 122. These are as follows: -

- APP/X2410/A/13/2196938 & APP/X2410/A/13/2196929 (Secretary of State determination) – 8 April 2014
- APP/T2405/A/13/2193758 – 01 August 2013
- APP/G2435/A/13/2192131 – 30 May 2013
- APP/X2410/A/12/2173673 (Secretary of State determination) – 14 May 2013
- APP/X2410/A/12/2187470 – 15 April 2013

- APP/F2415/A/12/2179844 – 14 February 2013

We therefore consider that our request for contributions is robust, demonstrated by the evidence included in the Appendices to these representations and fully compliant with CIL Regulation 122.

Overall, we trust that these representations will be given due consideration and look forward to working with the Council and applicants to address all of the issues raised, namely highways and traffic management, Secured by Design and our request for a Section 106 contribution to mitigate the demands that delivery of the proposed scheme will have upon police services in this area of the District.

Yours sincerely

**Andrew Morgan**  
**Strategic Planner**

*“Without prejudice to any other obligation imposed upon it, it shall be the duty of each local authority to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area: Section 17(1) of the Crime and Disorder Act 1998.”*

## **Appendix 1**

### **Ian Dove QC Advice**

**Decision letter – Land at Melton Road, Barrow-upon-Soar**

**Decision letter – Land off Mountsorrel Lane, Rothley**

**Staffing Levels – Existing and Proposed**



In the context of the uncertainty about the future organisation and staffing numbers for WP, the table uses current planned staffing levels as a basis for calculating the additional staffing requirement to serve the sites. The staffing levels below (identified as budgeted posts) are for the whole WP area and include the various support staff, many of whom are responsible for providing services across the WP area and not just within South Warwickshire. The population of WP's geographical area is currently about 545,500 and the area accommodates about 231,000 dwellings (Census 2011). The total levels of staffing across the whole of the WP area have been used to calculate pro-rata requirements for additional personnel required to serve the proposed developments.

The table below therefore shows the current budgeted posts and estimated additional personnel numbers required to serve 1,410 dwellings. This represents the cumulative total of planning applications W/14/0689, W/14/0661, W/14/0681 and W/14/0763.

| <b>Command Area</b>        | <b>Total Posts in Warks</b> | <b>Approx Population in Warks per Post</b> | <b>Approx Dwellings in Warks per Post</b> | <b>Pro Rata Post Requirement (1,410 dw)</b>             |
|----------------------------|-----------------------------|--|---|---|
| <b>Local Policing</b>      |                             |  |   |   |
| Police Officers            | 566                         | 964  | 408                                       | 4   |
| Police Staff               | 400                         | 1,364                                      | 578                                       | 2   |
| <b>Protective Services</b> |                             |  |   |   |
| Police Officers            | 232                         | 2,351                                      | 996                                       | 1   |
| Police Staff               | 163                         | 3,347                                      | 1,417                                     | 1   |
| <b>Enabling Services</b>   |                             |  |   |   |
| Police Officers            | 8                           | 68,188                                     | 28,875                                    | 0   |
| Police Staff               | 103                         | 5,296                                      | 2,243                                     | 1   |
| <b>Finance</b>             |                             |  |   |   |
| Police Officers            | 1                           | 545,500                                    | 231,000                                   | 0   |
| Police Staff               | 44                          | 12,398                                     | 5,250                                     | 0   |
| <b>Total</b>               | <b>1,517</b>                |  |   | <b>9<br/>(5 Police Officers<br/>and 4 Police Staff)</b> |

The personnel requirements include both officers and support staff; broadly the Protective Services and Local Policing Units comprise mainly officers – the visible police presence – and the remaining units provide support functions. For the purposes of this assessment we consider that the 9 personnel will comprise 5 Police Officers and 4 Police Staff members.

These figures have also been discussed and verified with the Command Team for South Warwickshire TPU, led by Superintendent Debra Tedds. The Command Team have confirmed that the level of demand for policing services expected from the new developments, both during construction and once delivered, warrant the personnel numbers being proposed. If required funding for the personnel (see **Appendix 5**) is not provided, this will detrimentally impact on the TPU's ability to deliver sufficient coverage and protection to the developments both during construction and after delivery. This in turn would have 'knock-on' effects for the policing of South Warwickshire as a whole.

**Appendix 5**

**Officers and Staff Set-up Costs**

**Contribution Requested From W/14/0689**

| <b>Additional Officers</b>                       | <b>Approx Set-up Cost per Officer</b> | <b>Pro Rata Requirement for 5 Officers</b> |
|--|---------------------------------------|--|
| Recruitment                                      | £1,060                                | £5,300                                     |
| Training   | £4,400                                | £22,000                                    |
| Uniform & Personal equipment                     | £940                                  | £4,700                                     |
| Standard equipment (ICT and furniture)           | £1,642                                | £8,210                                     |
| <b>Total costs</b>                               | <b>£8,042</b>                         | <b>£40,210</b>                             |
| <b>Pro rata total - 150 homes of 1,410 total</b> | -                                     | <b>£4,278</b>                              |

| <b>Additional Central Support Services</b>       | <b>Approx Set-up Cost per Member of Staff</b> | <b>Pro Rata Requirement for 4 Staff</b> |
|--|---|---|
| Recruitment                                      | £1,060  | £4,240                                  |
| Standard equipment (ICT and furniture)           | £1,642  | £6,568                                  |
| <b>Total costs</b>                               | <b>£2,702</b>                                 | <b>£10,808</b>                          |
| <b>Pro rata total - 150 homes of 1,410 total</b> | -   | <b>£1,150</b>                           |

**Appendix 6**

**Vehicle and Bicycle Costs**

**Contribution Requested From W/14/0689**

Current fleet deployment to Warwickshire comprises 350 cars/vans and 50 bicycles. Based on the number of posts in WP (1,517), there is a ratio of 1 vehicle per 4 posts and 1 bicycle per 30 posts.

It is essential that the current ratio of personnel to vehicles and personnel to bicycles applies to the additional personnel required as a result of development growth.

Vehicles costs have been capitalised on 5 year lifetime average costs for a low/medium size equipped vehicles (excluding fuel). Bicycle costs are established at £1,299 per cycle, with an additional maintenance charge of £297 per bicycle per annum, or £1,485 per 5 years, capitalised. The total cost of providing each new cycle and maintaining it for 5 years is therefore £2,784.

These costs do not include any costs for specialist operational equipment, and the cost estimates below are therefore moderated very conservatively.

On the basis of an additional 5 Police Officers in the territorial and protective services (**Appendix 4**), it is calculated that there will be a requirement for an additional vehicle and bicycle.

The cost of vehicles (both motorised and bicycles) based on 5 additional Police Officers required as a result of the proposed developments are shown below:

| <b>Additional vehicles and bicycles</b>          | <b>Cost per item</b> | <b>Current cost for planned growth (1,410 dw)</b> |
|--|----------------------|---|
| 1 vehicle  | £28,500              | £28,500   |
| 1 bicycle  | £2,784               | £2,784  |
| <b>Total costs</b>                               | <b>£31,284</b>       | <b>£31,284</b>                                    |
| <b>Pro rata total - 150 homes of 1,410 total</b> | -                    | <b>£3,328</b>                                     |

**Indicative Specifications and Cost of Freestanding SNT Police Office**

**Methodology for Calculating Contributions Towards SNT Police Office**

Overall, a total of 1,410 dwellings are proposed by planning applications W/14/0689, W/14/0661, W/14/0681 and W/14/0763

Using the indicative £450,981 total cost given in **Appendix 7** for the SNT Police Office, the methodology for attributing requested contributions to each application towards this total is as follows:

| <b>Planning Application</b> | <b>Number of Dwellings</b> | <b>% of Total Dwellings</b> | <b>Contribution Requested</b> |
|-----------------------------|----------------------------|-----------------------------|-------------------------------|
| W/14/0661                   | 785                        | 55                          | £248,039.55                   |
| W/14/0681                   | 450                        | 32                          | £144,313.92                   |
| W/14/0689                   | 150                        | 11                          | £49,607.91                    |
| W/14/0763                   | 25                         | 2                           | £9,019.62                     |
| <b>Total</b>                | <b>1,410</b>               | <b>100</b>                  | <b>£450,981</b>               |





Warwickshire  
**POLICE**



West Mercia  
**POLICE**

11 June 2014

Our Ref: P/H Div/0022/14  
Your Ref: W/14/0763

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Ms Emma Spandley, Planning Officer  
Development Services  
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Milverton Hill  
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CV32 5QH

Dear Ms Spandley

## **PLANNING APPLICATION W/14/0763 – LAND OFF SEVEN ACRE CLOSE POLICE SERVICE REPRESENTATIONS**

As part of a Strategic Alliance, Warwickshire Police (WP) and West Mercia Police (WMP) now act as one on all infrastructure and town planning related matters across their combined geographical area. This includes making joint representations to all local planning authorities and other parties. For the avoidance of doubt however, the two forces retain their separate Police and Crime Commissioners (PCCs) and respective command teams.

From the perspective of the police service, planning application W/14/0763 is one of four proposed for this area of Warwick District: -

- W/14/0763 – Land off Seven Acre Close – 25 dwellings – A.C. Lloyd Homes Ltd
- W/14/0661 - Land at Lower Heathcote Farm – 785 dwellings – Gallagher Estates
- W/14/0681 – Land South of Gallows Hills – 450 dwellings – Gallagher Estates
- W/14/0689 – Land off Oakley Wood Road – 150 dwellings – Bloor Homes



[www.warwickshire.police.uk](http://www.warwickshire.police.uk)  
[www.westmercia.police.uk](http://www.westmercia.police.uk)



@warkspolice  
@wmerciapolice



warwickshire police  
west mercia police

1,410 new dwellings are consequently proposed for this area of the District. The result is that the impacts arising from each of the proposed developments directly upon the police service cannot be considered in isolation from one another. By extension, mitigation is therefore not possible in an isolated fashion for each one. Representations have consequently been submitted in relation to each of the above applications. We request that the four representations are considered as one suite of documents making a cumulative case, rather than each one being considered separately.

It should be understood at the outset by all parties that WP and WMP take an entirely neutral position on the question of whether the proposed developments should be granted planning consent. We are aware also that not all the schemes may be granted planning consent. That is not our concern either. To ensure the resilience of the police service on a long-term basis in this area of the District, we are obliged to assume that all four will come forward and plan our infrastructure and service provision accordingly for the moment. As further information becomes available and/or the situation changes, further representations will be made as appropriate and necessary.

These representations to planning application W/14/0763 provide our comments with respect to the following matters: -

1. Secured by Design.
2. Police infrastructure requirements.

### **Description of the Proposed Development**

Outline planning application W/14/0763, proposed by A.C. Lloyd Homes Ltd, is for the erection of up to 25 residential dwellings together with associated infrastructure, landscaping and open space (all matters reserved except access).

### **Secured by Design**

As planning application W/14/0763 is in outline form, there is insufficient information contained within it to enable us to comment on this matter. If the Council grants planning consent and the proposal progresses to the reserved matters stage, we will make detailed representations on this topic at that time. If the Council or the applicants would like to discuss this matter further in the meantime, please contact our Crime Prevention Design Advisor, Mr Ian King, on: -

Tel: 01926 684279  
Email: ian.king@warwickshire.pnn.police.uk

### **Police Infrastructure Requirements – Request for Section 106 Contribution**

#### What does 'Infrastructure' mean in the Police Context?

Developer contributions are not being sought towards revenue/salary costs by the Police. Only infrastructure that is necessary to facilitate the delivery of policing services to development growth is detailed in these representations.

'Infrastructure' is not however a narrow term referring only to buildings. The Association of Chief Police Officers (ACPO) has taken legal advice from Ian Dove QC and this supports this contention (**Appendix 1** – see paragraph 7). Infrastructure can include equipment, which for example, includes vehicles, communications technology and surveillance equipment. It is also legitimate to include set up costs for new officers and staff covering equipment, training, uniform

and personal equipment. As confirmed in this advice, this also pertains under the CIL regime. This is elaborated on further below.

### Regulatory Context

We have ensured that the request set out below is fully compliant with the tests set out in CIL Regulation 122 as follows:

- Necessary to make the proposed development acceptable in planning terms.
- Directly related to the proposed development.
- Fairly and reasonable related in scale and kind to the proposed development.

Contributions towards police infrastructure have been found to be lawful when tested at appeal in decisions by the Secretary of State. In one appeal decision, (APP/X2410/A/12/2173673), the Inspector noted that:

*“Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services.”*

The decision letter relating to this appeal was issued in May 2013 and relates to a proposal for 300 dwellings on land at Melton Road, Barrow upon Soar, Leicestershire. The decision letter and Inspector’s report are included at **Appendix 2**. This appeal was recovered for determination by the Secretary of State who agreed with the Inspector’s conclusions and recommendations, including those relating to Planning Obligations. Paragraphs 288-294 deal with contributions towards policing and paragraphs 291 and 292 are particularly relevant.

The conclusions of the above were tested again recently by the Secretary of State in April 2014 at appeal (APP/X2410/A/13/2196928 & APP/X2410/A/13/2196929) and upheld. He concluded at paragraph 16 of his decision that: -

*“He also agrees with the Inspector (IR8.43-8.46) that the completed s106 Unilateral Undertaking, dated December 2013, between the Appellant, the Council and the Police and Crime Commissioner for Leicestershire (APP10) meets the tests of Regulation 122 and the Framework and should be regarded as material consideration.”*

The decision letter, relating to a proposal for 250 dwellings on land off Mountsorrel Lane, Rothley, Leicestershire and Inspector’s report are included at **Appendix 3**. Paragraphs 5.1 – 5.12 of the Inspector’s report deal with contributions towards policing and paragraphs 5.5 and 5.7 are particularly relevant.

It is therefore clear that where the rationale is clear and supported by evidence, contributions towards policing are compatible with Regulation 122, as confirmed by the aforementioned appeal decisions. We consider that all items of infrastructure sought in relation to the proposed development meet the statutory tests.

### National Policy Context

The national policy position to support our request exists in the National Planning Policy Framework (NPPF). Securing sufficient facilities and services to meet local needs is a core planning principle (paragraph 17). Planning is to deliver facilities and services that communities need (paragraph 70). Local plan policies should deliver the provision of security infrastructure and other local facilities (paragraph 156). Local plan policy and decision making should be seamless (paragraph 186). Infrastructure planning should accompany development planning by

LPA's (paragraph 177) who should work together with infrastructure providers (paragraph 162). The NPPF seeks environments where crime and disorder and the fear of crime do not undermine the quality of life and community cohesion (paragraph 69) and planning policies and decisions should deliver this (paragraph 58).

### Local Policy Context

The development plan comprises of the 'Warwick District Local Plan 1996-2011' (adopted September 2007). There are two policies relevant to these representations.

Policy DP14 – 'Crime Prevention' states that the layout and design of development will be encouraged to minimise the potential for crime and anti-social behaviour and improve community safety. Paragraph 4.88 to Policy DP14 highlights the fact that the Council is required under Section 17 of the Crime and Disorder Act 1998 to take account of crime and disorder in all of its work. Paragraph 4.90 adds that applicants will be encouraged to obtain a 'Secured by Design' certificate from our Crime Prevention Design Advisor.

Policy SC14 – 'Community Facilities' confirms that contributions will be sought towards community facilities in conjunction with new development where appropriate. Supporting paragraph 5.83 states that new development puts pressure on existing infrastructure and that Government guidance is clear that planning authorities may seek contributions from applicants to offset the cost of this. Supporting paragraph 5.84 confirms that community facilities are included within the scope of Policy SC14.

The emerging development plan comprises of the 'Warwick District Local Plan 2011-2029 – Publication Draft' (May 2014). Although this document can only be ascribed limited material weight in view of its draft status, we consider that two policies should be noted by all parties.

Policy HS7 – 'Crime Prevention' states that development proposals should make provision for appropriate design and security measures to ensure crime prevention. This is elaborated on by the supporting 'Draft Infrastructure Delivery Plan – April 2014', which states in relation to police infrastructure on page 20 that provision needs to be made for: -

*'3 additional offices (Safer Neighbourhood Team Police Offices) at Europa Way, Lower Heathcote Farm and Thickthorn...'*

*'A range of other CIL compliant costs including vehicles, communications technology and surveillance technology, training, uniform and personal equipment.'*

Policy DM1 – 'Infrastructure Contributions' states that development will be expected to provide, or contribute towards, the provision of physical and social infrastructure required to make it acceptable in planning terms. Furthermore the policy states that the Council will seek to secure site-specific infrastructure investments and/contributions, as well as off-site contributions and/or investments.

The policy concludes by stating that the Council will work with infrastructure providers to ensure the supporting Infrastructure Delivery Plan is up to date. As noted above, the 'Draft Infrastructure Delivery Plan – April 2014' confirms that the police and the emergency services are 'infrastructure'; thereby the Council recognises that they are legitimate recipients of planning obligations.

## WP's Role and Responsibility

In this instance, we are responsible for delivering services to address community safety, tackle the fear of crime and seek to achieve a reduction in crime. The delivery of growth and new development, such as W/14/0763, places additional pressure on our infrastructure base, which is critical to the delivery of effective policing and securing safe and sustainable communities.

The primary issue for us is to ensure that new development like W/14/0763 makes adequate provision for the future policing needs it will generate. Like some other public services, our primary funding is insufficient to add new infrastructure to support new development when and wherever this occurs. Further, there are no bespoke funding regimes e.g. like Building Schools for the Future or the Health LIFT, to provide capital investment for our facilities.

This situation has been recognised by the Association of Chief Police Officers (ACPO) nationally for some time and there are public statements which explain our particular funding difficulties.

In addition to the above, the money received by us is comparatively low relative to the size of population in our geographical area. Whilst revenue funding is provided by the Home Office and the Council Tax precept, capital projects are mostly financed through borrowing. Borrowing to provide infrastructure has an impact on delivery of safe and sustainable communities because loans have to be repaid from revenue budgets, the corollary of which is a reduction in the money available to deliver operational policing.

## Current Levels of Policing Demand from the Locality

Policing is a 24/7 service resourced to respond and deploy on an "on demand" and "equal basis" and is wholly dependant on a range of facilities for staff to deliver this. Calls and deployments for this area, via our control room at Leek Wootton, are monitored and give an indication of the level of service demand in different areas

The application site is encompassed within the 'Warwick Rural West' Safer Neighbourhood Team (SNT) area, which is led by Sergeant David Kettle. During the period April 2013 – April 2014 we dealt with 392 offences, 3,409 incidents and 202 anti-social behaviour incidents from this SNT area. It is worth noting that within the specific geographical area encompassed by the application site almost no crime and incidents were recorded, which reflects the current open field character of the site.

## Current Levels of Deployment and Infrastructure

Regular patrolling of the locality and local community around the application site is maintained by the aforementioned SNT operating from Warwick Police Post on Cape Road. Though the SNT operates on the basis that there is no demand from the application site.

It should however be understood that the wider organisation and delivery of policing services is not on a town by town or even on a district by district basis. In this instance the TPU, led by Superintendent Debra Tedds, delivers all neighbourhood policing services to Warwick District and Stratford-on-Avon District. The TPU also provides some support functions as well. Other TPUs cover the remainder of WP's and WMP's combined geographical area. However, the majority of the support and specialist services necessary to support the 'front line' are currently provided in this instance from Leek Wootton and our Hindlip Hall campus.

A huge range of central policing services are delivered to the District, encompassing areas such as:

- Investigations
- Intelligence
- Response policing
- Criminal justice
- Operations planning
- Dogs and firearms
- Special branch
- Forensic services
- Road policing
- Tactical support group
- IT and communications
- Child abuse team
- Economic crime team

All of the above central support services and others will be called upon during the lifetime of the proposed development, should it be delivered, just as they currently are for the existing settlements. These services and others in turn require organisational support functions in order to operate, such as:

- Finance
- Human resources
- Training
- Top level management

Specific numbers of staff delivering policing are spread across the following functions:

- 225 Police Officers deliver neighbourhood policing and emergency responses to South Warwickshire. They are not disaggregated according to District and therefore operate across the combined area. This figure does not include the officers based at Leek Wootton and our Hindlip Hall campus who are part of numerous specialist teams who deploy according to need across the entire force area.
- 59 Police Staff deliver support functions to the South Warwickshire TPU. Like officers, they deliver services to the whole area and are not disaggregated according to District. However this does not include the staff based at Leek Wootton and our Hindlip Hall campus, who will provide support across the entire alliance geographical area as need arises.

Based on existing crime patterns, and policing demand and deployment from nearby areas, indicates the direct and additional impacts of the development on local policing that will be manifested in demand and responses in the following areas:

- Additional calls and responses per year via our control centre.
- Attendance to additional emergency events within the proposed development and locality each year.
- Additional non-emergency events to follow up with public contact each year.
- Additional recorded crimes in the developments and locality.
- Additional anti-social behaviour incidents each year within the new development and locality.
- Demand for increased patrol cover.
- Additional vehicle use.
- Additional calls on our Airwaves system.

- Additional use of our Police National Database (PND) systems to process and store crime records and intelligence.
- Additional demand for deployment of Mobile CCTV technologies.
- Additional demand for local access to beat staff from local neighbourhood teams.
- Additional policing cover and interventions in all the areas described when considering staffing and functions above and for additional accommodation from which to deliver these.

### The Police Contribution Request

A Section 106 contribution is requested to mitigate the additional impacts of this development. As stated previously, this is intended to be part of a single cumulative request made to the four development schemes (W/14/0763, W/14/0661, W/14/0681 and W/14/0689) proposed for this area. Our existing infrastructures do not have the capacity to meet the impacts arising from these schemes and because, like some other services, we do not have the ability to respond to the growth proposed. We anticipate using rates and Home Office revenues to pay for staff salaries and our day to day routine additional costs (e.g. call charges on telephony and Airwaves and so on).

Contributions are only sought that are related in scale and kind to the development, hence why this request is intended to be one of four. This ensures that the infrastructure in question will be fully funded and delivered. If the contribution is not forthcoming from W/14/0763 there will be a serious impact upon our ability to deliver an effective and efficient service. This is because we will be required to pay the amount ourselves. This in turn means that funds will have to be diverted away from other areas of deployment in South Warwickshire.

Such contributions are consequently lawful in the context of CIL Regulation 122, as explained earlier in these representations and as they are related in scale and kind to the development. As further justification, we confirm that the contribution will be used wholly to meet the direct impacts of this development and wholly in delivering policing to it. Without the development in place it is reasonable to forecast the impacts it will generate using information about known policing demands of comparable local development. Other services use such comparables and we believe that the NPPF encourages this.

The proposed development should make provision to mitigate the direct and additional policing impacts it will generate and cannot depend on the police to just absorb these within existing facilities with limited capacities and where police have no flexibility in funding to do this. It is not forced by current spending reductions, although strictures across the public sector reinforce the need to ensure that developments mitigate the direct impacts they cause.

Due to the very serious implications for policing of new developments, police nationally have taken advice about the best way to proceed in the transition period to the CIL regime. As a result, we only make requests solely in relation to the development under consideration; its direct impacts on policing and the necessary mitigations that it should provide. What follows is a detailed explanation of the methodologies used to calculate the contribution and our application of the statutory tests to justify each part.

### Setting-up and Equipping of Officers and Staff

The table enclosed in **Appendix 4** shows the estimated additional personnel that will be required to serve the developments proposed by W/14/0763, W/14/0661, W/14/0681 and W/14/0689 combined. As stated previously, it is not appropriate to consider the application site in isolation given the relatively close proximity of the other schemes.

Setting-up and equipping police officers and staff entails providing IT, radios, protective equipment, uniforms and bespoke training in the use of these. However, additional staff will require additional equipment. There are practical limits to the extent to which existing equipment can be re-used e.g. with uniforms or where technology has moved on.

In this case, **Appendix 4** demonstrates that the four developments combined would fully occupy the equivalent of an additional 5 Police Officers and 4 Police Staff full-time. Staffing levels are under constant review to ensure that minimum acceptable numbers are deployed to meet existing levels of policing demand. This has the benefit of much needed savings in costs, but as a result there is no additional capacity to extend existing staffing to cover additional development.

Where additional development is proposed, as in this instance, we will seek to deploy additional staffing and additional infrastructures at the same level that is required to deliver policing to the locality. It would be complacent not to do this because without additional support unacceptable pressure will be put on existing staff and our capital infrastructures which will seriously undermine our ability to meet the policing needs of these developments, maintain the current level of policing to the rest of the SNT area and across the South Warwickshire TPU. The impacts of the four developments are so significant that they cannot be met without additional staff deployed at a level consistent with the current policing of the locality.

The additional staff needed to police the development will require additional equipment. For a police officer, the additional items are recruitment £1,060, training £4,400, uniform and personal equipment £940, workstation £1,642. For other staff the additional items are recruitment £1,060 and workstation £1,642. As the development is forecast to contribute to a need for the equivalent of 5 full time officers and 4 full time staff members over its lifetime (**Appendix 4**), the contribution for setting-up and equipment is calculated to be £905 (**Appendix 5**).

We could not have officers and staff attending and delivering services to this development with less than adequate equipment, training and facilities without unnecessary risks to themselves and occupiers served.

*Is the contribution necessary to make the development acceptable in planning terms?*

Crime and community safety are planning considerations. The Council's own adopted and emerging Local Plans further demonstrate this. The NPPF identifies the need to achieve security in new development and makes provisions to deliver this through the planning system. Deployment of equipped staff is fundamental to delivering community safety and mitigating crime.

*Is it directly related to the development?*

The policing demands of this development are identified and police mitigation of these can only be delivered by adequately equipped staff. This has been calculated with reference to robust data sets and the specifications of the proposed development.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

**Appendices 4 and 5** set out the methodology for calculating the contribution that is fairly and reasonably related in scale and kind to the development. In addition, this is primarily a residential development and the policing demands it will generate is known by comparison with local residential development. This is the only satisfactory way of determining the need from development that is not yet built. Therefore, level of demand and mitigations have been determined by the scale and kind of the development.



## Police Vehicles

In managing and responding to crime a number of different vehicles can be deployed ranging from general response vehicles and patrol cars, unmarked general support vehicles, police service unit vans and minibuses, scientific (e.g. SOCO) vehicles, pursuit vehicles – 4x4 and high speed, motorcycles and so on. Current fleet deployment to Warwickshire comprises 350 cars/vans and 50 bicycles. Based on the number of posts in WP (1,517), this equates to a ratio of 1 vehicle per 4 posts and 1 bicycle per 30 posts.

The average cost of a vehicle is £28,500. This includes the cost of the vehicle and the operational equipment required. The cost quoted does exclude fuel. We replace vehicles, on average, every 3 years and in the majority of cases there is no resale value. Based on this existing level of deployment to the locality we can forecast additional demands as a result of the developments.

The vehicle fleet also includes bicycles used for local neighbourhood policing.

In order to equip the additional officers (**Appendix 4**) required for policing this development and the others proposed for the area, 1 additional vehicle and 1 additional bicycle will be required. The set-up costs for these are shown in **Appendix 6**.

The impact of the development without the contribution will be that we will be required to spend the money ourselves, which in turn will spread existing transport resources too thinly to the extent that service delivery is prejudiced. Residents of the new development and their representatives will expect the same degree of cover as elsewhere in the locality and existing residents will expect existing cover to be maintained and not reduced as a result of the new developments.

*Is the contribution necessary to make the development acceptable in planning terms?*

Vehicles are fundamental infrastructure and facility to deliver community safety and address crime especially at Neighbourhood level.

*Is it directly related to the development?*

Fleet deployment is related to the known policing demands of comparable development in the WP area. The direct demand from the new developments can be accurately forecast. Delivering policing direct to this development, without detriment to existing areas, will not be possible without additional vehicle funding to do so.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the police vehicle demands it will generate are known by comparison with deployment to other local residential developments. Therefore, level of demand and mitigations have been determined by the scale and kind of the development.

## Automatic Number Plate Recognition (ANPR) Cameras

ANPR is a proven crime fighting tool which is used across the alliance area. Police-monitored ANPR has led to thousands of arrests and been involved in the detection of countless crimes. New development should benefit from the same technology as elsewhere in the alliance area. Indeed, crime levels are mitigated with this technology in place. Without ANPR, crime levels will rise and detection will become much more resource consuming.

Crime levels in the area immediately around the four proposed development sites are relatively low in comparison with other parts of the alliance area. However, once delivered they will unfortunately cumulatively be a draw for travelling criminals locally and nationally. Police monitored ANPR is an effective tool in preventing and combating this type of crime. The use of these technologies also has a beneficial impact in terms of minimising staff attendance.

We therefore currently carrying out an assessment as to how many ANPR cameras will be needed, where they should be located and the precise financial contributions that can be attributable in CIL Regulation 122 terms to the developments proposed by W/14/0763, W/14/0661, W/14/0681 and W/14/0689 respectively.

Unfortunately, it is not possible to complete this detailed ANPR assessment in time for the 21-day public consultation deadlines for W/14/0689, W/14/0661 and W/14/0681. We will however endeavour to submit this as soon as possible. The forthcoming ANPR submission should consequently be considered, once submitted, an addendum to these representations and to those submitted to the other three planning applications.

### Safer Neighbourhood Team (SNT) Police Office

Day-to-day policing services to the application site are currently provided from Warwick Police Station. These services operate on the basis that there is no demand from the four application sites.

Services are not provided from our Greys Mallory Patrol Base (GMPB) located by Europa Way. The GMPB is one of the main vehicle centres for police patrols operating throughout Warwickshire's highways network. The site and building are designed exclusively for this purpose. It is therefore wholly unsuitable for delivering the community policing services that will be required by proposed developments W/14/0763, W/14/0661, W/14/0681 and W/14/0689.

There is however no reason to doubt that there will be a corresponding increase in crime and demand from new residents, occupiers and visitors to the application site and to the other proposed development site for policing services. These services cover a wide range spectrum of support and intervention.

It will consequently be necessary to accommodate the additional staff (as identified above), to deliver policing to the two proposed development sites. Whilst officers spend time away from base they are not independent and require a start and finish location, storage, briefing and report writing facilities. Our existing facilities cannot accommodate all the additional staff required (see **Appendix 4**) if the developments proposed by planning applications W/14/0763, W/14/0661, W/14/0681 and W/14/0689 are delivered.

However it is not appropriate, or logical, to provide separate police offices at each of the proposed development sites.

We therefore contend that a single new Safer Neighbourhood Team (SNT) Police Office should be situated within the local centre proposed by W/14/0661. This will provide the accommodation necessary for the additional officers and staff (**Appendices 4 and 5**) to provide services to the four proposed developments. The cost of providing it should therefore be shared proportionally by applications W/14/0763, W/14/0661, W/14/0681 and W/14/0689.

The Safer Neighbourhood Team (SNT) Police Office can either be freestanding within the local centre proposed by W/14/0661, or as part of a "community hub" within the same local centre. **Appendix 7** provides indicative specifications and costings of the Police Office, on the basis of a freestanding facility. This notwithstanding, the specification does provide an illustration of the

type of accommodation required. It also demonstrates that there may be scope for police personnel to share some facilities, such as kitchen and toilet areas, with other users of the community hub if this approach is progressed.

We contend that the costs of delivering the facility should be shared according to the number of dwellings proposed by each of the four proposed developments. Clearly, the specifications and cost of the new facility will need to be the subject of further detailed discussions in due course. Therefore, it is not possible to calculate a precise cost figure that can be attributed to each planning application at this stage. Instead, agreement is needed on the percentage of the final cost of the facility that each application should contribute. Please see **Appendix 8** for our suggested methodology in this respect.

The request for a contribution towards the provision of a Safer Neighbourhood Team (SNT) Police Office is compliant with the tests set out in CIL Regulation 122, as detailed below:

*Is the infrastructure necessary to make the development acceptable in planning terms?*

Crime and community safety are planning considerations and accommodating staff in the optimum location to serve the four developments is essential if this is to be achieved. The NPPF identifies the need to achieve security in new development and make provision to deliver this through the planning system. In order to meet our statutory obligations, we require the provision of a new Safer Neighbourhood Team (SNT) Police Office.

*Is it directly related to the development?*

The additional staffing needs the development will generate have been established by reference to existing local deployment reflecting the actual Policing demands and crime patterns of the locality. In a similar vein the premises requirements that result from the need to accommodate additional staff at these levels is known. A direct relationship between the development, additional staffing and accommodation is demonstrated and it is appropriate to mitigate this through the planning system.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the accommodation needs of staff delivering Policing to meet local demands of development of this nature are known.

It should also be noted that in our calculations we have only accounted for the dwelling houses, not the other types of development proposed, as we do not have the data to quantify the precise demands arising from such uses in policing terms. However, it would be reasonable to assume that there will be a demand for policing services on top of those expected for the residential dwellings.

Therefore, the contribution requested is based on the scale and kind of the development proposed by W/14/0763, W/14/0300, W/14/0661, W/14/0681 and W/14/0689.

#### Summary of Pro Rata Contributions Requested from W/14/0763

|   |                 |
|---|-----------------|
| Recruitment and equipping of officers and staff | £905            |
| Police Vehicles                                 | £555            |
| Automatic Number Plate Recognition Cameras      | To be confirmed |

|   |                   |
|---|-------------------|
| Premises (indicative contribution - 2%) | £9,019.62         |
| <b>Total (excluding ANPR)</b>           | <b>£10,479.62</b> |

Without the contribution the development will be unacceptable in planning terms and permission should not be granted as indicated in the NPPF. The lack of capacity in existing infrastructure to accommodate the population growth and associated demands occasioned by the development means that it is necessary for the developers to provide a contribution so that the situation might be remedied. The request is directly related to the development and the direct policing impacts it will generate based on an examination of demand levels in the local SNT and TPU area in which it is situated, adjacent areas and existing policing demands and deployment in relation to this. The request is wholly related in scale and kind of the proposed development.

We have undertaken this approach to requesting contributions taking account of advice we have received and recent reductions in our deployment. We have been advised that the contents of this submission are sufficient to justify the contribution sought. This approach has also been considered in six appeals where all the Inspectors and in two cases the Secretary of State, have found police requests for contributions compliant with CIL Regulation 122. These are as follows: -

- APP/X2410/A/13/2196938 & APP/X2410/A/13/2196929 (Secretary of State determination) – 8 April 2014
- APP/T2405/A/13/2193758 – 01 August 2013
- APP/G2435/A/13/2192131 – 30 May 2013
- APP/X2410/A/12/2173673 (Secretary of State determination) – 14 May 2013
- APP/X2410/A/12/2187470 – 15 April 2013
- APP/F2415/A/12/2179844 – 14 February 2013

We therefore consider that our request for contributions is robust, demonstrated by the evidence included in the Appendices to these representations and fully compliant with CIL Regulation 122.

Overall, we trust that these representations will be given due consideration and look forward to working with the Council and applicants to address all of the issues raised, namely highways and traffic management, Secured by Design and our request for a Section 106 contribution to mitigate the demands that delivery of the proposed scheme will have upon police services in this area of the District.

Yours sincerely

**Andrew Morgan**  
**Strategic Planner**

*“Without prejudice to any other obligation imposed upon it, it shall be the duty of each local authority to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area: Section 17(1) of the Crime and Disorder Act 1998.”*

## **Appendix 1**

### **Ian Dove QC Advice**

**Decision letter – Land at Melton Road, Barrow-upon-Soar**

**Decision letter – Land off Mountsorrel Lane, Rothley**



**Staffing Levels – Existing and Proposed**

In the context of the uncertainty about the future organisation and staffing numbers for WP, the table uses current planned staffing levels as a basis for calculating the additional staffing requirement to serve the sites. The staffing levels below (identified as budgeted posts) are for the whole WP area and include the various support staff, many of whom are responsible for providing services across the WP area and not just within South Warwickshire. The population of WP's geographical area is currently about 545,500 and the area accommodates about 231,000 dwellings (Census 2011). The total levels of staffing across the whole of the WP area have been used to calculate pro-rata requirements for additional personnel required to serve the proposed developments.

The table below therefore shows the current budgeted posts and estimated additional personnel numbers required to serve 1,410 dwellings. This represents the cumulative total of planning applications W/14/0763, W/14/0661, W/14/0681 and W/14/0689.

| <b>Command Area</b>        | <b>Total Posts in Warks</b> | <b>Approx Population in Warks per Post</b> | <b>Approx Dwellings in Warks per Post</b> | <b>Pro Rata Post Requirement (1,410 dw)</b>             |
|----------------------------|-----------------------------|--|---|---|
| <b>Local Policing</b>      |                             |  |   |   |
| Police Officers            | 566                         | 964  | 408                                       | 4   |
| Police Staff               | 400                         | 1,364                                      | 578                                       | 2   |
| <b>Protective Services</b> |                             |  |   |   |
| Police Officers            | 232                         | 2,351                                      | 996                                       | 1   |
| Police Staff               | 163                         | 3,347                                      | 1,417                                     | 1   |
| <b>Enabling Services</b>   |                             |  |   |   |
| Police Officers            | 8                           | 68,188                                     | 28,875                                    | 0   |
| Police Staff               | 103                         | 5,296                                      | 2,243                                     | 1   |
| <b>Finance</b>             |                             |  |   |   |
| Police Officers            | 1                           | 545,500                                    | 231,000                                   | 0   |
| Police Staff               | 44                          | 12,398                                     | 5,250                                     | 0   |
| <b>Total</b>               | <b>1,517</b>                |  |   | <b>9<br/>(5 Police Officers<br/>and 4 Police Staff)</b> |

The personnel requirements include both officers and support staff; broadly the Protective Services and Local Policing Units comprise mainly officers – the visible police presence – and the remaining units provide support functions. For the purposes of this assessment we consider that the 9 personnel will comprise 5 Police Officers and 4 Police Staff members.

These figures have also been discussed and verified with the Command Team for South Warwickshire TPU, led by Superintendent Debra Tedds. The Command Team have confirmed that the level of demand for policing services expected from the new developments, both during construction and once delivered, warrant the personnel numbers being proposed. If required funding for the personnel (see **Appendix 5**) is not provided, this will detrimentally impact on the TPU's ability to deliver sufficient coverage and protection to the developments both during construction and after delivery. This in turn would have 'knock-on' effects for the policing of South Warwickshire as a whole.

**Appendix 5**

**Officers and Staff Set-up Costs**

**Contribution Requested From W/14/0763**

| <b>Additional Officers</b>                      | <b>Approx Set-up Cost per Officer</b> | <b>Pro Rata Requirement for 5 Officers</b> |
|---|---------------------------------------|--|
| Recruitment                                     | £1,060                                | £5,300                                     |
| Training  | £4,400                                | £22,000                                    |
| Uniform & Personal equipment                    | £940                                  | £4,700                                     |
| Standard equipment (ICT and furniture)          | £1,642                                | £8,210                                     |
| <b>Total costs</b>                              | <b>£8,042</b>                         | <b>£40,210</b>                             |
| <b>Pro rata total - 25 homes of 1,410 total</b> | <b>-</b>                              | <b>£713</b>                                |

| <b>Additional Central Support Services</b>      | <b>Approx Set-up Cost per Member of Staff</b> | <b>Pro Rata Requirement for 4 Staff</b> |
|---|---|---|
| Recruitment                                     | £1,060  | £4,240                                  |
| Standard equipment (ICT and furniture)          | £1,642  | £6,568                                  |
| <b>Total costs</b>                              | <b>£2,702</b>                                 | <b>£10,808</b>                          |
| <b>Pro rata total - 25 homes of 1,410 total</b> | <b>-</b>                                      | <b>£192</b>                             |

**Appendix 6**

**Vehicle and Bicycle Costs**

**Contribution Requested From W/14/0763**

Current fleet deployment to Warwickshire comprises 350 cars/vans and 50 bicycles. Based on the number of posts in WP (1,517), there is a ratio of 1 vehicle per 4 posts and 1 bicycle per 30 posts.

It is essential that the current ratio of personnel to vehicles and personnel to bicycles applies to the additional personnel required as a result of development growth.

Vehicles costs have been capitalised on 5 year lifetime average costs for a low/medium size equipped vehicles (excluding fuel). Bicycle costs are established at £1,299 per cycle, with an additional maintenance charge of £297 per bicycle per annum, or £1,485 per 5 years, capitalised. The total cost of providing each new cycle and maintaining it for 5 years is therefore £2,784.

These costs do not include any costs for specialist operational equipment, and the cost estimates below are therefore moderated very conservatively.

On the basis of an additional 5 Police Officers in the territorial and protective services (**Appendix 4**), it is calculated that there will be a requirement for an additional vehicle and bicycle.

The cost of vehicles (both motorised and bicycles) based on 5 additional Police Officers required as a result of the proposed developments are shown below:

| <b>Additional vehicles and bicycles</b>         | <b>Cost per item</b> | <b>Current cost for planned growth (1,410 dw)</b> |
|---|----------------------|---|
| 1 vehicle                                       | £28,500              | £28,500   |
| 1 bicycle                                       | £2,784               | £2,784  |
| <b>Total costs</b>                              | <b>£31,284</b>       | <b>£31,284</b>                                    |
| <b>Pro rata total - 25 homes of 1,410 total</b> | -                    | <b>£555</b>                                       |

**Indicative Specifications and Cost of Freestanding SNT Police Office**

**Methodology for Calculating Contributions Towards SNT Police Office**



Overall, a total of 1,410 dwellings are proposed by planning applications W/14/0763, W/14/0661, W/14/0681 and W/14/0689.

Using the indicative £450,981 total cost given in **Appendix 7** for the SNT Police Office, the methodology for attributing requested contributions to each application towards this total is as follows:

| <b>Planning Application</b> | <b>Number of Dwellings</b> | <b>% of Total Dwellings</b> | <b>Contribution Requested</b> |
|-----------------------------|----------------------------|-----------------------------|-------------------------------|
| W/14/0661                   | 785                        | 55                          | £248,039.55                   |
| W/14/0681                   | 450                        | 32                          | £144,313.92                   |
| W/14/0689                   | 150                        | 11                          | £49,607.91                    |
| W/14/0763                   | 25                         | 2                           | £9,019.62                     |
| <b>Total</b>                | <b>1,410</b>               | <b>100</b>                  | <b>£450,981</b>               |



Ref:  
Date: 26<sup>th</sup> June 2014

Development Policy Manager  
Development Services  
Warwick District Council  
Riverside House  
Milverton Hill  
Leamington Spa  
CV32 5QH

Dear Sir/Madam

**Warwick District Local Plan Publication Draft  
Representation on behalf of Warwickshire Police and West Mercia Police**

I write on behalf of Warwickshire Police and West Mercia Police (WP and WMP) in response to the Publication Draft Local Plan consultation, specifically in respect of the Draft Infrastructure Delivery Plan that forms part of the Local Plan evidence base. Separate representations are submitted in relation to the policies and proposals of the Local Plan by Mr Andrew Morgan, Estate Strategic Planner, Warwickshire Police and West Mercia Police.

The Draft Infrastructure Delivery Plan is an important component of the evidence base that underpins the Local Plan. WP and WMP are pleased to note that the Draft Infrastructure Delivery Plan takes account of the information provided to you in the letter dated 8<sup>th</sup> April 2014 from Andrew Morgan. A copy of this letter is attached for ease of reference. It provides the most up-to-date information available on police infrastructure requirements that are directly attributable to the levels of growth proposed in the Local Plan.

We note that, within the draft IDP, each item of infrastructure is prioritised as either Category 1: strategically essential, Category 2: strategically desirable or locally essential or Category 3: desirable. In terms of police infrastructure, we wish to point out that all the items listed in the IDP are critical to the delivery of operational policing to serve the growth proposed within the Local Plan and should therefore be prioritised as strategically essential.

As indicated in Andrew Morgan's letter, WYG is working with WP and WMP to prepare a detailed Strategic Infrastructure Assessment (SIA) that will cover all the elements of police infrastructure necessary to serve the proposed growth. This can be used to inform future reviews of the IDP, which we understand is a 'live' document that will be updated as infrastructure requirements are refined and costed. The SIA will provide the background to, and full justification for, the police's infrastructure requirements as set out in the IDP and will be CIL Regulation 122 compliant. It is intended that the SIA will be updated annually to take account of any changes in local or operational circumstances.



It is proposed that the SIA will cover both Warwick District and Stratford-on-Avon District. These two districts together form the South Warwickshire Territorial Policing Unit (TPU), which provides all neighbourhood policing services across both local authority areas, with most services being delivered and/or co-ordinated from Warwick Police Station and the Warwickshire Justice Centre in Royal Leamington Spa.

Whilst the SIA will cover growth related police infrastructure requirements for both districts, it will deal separately with requirements for each district in order that the costs of policing are calculated separately and apportioned according to the levels of growth proposed in each.

The methodology will be based on a SIA recently undertaken by WYG for Rugby Borough. In that case, the costs attributable to the Rugby Radio Station development were calculated separately and used to inform the s106 agreement that accompanied the planning permission.

The methodology has been accepted by a number of local authorities and we consider it provides robust evidence to underpin requests for funding of police infrastructure. We would hope to discuss the methodology with you and your colleagues in due course.

We look forward to working with the Council to provide input and evidence to the IDP as it progresses through the Local Plan process.

Yours faithfully,

A handwritten signature in purple ink that reads 'Ros Woodhall'.

**Ros Woodhall**  
**Associate**  
For and on behalf of WYG

cc Andrew Morgan



Warwickshire  
**POLICE**



West Mercia  
**POLICE**

08 April 2014

Our Ref: P/H Div/0009/14

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Ms Sally Jones, Planning Policy Officer  
Planning Policy  
Warwick District Council

**By Email Only**

Dear Ms Jones

**Warwick District – Development Growth – Police Infrastructure Requirements**

As part of a Strategic Alliance, Warwickshire Police (WP) and West Mercia Police (WMP) now act as one on all infrastructure and town planning related matters across their combined geographical area. This includes making joint representations to all local planning authorities and other parties. For the avoidance of doubt however, the two forces retain their separate Police and Crime Commissioners (PCCs) and respective command teams.

These representations have been made in response to the invitation of Warwick District Council to provide details of anticipated police infrastructure requirements in the District, in order to inform the preparation of the following documents: -

1. Warwick District Local Plan
2. Infrastructure Delivery Plan
3. Preliminary Community Infrastructure Levy (CIL) Charging Schedule

At this juncture we would like to stress that WP and WMP take an entirely neutral position on the question of whether some or all of the proposed development sites should be included in the Local Plan.

We are aware, for example, that some of the proposed sites may be promoted in parallel through the planning application process, or that some promoters may make representations against other development options. None of these types of issues are our concern. To ensure the resilience of the police service on a long-term basis in the District, we are obliged to assume that all will come forward and plan our infrastructure and service provision accordingly for the moment. As further information becomes available and/or the situation changes, further representations to the Council's planning policy team and/or development control team will be made by us as appropriate and necessary.

Before continuing, we emphasise that the high level findings presented below are based on the information available currently. We intend to prepare later this year, in conjunction with our consultants WYG, a detailed Strategic Infrastructure Assessment (SIA) of our predicted requirements based on the Council's Submission Local Plan when it is published. The following is therefore necessarily an indicative 'snapshot in time' that will require updating in due course by the SIA.

## **WP's role and responsibility**

In Warwick District WP is responsible for delivering services to address community safety, tackle the fear of crime and seek to achieve a reduction in crime. The delivery of growth and new development places additional pressure on our infrastructure base, which is critical to the delivery of effective policing and securing safe and sustainable communities.

The primary issue for us is to ensure that new development makes adequate provision for the future policing needs it will generate. Like some other public services, our primary funding is insufficient to add new infrastructure to support new development when and wherever this occurs. Further, there are no bespoke funding regimes e.g. like Building Schools for the Future or the Health LIFT, to provide capital investment for our facilities.

This situation has been recognised by the Association of Chief Police Officers (ACPO) nationally for some time and there are public statements which explain our particular funding difficulties.

In addition to the above, the money received by us is comparatively low relative to the size of population in our geographical area. Whilst revenue funding is provided by the Home Office and the Council Tax precept, capital projects are mostly financed through borrowing. Borrowing to provide infrastructure has an impact on the delivery of safe and sustainable communities because loans have to be repaid from revenue budgets, the corollary of which is a reduction in the money available to deliver operational policing.

## **Current Levels of Deployment and Infrastructure**

Regular patrolling of the District is maintained by the South Warwickshire Territorial Policing Unit (TPU), with most services for the area being delivered and/or coordinated from Warwick Police Station and the Warwickshire Justice Centre in Royal Leamington Spa.

It should however be understood that the wider organisation and delivery of policing services is not on a town by town or even on a district by district basis. In this instance the TPU, led by Superintendent Debra Tedds, delivers all neighbourhood policing services to Warwick District and Stratford-on-Avon District. The TPU also provides some support functions as well. Other TPUs cover the remainder of WP's and WMP's combined geographical area. However, the majority of the support and specialist services necessary to support the 'front line' are currently provided in this instance from Leek Wootton and our Hindlip Hall campus.

It should be noted that the above operational arrangement may change by the end of 2014. If this should be the case, further information will be submitted to the Council.

Notwithstanding the above, a huge range of central policing services are delivered to the District, encompassing areas such as:

- Investigations
- Intelligence
- Response policing
- Criminal justice
- Operations planning
- Dogs and firearms
- Special branch
- Forensic services
- Road policing
- Tactical support group
- IT and communications
- Child abuse team
- Economic crime team

All of the above central support services and others will be called upon during the lifetime of the proposed developments, should they be delivered, just as they currently are for the existing settlements. These services and others in turn require organisational support functions in order to operate, such as:

- Finance
- Human resources
- Training
- Top level management

Specific numbers of staff delivering policing are spread across the following functions:

- 225 police officers deliver neighbourhood policing and emergency responses to South Warwickshire. They are not disaggregated according to District and therefore operate across the combined area. This figure does not include the officers based at Leek Wootton and our Hindlip Hall campus who are part of numerous specialist teams who deploy according to need across the entire force area.
- 59 police staff deliver support functions to the South Warwickshire TPU. Like officers, they deliver services to the whole area and are not disaggregated according to District. However this does not include the staff based at Leek Wootton and our Hindlip Hall campus, who will provide support across the entire alliance geographical area as need arises.

Based on existing crime patterns, and policing demand and deployment from nearby areas, indicates the direct and additional impacts of new development in the District on local policing, which will be manifested in demand and responses in the following areas:

- Additional calls and responses per year via our control centre.
- Attendance to additional emergency events within the proposed development and locality each year.
- Additional non-emergency events to follow up with public contact each year.
- Additional recorded crimes in the developments and locality.
- Additional anti-social behaviour incidents each year within the new development and locality.
- Demand for increased patrol cover.

- Additional vehicle use.
- Additional calls on our Airwaves system.
- Additional use of our Police National Database (PND) systems to process and store crime records and intelligence.
- Additional demand for deployment of Mobile CCTV technologies.
- Additional demand for local access to beat staff from local neighbourhood teams.
- Additional policing cover and interventions in all the areas described when considering staffing and functions above and for additional accommodation from which to deliver these.

On the basis of the above, the following police infrastructure will be required to serve the District:

### **Setting-up and Equipping of Officers and Staff**

The table enclosed in **Appendix 1** shows the estimated additional personnel that will be required to serve all the proposed developments in the District.

Setting-up and equipping police officers and staff entails providing IT, radios, protective equipment, uniforms and bespoke training in the use of these. However, additional staff will require additional equipment. There are practical limits to the extent to which existing equipment can be re-used e.g. with uniforms or where technology has moved on.

In this case, **Appendix 1** demonstrates that delivering services to the additional development proposed by the emerging Local Plan would fully occupy the equivalent of an additional 32 police officers and 29 police staff full-time. These totals are broken down as follows: -

- Small SHLAA (Urban) – 1 Police Officer and 1 Police Staff
- Allocated Brownfield Sites – 4 Police Officers and 4 Police Staff
- Canalside & Employment Regeneration Areas – 1 Police Officer and 1 Police Staff
- Allocated Greenfield Sites – 14 Police Officers and 13 Police Staff
- Villages – 3 Police Officers and 2 Police Staff
- Windfall – 9 Police Officers and 8 Police Staff

Staffing levels are under constant review to ensure that minimum acceptable numbers are deployed to meet existing levels of policing demand. This has the benefit of much needed savings in costs, but as a result there is no additional capacity to extend existing staffing to cover additional development.

Where additional development is proposed we would seek to deploy additional staffing and additional infrastructures at the same level that is required to deliver policing to the District. It would be complacent not to do this because without additional support unacceptable pressure will be put on existing staff and our capital infrastructures, which will in turn seriously undermine our ability to meet the policing needs of these developments and maintain the current level of policing to the South Warwickshire TPU as a whole. The impacts of the proposed developments

would be so significant that they could not be met without additional staff deployed at a level consistent with the current level of policing.

The additional officers and staff needed to police the developments proposed by the emerging Local Plan will require additional equipment. For a police officer, the additional items are recruitment £1,060, training £4,400, uniform and personal equipment £940, workstation £1,642. For other staff the additional items are recruitment £1,060 and workstation £1,642. The costs for this arising from the different proposed developments are set out in **Appendix 2**. In summary, the total costs are as follows: -

- Small SHLAA (Urban) – £10,744
- Allocated Brownfield Sites – £42,976
- Canalside & Employment Regeneration Areas – £10,744
- Allocated Greenfield Sites – £147,714
- Villages – £29,530
- Windfall – £93,994

We could not have officers and staff attending and delivering services to the developments with less than adequate equipment, training and facilities without unnecessary risks to themselves and occupiers served.

## **Police Vehicles**

In managing and responding to crime a number of different vehicles can be deployed ranging from general response vehicles and patrol cars, unmarked general support vehicles, police service unit vans and minibuses, scientific (e.g. SOCO) vehicles, pursuit vehicles – 4x4 and high speed, motorcycles and so on. Current fleet deployment to Warwickshire comprises 350 cars/vans and 50 bicycles. Based on the number of posts in WP (1,517), this equates to a ratio of 1 vehicle per 4 posts and 1 bicycle per 30 posts.

The average cost of a vehicle is £28,500. This includes the cost of the vehicle and the operational equipment required. The cost quoted does exclude fuel. We replace vehicles, on average, every 3 years and in the majority of cases there is no resale value. Based on this existing level of deployment to the locality we can forecast additional demands as a result of the developments.

In order to equip the additional officers (**Appendix 1**) required to police the development proposed the following vehicles and bicycles will be needed (**Appendix 3**):

- Small SHLAA (Urban) – No vehicular requirement
- Allocated Brownfield Sites – 1 vehicle - £28,500
- Canalside & Employment Regeneration Areas – No vehicular requirement
- Allocated Greenfield Sites – 4 vehicles and 1 bicycle - £116,784



- Villages – 1 vehicle – £28,500
- Windfall – 2 vehicles - £57,000

The costs quoted do exclude fuel. We replace vehicles, on average, every 3 years and in the majority of cases there is no resale value.

### **On-site Capital Infrastructure Requirements**

The proposed sites which we consider would warrant the permanent presence of an on-site Safer Neighbourhood Team (SNT) Police Office are as follows: -

- Europa Way
- Lower Heathcote Farm
- Thickthorn

At present the sites do not place any significant demands upon the police service. However, following delivery, there is no reason to doubt that there will be a corresponding increase in crime and demand from new residents, occupiers and visitors from the above sites for policing. This will cover a wide range spectrum of support and intervention.

It will consequently be necessary to accommodate the additional staff required to deliver policing to the development sites. Whilst officers spend time away from base they are not independent and require a start and finish location, storage, briefing and report writing facilities. Our existing facilities cannot accommodate the additional staff required for these sites.

The Safer Neighbourhood Team (SNT) Police Office can either be freestanding within a local centre, or as part of a “community hub” building. **Appendix 4** provides indicative specifications and costings of the Police Office, on the basis of a freestanding facility.

### **Cumulative Infrastructure Requirements**

The custody requirements of the District are currently met from the custody suite in the Warwickshire Justice Centre at Royal Leamington Spa. However, the delivery of 13,085 additional homes in the District between 2011 and 2029 will trigger a need for additional custody provision.

The custody suite at Warwick Police Station has been closed for a long time and the cost of refurbishing and extending it now would be prohibitive. This is because the standards required by the Home Office and Her Majesty’s Inspectorate of Constabulary (HMIC) for custody facilities have moved on considerably in the intervening years. We therefore consider that it would be more sensible to extend or refurbish one or more of the existing custody suites that are in use in Warwickshire. Based on the level of growth proposed for the District, we consider that in total 12 additional cells will be needed. Based on proxy figures we have for providing new build custody suites elsewhere in the alliance area, the build cost in this instance would be circa £42,000 per cell i.e. £504,000 for 12no. cells.

It is suggested that the costs of delivering the facility should be shared according to the number of dwellings proposed e.g. through the CIL mechanism. Clearly, the specifications and cost of

the new custody facility will need to be the subject of further detailed discussions in due course. Therefore, it is not possible to calculate a precise cost figure that can be attributed to each development site at this stage.

## **Summary of Police Infrastructure Required for Development Growth Options**

### Small SHLAA (Urban)

|   |         |
|---|---------|
| Recruitment and equipping of officers and staff | £10,744 |
|---|---------|

### Allocated Brownfield Sites

|   |         |
|---|---------|
| Recruitment and equipping of officers and staff | £42,976 |
|---|---------|

|                 |         |
|-----------------|---------|
| Police vehicles | £28,500 |
|-----------------|---------|

### Canalside & Employment Regeneration Areas

|   |         |
|---|---------|
| Recruitment and equipping of officers and staff | £10,744 |
|---|---------|

### Allocated Greenfield Sites

|   |          |
|---|----------|
| Recruitment and equipping of officers and staff | £147,714 |
|---|----------|

|                 |          |
|-----------------|----------|
| Police vehicles | £116,784 |
|-----------------|----------|

### Villages

|   |         |
|---|---------|
| Recruitment and equipping of officers and staff | £29,530 |
|---|---------|

|                 |         |
|-----------------|---------|
| Police vehicles | £28,500 |
|-----------------|---------|

### Windfall

|   |         |
|---|---------|
| Recruitment and equipping of officers and staff | £93,994 |
|---|---------|

## **Summary of On-site Capital Infrastructure Requirements**

### Europa Way

|  |          |
|--|----------|
| Premises (SNT Police Office – assuming freestanding) | £450,981 |
|--|----------|

### Lower Heathcote Farm

|  |          |
|--|----------|
| Premises (SNT Police Office – assuming freestanding) | £450,981 |
|--|----------|

### Thickthorn

|  |          |
|--|----------|
| Premises (SNT Police Office – assuming freestanding) | £450,981 |
|--|----------|

## **Cumulative Capital Infrastructure Requirement**

Custody – 12 additional cells £504,000

**Overall Police Infrastructure Cost £2,366,429**

Without the above infrastructure, we consider that the proposed development growth will be unacceptable in planning terms as indicated in the National Planning Policy Framework (NPPF). We further consider that the lack of capacity in our existing infrastructure to accommodate the population growth and associated demands occasioned by the delivery of development means that it will prove necessary for promoters to provide contributions, either financially or in-kind, so that the situation might be remedied.

Should there be any queries with any of the evidence presented, we would be pleased to discuss them further.

Yours sincerely

**Andrew Morgan  
Strategic Planner**

*“Without prejudice to any other obligation imposed upon it, it shall be the duty of each local authority to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area: Section 17(1) of the Crime and Disorder Act 1998.”*

**Appendix 1**  
**Staffing Levels – Existing and Proposed**

In the context of the uncertainty about the future organisation and staffing numbers for WP, the table uses current planned staffing levels as a basis for calculating the additional staffing requirement to serve the sites. The staffing levels below (identified as budgeted posts) are for the whole WP area and include the various support staff, many of whom are responsible for providing services across the WP area and not just within South Warwickshire. The population of WP's geographical area is currently about 545,500 and the area accommodates about 231,000 dwellings (Census 2011). The total levels of staffing across the whole of the WP area have been used to calculate pro-rata requirements for additional personnel required to serve the proposed developments.

| Command Area               | Total Posts in Warks | Approx Population in Warks per Post | Approx Dwellings in Warks per Post | Pro Rata Post Requirement<br>Small SHLAA (Urban) (393 dw) | Pro Rata Post Requirement<br>Allocated Brownfield Sites (1,330 dw) | Pro Rata Post Requirement<br>Canalside & Employment Regeneration Areas (269 dw) | Pro Rata Post Requirement<br>Allocated Greenfield Sites (4,165 dw) | Pro Rata Post Requirement<br>Villages (814 dw)            | Pro Rata Post Requirement<br>Windfall Allowance (2,485 dw) |
|----------------------------|----------------------|-------------------------------------|------------------------------------|---|--|---|--|---|--|
| <b>Local Policing</b>      |                      |                                     |                                    |   |  |   |  |   |  |
| Police Officers            | 566                  | 964                                 | 408                                | 1   | 3  | 1   | 10   | 2   | 6  |
| Police Staff               | 400                  | 1,364                               | 578                                | 1   | 2  | 1   | 7  | 1   | 4  |
| <b>Protective Services</b> |                      |                                     |                                    |   |  |   |  |   |  |
| Police Officers            | 232                  | 2,351                               | 996                                | 0   | 1  | 0   | 4  | 1   | 3  |
| Police Staff               | 163                  | 3,347                               | 1,417                              | 0   | 1  | 0   | 3  | 1   | 2  |
| <b>Enabling Services</b>   |                      |                                     |                                    |   |  |   |  |   |  |
| Police Officers            | 8                    | 68,188                              | 28,875                             | 0   | 0  | 0   | 0  | 0   | 0  |
| Police Staff               | 103                  | 5,296                               | 2,243                              | 0   | 1  | 0   | 2  | 0   | 1  |
| <b>Finance</b>             |                      |                                     |                                    |   |  |   |  |   |  |
| Police Officers            | 1                    | 545,500                             | 231,000                            | 0   | 0  | 0   | 0  | 0   | 0  |
| Police Staff               | 44                   | 12,398                              | 5,250                              | 0   | 0  | 0   | 1  | 0   | 1  |
| <b>Total</b>               | <b>1,517</b>         |                                     |                                    | <b>2</b><br><b>(1 police officer and 1 police staff)</b>  | <b>8</b><br><b>(4 police officers and 4 police staff)</b>          | <b>2</b><br><b>(1 police officer and 1 police staff)</b>                        | <b>27</b><br><b>(14 police officers and 13 police staff)</b>       | <b>5</b><br><b>(3 police officers and 2 police staff)</b> | <b>17</b><br><b>(9 police officers and 8 police staff)</b> |

**Appendix 2**  
**Officers and Staff Set-up Costs**

## Police Officers

| <b>Additional Officers</b>             | <b>Approx Set-up Cost per Officer</b> | <b>Small SHLAA (Urban)</b> | <b>Allocated Brownfield Sites</b> | <b>Canalside &amp; Employment Regeneration Areas</b> | <b>Allocated Greenfield Sites</b> | <b>Villages</b>          | <b>Windfall</b>          |
|--|---------------------------------------|----------------------------|-----------------------------------|--|-----------------------------------|--------------------------|--------------------------|
|  |                                       | <b>1 Police Officer</b>    | <b>4 Police Officers</b>          | <b>1 Police Officer</b>                              | <b>14 Police Officers</b>         | <b>3 Police Officers</b> | <b>9 Police Officers</b> |
| Recruitment                            | £1,106                                | £1,106                     | £4,424                            | £1,106   | £15,484                           | £3,318                   | £9,954                   |
| Training                               | £4,400                                | £4,400                     | £17,600                           | £4,400   | £61,600                           | £13,200                  | £39,600                  |
| Uniform & Personal Equipment           | £940                                  | £940                       | £3,760                            | £940   | £13,160                           | £2,820                   | £8,460                   |
| Standard Equipment (ICT and Furniture) | £1,642                                | £1,642                     | £6,568                            | £1,642   | £22,988                           | £4,926                   | £14,778                  |
| <b>Total Costs</b>                     | <b>£8,042</b>                         | <b>£8,042</b>              | <b>£32,168</b>                    | <b>£8,042</b>  | <b>£112,588</b>                   | <b>£24,126</b>           | <b>£72,378</b>           |

## Police Staff

| <b>Additional Officers</b>             | <b>Approx Set-up Cost per Officer</b> | <b>Small SHLAA (Urban)</b> | <b>Allocated Brownfield Sites</b> | <b>Canalside &amp; Employment Regeneration Areas</b> | <b>Allocated Greenfield Sites</b> | <b>Villages</b>       | <b>Windfall</b>       |
|--|---------------------------------------|----------------------------|-----------------------------------|--|-----------------------------------|-----------------------|-----------------------|
|  |                                       | <b>1 Police Staff</b>      | <b>4 Police Staff</b>             | <b>1 Police Staff</b>                                | <b>13 Police Staff</b>            | <b>2 Police Staff</b> | <b>8 Police Staff</b> |
| Recruitment                            | £1,106                                | £1,106                     | £4,424                            | £1,106   | £14,378                           | £2,212                | £8,848                |
| Standard Equipment (ICT and Furniture) | £1,642                                | £1,642                     | £6,568                            | £1,642   | £21,346                           | £3,284                | £13,136               |
| <b>Total Costs</b>                     | <b>£2,702</b>                         | <b>£2,702</b>              | <b>£10,808</b>                    | <b>£2,702</b>  | <b>£35,126</b>                    | <b>£5,404</b>         | <b>£21,616</b>        |

**Appendix 3**  
**Vehicle and Bicycle Costs**



Current fleet deployment to Warwickshire comprises 350 cars/vans and 50 bicycles. Based on the number of posts in WP (1,517), there is a ratio of 1 vehicle per 4 posts and 1 bicycle per 30 posts.

It is essential that the current ratio of personnel to vehicles and personnel to bicycles applies to the additional personnel required as a result of development growth.

Vehicles costs have been capitalised on 5 year lifetime average costs for a low/medium size equipped vehicles (excluding fuel). Bicycle costs are established at £1,299 per cycle, with an additional maintenance charge of £297 per bicycle per annum, or £1,485 per 5 years, capitalised. The total cost of providing each new cycle and maintaining it for 5 years is therefore £2,784.

These costs do not include any costs for specialist operational equipment, and the cost estimates below are therefore moderated very conservatively.

| <b>Development Growth</b>                 | <b>Additional Vehicles and Bicycles</b> | <b>Cost per Item</b> | <b>Total Cost</b>                |
|---|---|----------------------|----------------------------------|
| Small SHLAA (Urban)                       | 0 vehicles<br>0 bicycle                 | £28,500<br>£2,784    | -                                |
| Allocated Brownfield Sites                | 1 vehicle<br>0 bicycle                  | £28,500<br>£2,784    | <b>£28,500</b><br>-              |
| Canalside & Employment Regeneration Areas | 0 vehicles<br>0 bicycle                 | £28,500<br>£2,784    | -                                |
| Allocated Greenfield Sites                | 4 vehicles<br>1 bicycle                 | £28,500<br>£2,784    | <b>£114,000</b><br><b>£2,784</b> |
| Villages                                  | 1 vehicles<br>0 bicycle                 | £28,500<br>£2,784    | <b>£28,500</b><br>-              |
| Windfall                                  | 2 vehicles<br>0 bicycle                 | £28,500<br>£2,784    | <b>£57,000</b><br>-              |

**Appendix 4**  
**Indicative Specifications and Cost of Freestanding SNT Police Office**



**Contract:** Safer Neighbourhood Team Police Office  
**Client:** Police Service  
**Report:** Feasibility Study (New Build Estimate) Rev.C  
**Date:** 2013

**Author:** J. Tylee





**Contract:** Safer Neighbourhood Team Police Office  
**Client:** Police Service  
**Report:** Feasibility Study (New Build Estimate) Rev.C  
**Date:** 2013

**Author:** J. Tylee

### Executive Summary

Estimate of construction costs of new build Police Office (Approx. 178m2)

Budget Range: **£420,000 - £490,000**

### Basis of Feasibility Estimate:

**Drawing:** Refer to Layout page  
**Spec:** Refer to Layout page

### Assumptions

New Build Construction, approx. 178m2 GFA  
 Single Storey, standalone, office accommodation to house approx. 10nr. Staff  
 Traditional methods of construction (Elemental Basis)  
 Level, cleared site, with 'normal' ground conditions  
 Services / Utilities & drainage all provided to site  
 Provisional Sum of £17,000 allowed for Statutory Authority Fees  
To be used for indicative purposes only

### Exclusions

Location Index - To be Rebased  
 Date Index - To be Rebased  
 No demolition required  
 No allowance for contamination, removal of asbestos, or environmental protection  
 No allowance for diversion and/or protection of existing services  
 No allowance for VAT  
 No allowance for Archaeology and/or Environmental Surveys (& mitigation/outcomes)

### Elemental Basis

#### Element Nr. Element / Spec.

- 1 Substructure: Insitu Concrete, Strip Foundation, Insitu Slab
- 2A Frame: Concrete frame/blockwork and slab
- 2C Roof: Timber trussed roof, insulation, covering, Rainwater goods, Clay tiles
- 2E External Walls: Cavity Walls, Dense Block, Rendered
- 2F External Windows & Doors: Steel frame, purpose made, powder coated, shutters
- 2G Internal Walls and Partitions: Blockwork partitions
- 2H Internal Doors: Solid timber doors with vision panels
- 3A Wall Finishes: Plasterboard lining & Skim / Ceramic wall tiles
- 3B Floor Finishes: 75 Screed, Insulation, Vinyl sheet / carpet
- 3C Ceiling Finishes: Suspended ceiling, medium quality, concealed grid
- 4 Fittings & Furnishings: Kitchen Unit, Reception Desk, Workstations
- 5A Sanitary Appliances: General sanitaryware
- 5D Water Installations: Hot and Cold water services
- 5F Space Heating: Gas LTHW general heating
- 5H Electrical Installations: Electric light and power installations
- 5L Communications & Security: Fire & Intruder alarms, CCTV, etc.
- 5N Builders Work in connection: Connection with services
- 6A Site Works: Site Prep, Generally
- 6B Drainage: General Building and site drainage, connect to existing



**Contract:** Safer Neighbourhood Team Police Office  
**Client:** Police Service  
**Report:** Feasibility Study (New Build Estimate) Rev.C  
**Date:** 2013

**Author:** J. Tylee

**Police Office Layout - Utilised for Measure**

**Drawing:** As per Sketch below (Indicative - size and layout only)  
**Spec:** As per General Police Movement Plan - Accomodation Requirements

**GIA taken as 178m2**





**Contract:** Safer Neighbourhood Team Police Office  
**Client:** Police Service  
**Report:** Feasibility Study (New Build Estimate) Rev.C  
**Date:** 2013

**Author:** J. Tylee

**Police Office - Elemental Estimate**

**Total GFA (m2):** 178.00

| Element Nr.                                    | Element                                   | Package Cost      | Rate (£/m2)     | Percentage (%) |
|--|---|-------------------|-----------------|----------------|
| <b>1</b>                                       | <b>Substructure</b>                       | 23,400.00         | 131.46          | 5.39%          |
| <b>2</b>                                       | <b>Superstructure</b>                     | 106,090.00        | 596.01          | 24.45%         |
| 2A   | Frame                                     | 25,200.00         | 141.57          | 5.81%          |
| 2B   | Upper Floors                              | -                 | -               | 0.00%          |
| 2C   | Roof                                      | 28,800.00         | 161.80          | 6.64%          |
| 2D   | Stairs                                    | -                 | -               | 0.00%          |
| 2E   | External Walls                            | 16,400.00         | 92.13           | 3.78%          |
| 2F   | External Windows and Doors                | 18,400.00         | 103.37          | 4.24%          |
| 2G   | Internal Walls and Partitions             | 11,790.00         | 66.24           | 2.72%          |
| 2H   | Internal Doors                            | 5,500.00          | 30.90           | 1.27%          |
| <b>3</b>                                       | <b>Finishes</b>                           | 21,975.00         | 123.46          | 5.06%          |
| 3A   | Wall Finishes                             | 6,675.00          | 37.50           | 1.54%          |
| 3B   | Floor Finishes                            | 7,740.00          | 43.48           | 1.78%          |
| 3C   | Ceiling Finishes                          | 7,560.00          | 42.47           | 1.74%          |
| <b>4</b>                                       | <b>Fittings and furnishings</b>           | 18,000.00         | 101.12          | 4.15%          |
| <b>5</b>                                       | <b>Services</b>                           | 86,940.00         | 488.43          | 20.03%         |
| 5A   | Sanitary Appliances                       | 5,000.00          | 28.09           | 1.15%          |
| 5B   | Services Equipment                        | -                 | -               | 0.00%          |
| 5C   | Disposal Installations                    | -                 | -               | 0.00%          |
| 5D   | Water Installations                       | 6,300.00          | 35.39           | 1.45%          |
| 5E   | Heat Source                               | -                 | -               | 0.00%          |
| 5F   | Space Heating and Air Conditioning        | 18,000.00         | 101.12          | 4.15%          |
| 5G   | Ventilating Systems                       | -                 | -               | 0.00%          |
| 5H   | Electrical Installations                  | 23,580.00         | 132.47          | 5.43%          |
| 5I   | Fuel Installations                        | -                 | -               | 0.00%          |
| 5J   | Lift and Conveyor Installations           | -                 | -               | 0.00%          |
| 5K   | Fire and Lightning Protection             | -                 | -               | 0.00%          |
| 5L   | Communications and Security Installations | 31,000.00         | 174.16          | 7.14%          |
| 5M   | Special Installations                     | -                 | -               | 0.00%          |
| 5N   | Builders Work in Connection               | 3,060.00          | 17.19           | 0.71%          |
| 5O   | Management of Commissioning               | -                 | -               | 0.00%          |
| <b>6</b>                                       | <b>External Works</b>                     | 60,000.00         | 337.08          | 13.83%         |
| 6A   | Site Works                                | 50,000.00         | 280.90          | 11.52%         |
| 6B   | Drainage                                  | 10,000.00         | 56.18           | 2.30%          |
| 6C   | External Services                         | -                 | -               | 0.00%          |
| 6D   | Minor Building Works                      | -                 | -               | 0.00%          |
| 6E   | Demolition and Work outside site          | -                 | -               | 0.00%          |
| <b>SUB-TOTAL</b>                               |   | <b>316,405.00</b> | <b>1,777.56</b> | <b>72.91%</b>  |
| <b>Preliminaries</b> 15%                       |   | 47,460.75         | 266.63          | 10.94%         |
| <b>Design Fees</b> 12%                         |   | 37,968.60         | 213.31          | 8.75%          |
|  |   | <b>401,834.35</b> | <b>2,257.50</b> | <b>92.59%</b>  |
| <b>Contingencies</b> 8%                        |   | 32,146.75         | 180.60          | 7.41%          |
| <b>CONTRACT SUM (£)</b>                        |   | <b>433,981.10</b> | <b>2,438.10</b> | <b>100.00%</b> |
| <b>Statutory Authority Charges (Allowance)</b> |   | 17,000.00         |                 |                |
| <b>CONTRACT SUM inc. Stat.Charges (£)</b>      |   | <b>450,981.10</b> |                 |                |



Department for  
Communities and  
Local Government

Mr R J Gardner  
GVA Grimley Ltd  
3 Brindley Place  
BIRMINGHAM  
B1 2JB

Our Ref: : APP/X2410/A/12/2173673  
Your Ref: Jelson Barrow on Soar

14 May 2013

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL BY JELSON HOMES  
LAND AT MELTON ROAD, BARROW UPON SOAR, LEICESTERSHIRE, LE12 8NN  
APPLICATION REF: P/10/1518/2**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Keith Manning BSc (Hons) BTP MRTPI, who held a public local inquiry on 7 days between 9 October 2012 and 16 January 2013 into your clients' appeal against the refusal of Charnwood Borough Council ("the Council") to grant outline planning permission for residential development at land at Melton Road, Barrow Upon Soar, Leicestershire, LE12 8NN, in accordance with application ref: P/10/1518/2.
2. On 18 June 2012, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves a proposal over 150 units on a site of more than 5 ha which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable mixed and inclusive communities.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed and planning permission granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendations. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

**Matters arising following the close of the inquiry**

4. Nicky Morgan MP wrote to the Planning Inspectorate on 2 April 2013 to point out that the Council's Cabinet would be considering their draft Core Strategy document at a meeting on 11 April with a view to approving it for consultation, and the Parish Council

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wrote to the Secretary of State on 7 May 2013 drawing attention to the revocation of the *East Midlands Regional Plan 2009 (RS)* and to the Council's approval of the Core Strategy for public consultation. Copies of this correspondence can be obtained by written application to the address at the bottom of the first page of this letter, and the points raised are covered in paragraph 5 below.

### **Policy considerations**

5. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, following the revocation of the RS with effect from 12 April 2013, the Development Plan consists of the saved policies of the Charnwood Local Plan 1991-2006. The Secretary of State does not consider that the revocation of the RS raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal, and he is satisfied that no interests have thereby been prejudiced. He has also had regard to the fact that the Council is progressing work on its Core Strategy. However, as that is at an early stage in its preparation, he gives it little weight.
6. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (The Framework); *Technical Guidance to the National Planning Policy Framework* (March 2012); Circular 11/1995: *Use of Conditions in Planning Permission*; and the *Community Infrastructure Levy (CIL) Regulations 2010* as amended.

### **Main issues**

7. The Secretary of State agrees with the Inspector that the main issues in this case are those identified by the Inspector at IR219.

#### Housing land supply

8. The Secretary of State agrees with the Inspector that, for the reasons given at IR220-221, the presumption in favour of sustainable development set out in paragraph 14 of the Framework is engaged and the failure to demonstrate a 5 year supply of deliverable housing sites is a matter to which substantial weight must be accorded.

#### Sustainability

9. For the reasons given at IR222-232, the Secretary of State agrees with the Inspector's conclusion at IR233 that the appeal site's basic credentials in terms of natural resource conservation, potential for good design, choice of sustainable transport modes and scope for future improvement of public transport in response to demand are highly conducive to development of the type proposed. Like the Inspector (IR234), the Secretary of State recognises that other considerations impinge on the overall sustainability of the site, and he goes on to consider those individually below.

#### Highway safety

10. The Secretary of State notes (IR236) that the Highway Authority has not objected to the appeal proposals but that the junction of Grove Lane with Sibley Road/South Street does not provide the visibility to the left that, ideally, it should. Having carefully



considered the evidence summarised by the Inspector at IR235-243, the Secretary of State agrees with him (IR244) that it is appropriate to consider the matter of the safety of the Grove Lane junction in the round. He therefore agrees with the Inspector (IR244-245) that, despite its perceived deficiency in respect of visibility to the left, the junction operates safely and should not trigger prevention of the proposed scheme unless the impact of the proposed development on its continued safe operation would be demonstrably severe in the sense intended by paragraph 32 of the Framework.

11. Accordingly, for the reasons given at IR247-248, the Secretary of State agrees with the Inspector that it would not be unreasonable to conclude that the safety of the junction would not be materially diminished by the extra traffic from the proposed development. He also agrees with the Inspector (IR249) that, on the basis of the evidence seen by the Inspector, there would seem to be no reason why safety should be reduced for pedestrians or cyclists. Overall, therefore, he agrees (IR250) that the balance of evidence points to a judgement that highway safety would not be materially compromised by the appeal scheme and that only limited weight should be afforded to the perception of any such risk.
12. With regard to the site access itself (IR251-253), the Secretary of State agrees with the Inspector that there is no reason to disagree with the Highway Authority with regard to the need for a separate emergency access (IR252); and that no weight should be accorded to any potential deficiencies in the forward visibility to the access roundabout from the north east (IR253).

#### Traffic circulation in Barrow Upon Soar

13. Having regard to the Inspector's consideration of the traffic circulation issues arising from the concentration of traffic onto the listed Barrow Road bridge, and the periodic inundation of the alternative route via Slash Lane placing more pressure on the bridge when such flooding occurs (IR254-256), the Secretary of State agrees with the Inspector at IR257 that the key question is whether the extra traffic impact of the proposed development on flood days would be so severe as to render it untenable. Taking account of the Inspector's deliberations at IR258-264, including the appellant's off-site proposals to improve capacity through traffic management measures and the fact that the highway authority is satisfied with them, the Inspector concludes that he has seen no cogent evidence to suggest that the position would be untenable; and the Secretary of State sees no reason to disagree with that conclusion.

#### Flood risk

14. Like the Inspector, the Secretary of State considers that, despite the apprehension of local residents, the proposed development should not make matters worse in any significant way for the existing population (IR265-267) and may possibly improve the position for some existing householders (IR274). The Secretary of State also agrees with the Inspector (IR268) that, although the evidence produced so far has been sufficient to satisfy the Environment Agency that relevant objectives could be met, if more detailed investigation subsequently shows that they could not actually be satisfied, the development would not be able to proceed. Overall, for the reasons given at IR269-274, the Secretary of State agrees with the Inspector's conclusions at IR275-276 that there is no significant conflict with the intentions of the development plan or the Framework in respect of flood risk, and that any potential impact on foul

drainage and risk of surcharge arising from flooding of Fishpool Brook can be addressed by the imposition of conditions.

### Infrastructure

15. Like the Inspector (IR301), the Secretary of State appreciates the local perception in the community of growth and consequent pressure. Nevertheless, having carefully considered the Inspector's deliberations on infrastructure provision at IR277-300 (and taking account of his conclusions on the terms of the planning obligation at paragraph 20 below), the Secretary of State agrees with the Inspector at IR 301 that the proposed development would provide the necessary mitigation, but little more, of its own impact and so should not lead to the deterioration in the quality of life which the Parish Council and others assert. He therefore also agrees with the Inspector (IR302) that the proposed development would not lead to a deterioration in the quality of life of existing residents sufficient to warrant dismissal of the appeal.

### Accordance with the development plan and the Framework

16. For the reasons given at IR303-311, and taking account of the revocation of the RS, the Secretary of State agrees with the Inspector's conclusion at IR312 that the appeal scheme displays a very substantial degree of accordance with the development plan as a whole apart from the conflict with the protection of the countryside outside defined settlement boundaries - where the local plan intention has to be tempered by the presumption in favour of sustainable development in the Framework. The Secretary of State also agrees with the Inspector's more detailed conclusions with regard to accordance with the Framework at IR313-323.

17. Furthermore, like the Inspector, he has given careful consideration to the core principle with regard to "empowering people to shape their surroundings" (IR324), but he agrees with the Inspector that that pulls in the opposite direction to the presumption in favour of sustainable development that is engaged in this case. In coming to this conclusion, the Secretary of State agrees with the Inspector (IR326) that, as the aspiration to prepare a neighbourhood plan is clearly some time from fulfilment, with no firm programme for preparation, paragraph 14 of the Framework is inescapably influential in the context of the Framework as a whole, bearing in mind the sustainability of the appeal scheme in terms of its location and characteristics.

### The planning balance

18. For the reasons given at IR327-337, the Secretary of State agrees with the Inspector at IR338 that, while there are harmful aspects to the appeal scheme to which weight should be accorded, these have to be weighed against the very substantial contribution to housing needs that the site is capable of providing in the context of an acknowledged shortage of suitable land and the inherent sustainability of the location. He also agrees that those aspects of the planning obligation which help to mitigate the impact of the proposed development should be accorded due weight and that, bearing in mind the policies of the Framework as a whole and the development plan taken as a whole, the presumption in favour of sustainable development should be the decisive factor.

### **Conditions and obligations**

19. The Secretary of State has considered the Inspector's reasoning and conclusions on planning conditions as set out at IR197-215, and he is satisfied that the conditions as proposed by the Inspector and set out at Annex A to this letter are reasonable, necessary and comply with Circular 11/95.
20. With regard to the Planning Obligation (IR4, IR216-218, and IR283-301), the Secretary of State is satisfied that the provisions set out in the signed and sealed Planning Agreement dated 4 October 2012, as varied by the Deed of Variation dated 15 January 2013 (to make its provisions conditional upon their items being determined by the Secretary of State to meet the statutory tests) can be considered to be compliant with CIL Regulation 122. For the reasons given at IR286, the Secretary of State agrees with the Inspector at IR287 that no weight should be given to the Travel Plan Penalty element of the planning obligation.

### **Overall Conclusions**

21. The Secretary of State gives significant weight to the fact that the Framework indicates that, in the absence of a 5 year housing land supply in an up-to-date, adopted development plan, planning permission should be granted for the proposal. He is satisfied that the appeal site is in a sustainable location for housing development, and that, as the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, he does not consider that there are any material considerations of sufficient weight to justify refusing planning permission.

### **Formal Decision**

22. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations. He hereby grants outline planning permission for residential development at land at Melton Road, Barrow Upon Soar, Leicestershire, LE12 8NN, in accordance with application ref: P/10/1518/2.
23. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
24. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

### **Right to challenge the decision**

25. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

26. A copy of this letter has been sent to the Council. A notification e-mail / letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

**JEAN NOWAK**

Authorised by Secretary of State to sign in that behalf

**CONDITIONS**

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. No development shall commence until both a Master Plan in general conformity with the submitted Illustrative Masterplan 4045\_SK\_001 rev E and a Design Code for the site have been submitted to and approved in writing by the local planning authority. Both shall substantially accord with the submitted Design and Access Statement Rev G. Any amendment to either shall be submitted to and approved in writing by the local planning authority. The Design Code shall address the following:-
  - i) Architectural and sustainable construction principles
  - ii) Character areas
  - iii) Lifetime home standards
  - iv) Car parking principles
  - v) Cycling provision including pedestrian and cycle links to adjoining land
  - vi) Street types and street materials
  - vii) Boundary treatments
  - viii) Building heights (which should be limited to a maximum height of three storeys, being located on the main street only, as indicated on pages 33/34 of the Design and Access Statement, and two storeys for the remaining parts of the development)
  - ix) Building materials
  - x) Provision of public open spaces (including timetable for implementation)
  - xi) Design of the site to accord with Secure by Design principles.
  - xii) Phases of development.

Applications for approval of the reserved matters submitted pursuant to condition 2) above shall be in accordance with the Master Plan and Design Code as approved. In addition to the Design and Access Statement previously referred to, The Master Plan and Design Code and the reserved matters submitted for approval shall also accord with the principles set out in the following submitted documents: Flood Risk Assessment June 2010; Addendum to Flood Risk Assessment January 2011; Ecological Appraisal June 2010; Bats in Trees Addendum December 2010; Tree Assessment Report Rev A; and Badger Mitigation Strategy December 2010. Development shall be carried out in accordance with all matters approved pursuant to this condition.

5. Notwithstanding the generality of condition 4) above, the development hereby permitted shall be carried out in accordance with the following approved plans:

4045\_SK\_005 Site Location Plan  
 0940/SK/010 rev C Typical Badger Tunnel Detail  
 0940/SK/013 rev E Melton Road Alternative Site Access Roundabout  
 0940/SK/014 rev A Site Access Roundabout  
 0940/SK/022 rev B Fishpool Brook Pedestrian Footbridge Crossing  
 0940/ATR/002 rev A Proposed Site Access – Swept Path Analysis  
 4045-L-01 rev D Types of Open Space

4045-L-02 rev A Extended Floodplain Area to be Regraded  
4045-L-04 Public Open Space Phasing Plan  
NTW/307/Figure 4 Rev A Indicative Floodplain Sections  
NTW/307/Addendum Figure 1 Rev A Fishpool Brook Modelled Floodplain Extent

6. The maximum area of residential development on the site (excluding the areas of public open space, structural landscaping, meadow and SUDS) shall be defined on the Master Plan to be approved pursuant to condition 4) above and shall not exceed 8.32 hectares, and no more than 300 dwellings shall be constructed on the site.
7. No construction on any phase of the development hereby permitted shall commence until such time as the following details in respect of that phase have been submitted to and approved in writing by the local planning authority:
  - a) Siting including details of proposed levels of ground surfaces and finished floor levels of all buildings and a number of selected typical sections across the phase.
  - b) A landscaping scheme including details of all trees and hedgerow to be retained, full planting specification, timing or phasing of implementation, services above and below ground; and a landscape management plan covering a minimum period of 10 years following completion of the development. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted;
  - c) Treatment of all hard surfaced areas, including types and colours of materials street furniture, signing and lighting of all public spaces.
  - d) Boundary treatment to all open areas where the site bounds other land (where confirmed in writing by the local planning authority to be required) including design, height, materials and colour finish.
  - e) Details of the proposed standard signage for the footpaths at the points where footpath I 23 is proposed to be crossed by the new estate roads.
  - f) Layout and design of children's play areas; Multi Use Games Area/skate park area and any other play/ recreation area within the development;
  - g) Details of external lighting.

Development shall be carried out in accordance with the approved details.

8. No development shall commence until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority, and no development shall take place except in accordance with the approved scheme details.
9. No development shall commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the local planning authority. No dwelling, in any phase of construction, shall be occupied until all the works necessary in respect of that phase have been implemented in accordance with the approved details.
10. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydro-geological context of the development, including any requirement for the provision of a balancing pond, has been submitted to and approved in writing by the local planning authority. No dwelling, in any phase of construction, shall be occupied until all the works necessary in respect of that phase have been implemented in accordance with the approved details. The balancing pond, if required, shall be completed and be in operation before the occupation of the first dwelling on any phase.

11. No development shall commence until a scheme to install trapped gullies has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. No dwelling, in any phase of construction, shall be occupied until all the works necessary in respect of that phase have been implemented in accordance with the approved details.
12. If during development contamination not previously identified is found to be present at the site then no further development should be carried out in that location until such time as a remediation strategy has been submitted to and agreed in writing by the local planning authority and the works carried out in accordance with the agreed strategy prior to re-commencement on that part of the site.
13. Prior to the commencement of development, a scheme for the protection of trees and hedges to be retained on site shall be submitted to and approved in writing by the local planning authority. The scheme shall include:-
  - Details of all trees and hedges to be retained on site.
  - Details of any works proposed in respect of any retained trees and hedges on site.
  - Details of operational and physical measures proposed for the protection of trees and hedges
  - Details of any ground works that are to be carried out within 10 metres of any tree or hedge identified as being retained.
  - Details of the methodology to be employed when carrying out ground or other works within 10 metres of any tree or hedge to be retained.

Development shall be carried out in accordance with the approved details.

14. No development shall commence on any phase until the tree/hedge protection measures for that phase approved pursuant to condition 13) above have been fully implemented. The approved tree/hedge protection measures shall be retained and maintained in their approved form until development on the phase in which they are located is complete. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon unless approved as part of the details submitted to discharge the condition.
15. No development shall commence until a scheme of noise attenuation/mitigation measures (in order to reduce noise likely to be experienced in dwellings and private gardens from the use of the railway corridor to the south west of the site) has been submitted to and approved in writing by the local planning authority. No dwelling in any phase of the site identified by the scheme as being affected by railway noise shall be occupied until the required measures have been implemented in accordance with the approved scheme.
16. No development shall commence until details of the construction of the proposed access roundabout (as shown indicatively on drawing 0940/SK/013 Rev E) and the footpath/cycleway bridge across the Fishpool Brook (as shown indicatively on drawing 0940/SK/022 rev B) have been submitted to and approved in writing by the local planning authority. No dwelling on the site shall be occupied until the access roundabout and pedestrian bridge have been constructed in accordance with the approved details.
17. No development shall commence until a detailed scheme of works for the improvement of traffic flow at the Barrow Road Bridge of the type illustrated on WSP UK drawing numbered SK/017 Rev A has been submitted to and approved in writing by the local planning authority. No dwelling on the site shall be occupied until the improvement works at the bridge have been fully implemented in accordance with the approved details.
18. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) the routing of construction traffic throughout the construction process and the mechanism for securing adherence to approved routes
- iii) loading and unloading of plant and materials
- iv) storage of plant and materials used in constructing the development
- v) the erection and maintenance of security fencing
- vi) wheel washing facilities
- vii) measures to control the emission of dust and dirt during construction
- viii) a scheme for recycling/disposing of waste resulting from the construction works
- ix) precautionary measures to ensure that no badgers become trapped or injured during development work

19. No development shall commence until procedures have been initiated to upgrade the existing public footpaths I 23 and I 24 (part) beyond the edge of the meadow boundary to the eastern boundary of the application site to footpaths/cycleways. The upgrading works (including those approved through Condition 7) shall be completed prior to the occupation of 50% of the dwellings on the site.
20. No development shall commence until a scheme of electronic or other suitable signing to warn of flooding on Slash Lane has been submitted to and approved by the local planning authority. No dwelling on the site shall be occupied until the scheme has been fully implemented in accordance with the approved details.
21. No development shall commence until a scheme of public art to be delivered on site has been submitted to and agreed in writing by the local planning authority. Those elements of the approved public art scheme which are to be delivered on a particular phase of the development shall be delivered prior to the occupation of 80% of the dwellings in that phase.
22. No development shall commence until an assessment of the anticipated energy requirements arising from the development has been submitted to and approved in writing by the local planning authority. That assessment must demonstrate how a minimum of 10% of the energy requirements shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how these measures are to be achieved, including details of any physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.





The Planning  
Inspectorate

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# Report to the Secretary of State for Communities and Local Government

by Keith Manning BSc (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 13 March 2013

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**TOWN AND COUNTRY PLANNING ACT 1990**

**CHARNWOOD BOROUGH COUNCIL**

**APPEAL BY**

**JELSON HOMES**

Inquiry opened on 9 October 2012

Land at Melton Road, Barrow Upon Soar, Leicestershire LE12 8NN

File Ref(s): APP/X2410/A/12/2173673

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**File Ref: APP/X2410/A/12/2173673**

**Land at Melton Road, Barrow Upon Soar, Leicestershire LE12 8NN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Jelson Homes against the decision of Charnwood Borough Council.
- The application Ref P/10/1518/2, dated 12 July 2010, was refused by notice dated 9 December 2011.
- The development proposed is residential development.

**Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions**

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**Procedural Matters**

1. The Inquiry sat for seven days in total, from 9 October – 12 October and on 13 November 2012, and on 15 and 16 January 2013, having been unfortunately delayed in its completion by the serious illness of one of the parties' representatives. I visited the site and various other locations in Barrow Upon Soar, on an accompanied basis, on 6 December 2012.
2. For consistency, I use the spelling Barrow Upon Soar throughout. 'The Council' is a reference to the Charnwood Borough Council. 'The County Council' is a reference to the Leicestershire County Council and 'The Parish Council' is a reference to the Barrow Upon Soar Parish Council.
3. The application subject to appeal is in outline with all matters except access reserved for subsequent approval.
4. A Planning Agreement dated 4 October 2012 was submitted at the Inquiry, accompanied by a Deed of Variation dated 15 January 2013. This does not affect the substance of the Agreement, the signatories to which are Jelson Limited, the Council of the Borough of Charnwood and Leicestershire County Council.
5. The agreement provides for financial contributions in respect of Community Facilities, Healthcare, Policing, Education, Libraries, Pedestrian and Cycle Routes, Travel Passes, Travel Packs and Bus Shelters. It provides for a financial penalty in respect of the Travel Plan in prescribed circumstances.
6. The agreement also provides for the provision and maintenance of open space within the site and for the provision of Affordable Housing as part and parcel of the residential development proposed in accordance with an Affordable Housing Scheme to be approved by the Council prior to the commencement of the proposed development. 30% of the dwellings would be Affordable Housing as defined in the National Planning Policy Framework or any successor document.
7. A Statement of Common Ground (SoCG) between the Council and the appellant was agreed in May 2012 confirming a good measure of agreement across a broad spectrum of considerations. It lists the following as having been submitted in support of the application: Planning Statement (PS); Design and Access Statement (DAS); Transport Assessment (TA), Addendum Transport Assessment (ATA), Framework Travel Plan (FTP), Updated Framework Travel Plan (UFTP), VISSIM Modelling Report (VMR), Stage One Road Safety Audit (RSA1); Flood Risk Assessment (FRA); Arboricultural Survey (AS); Ecological Survey (ECOS);

Archaeological Information (AI); and an Acoustic Report (AR). There is also a submitted Addendum (AFRA) to the Flood Risk Assessment dated 17 January 2011. [The abbreviations are mine for the purposes of this report].

### **The Site and Surroundings**

8. The site comprises approximately 15 hectares of agricultural land on the eastern edge of Barrow upon Soar. None of the land falls within the category of Best and Most Versatile. It is predominantly Sub-grade 3b with small pockets of Sub-grade 3c.<sup>1</sup>
9. The site fall into two distinct parts; a relatively low-lying area of meadow surrounded by mature hedgerows and semi-mature trees on its western side, associated with the line of Fishpool Brook and Breachfield Road; and a large sloping field surrounded by mature hedges and trees. The field slopes gently upwards towards the north-east and gives the impression of being part of a shallow bowl or valley side in the broader scale rural landscape beyond, with much of the existing built-up area of the village occupying a corresponding slope to the north-west. West of Fishpool Brook, houses on Breachfield Road stand elevated above much of their back garden areas, which are susceptible to flooding.
10. To the south, the site is bounded by the Midland Main Railway.
11. The site is traversed by two public footpaths.

### **Planning Policy**

12. National Planning Policy, which is a material consideration, is contained in the Framework.
13. The development plan currently comprises the East Midlands Regional Plan (RSS) and saved policies of the Charnwood Local Plan 1991-2006 ('the local plan').
14. The Council's Core Strategy has not progressed since 2008 (Issues and Options stage) and it is common ground between the main parties that it should be accorded no weight in the determination of the appeal.<sup>2</sup>
15. It is common ground between the main parties that the Council's Supplementary Planning Guidance (SPG) documents *Leading in Design* and *S106 Developer Contributions* are relevant material considerations.<sup>3</sup>
16. While many policies in the development plan taken as a whole are relevant, an agreed range being set out in Section 4 of the SoCG, there are few which are in contention as policies which the proposed development would conflict with and these are confined to the local plan. The policies of the RSS were in force at the time of the Inquiry and remain in force at the time of my report. They may be accorded due weight on that basis. The following local plan policies merit explanation at this point, whereas other policies may need to be referred to and their gist explained at the relevant point in my conclusions. The text of the

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<sup>1</sup> Doc 35

<sup>2</sup> SoCG paragraph 5.7

<sup>3</sup> Ibid paragraph 5.6

following policies is reproduced in Appendix 2<sup>4</sup> to the evidence of Mr Thorley and elsewhere.

17. Local plan policy **TR/6** concerns the impact on highways of development on non-designated sites. Its first requirement (i) is that such development should not result in “unsafe and unsatisfactory operation of the highway system”. This is not inconsistent in principle with the relevant intentions of the Framework, albeit paragraph 32 creates a test of “severity” for the residual impacts after mitigation that the local plan policy does not. The latter refers in its explanation to the “acceptability” and “unacceptability” of such impacts with relevant adopted standards to be fully taken into account.
18. Local plan policy **ST/1** is a multi-faceted policy concerning the development needs of the Charnwood Borough and, inter alia; promotes sustainable development; aims to conserve, protect and enhance those features of the environment particularly valued by the community; and seeks to protect the character and appearance of the countryside for its own sake, especially within areas of particularly attractive countryside and other areas of local landscape value. In principle, such intentions are not inconsistent with broadly equivalent intentions of the Framework.
19. Local plan policy **ST/2** effectively confines built development (subject to specified exceptions) to allocated sites and other land within identified limits to development. To the extent that such an intention supports the concept of development being plan-led, it is not inconsistent with the intentions and core principles of the Framework.
20. Policies **CT/1** and **CT/2** together seek to strictly control development in the open countryside, i.e. outside the development limits defined for settlements. Insofar as they recognise the intrinsic character and beauty of the countryside and seek to conserve environmental assets, the policies are not inconsistent with broadly equivalent intentions of the Framework.
21. A wide range of other relevant policies, including RSS policies, is listed in the SoCG, albeit with no suggestion of conflict. I refer to policies from this list only if it is necessary to do so.

## Planning History

22. A previous application for residential development of the appeal site, Ref P/09/2376/2, was refused by the Council in March 2010 for nine reasons. In addition to concerns over the Grove Lane junction, these related primarily to an absence of certain supporting technical information and a number of site specific matters since addressed. It is common ground that none of the reasons concerned the principle of residential development on the site.
23. The application subject to appeal was refused for the following single reason:

***“The existing junction of Grove Lane with South Street/Sileby Road\* is lacking in adequate visibility to the left out of Grove Lane. The proposal if approved would lead to increased dangers for road users and not be in the interests of highway safety. Accordingly, the development is contrary to policy TR/6 of the Borough of Charnwood Local Plan 2004.”*** (\* NB For convenience, I refer to this throughout as ‘the Grove Lane junction’.)

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<sup>4</sup> A1a

## The Proposals

24. Although the application is in outline, considerable supporting information to explain and illustrate the intended manner of development of the site has been submitted, encapsulated in the Illustrative Masterplan.<sup>5</sup>
25. Within the envelope created by the existing boundary vegetation comprising hedgerows and trees, up to 300 dwellings of varying size and type would be constructed, arranged around a central loop road and access ways off. The loop would be designed to accommodate buses and access to the existing highway system would be via a new roundabout constructed on Melton Road at the north west extremity of the site, linked to an internal roundabout by a short stretch of road incorporating a badger tunnel and designed with the roundabouts to facilitate "run-over" for emergency access purposes in the event of carriageway blockage.
26. The public footpath crossing the site west to east would be retained, as would a route from Breachfield Road across to the south east extremity of the site, where the old footbridge across the railway has been demolished pending replacement by Network Rail. A new pedestrian/cyclist bridge across Fishpool Brook to Breachfield Road is proposed.
27. Open space would generally be disposed around the periphery of the site but a more substantial area of open space would correspond to the existing meadowland in the floodplain of the Fishpool Brook, the capacity of which would be increased by limited excavation and re-grading of the existing landform. A broadly equivalent area of open space would be created in the lower lying southern margin of the site near the railway. This would incorporate an attenuation pond. A multi-use games area, a play area and a community orchard would be located in the main area of open space in the south and west of the site.

## Other Agreed Matters Defining the Common Ground

28. The SoCG sets out in detail what is agreed as common ground. The following points agreed by the main parties are salient:
  - Following a lengthy period of negotiation and discussion between the appellant and officers of the Council, the application was reported to the Council's Development Control Committee in December 2011 with a recommendation for approval.
  - The only robust and evidence-based housing targets for the Borough of Charnwood at present are those within the RSS and that these should be used to assess the five year supply for the purposes of the Framework. As at October 2011 the housing land supply for the period April 2012 to April 2017 was 2.63 years for the district as a whole. The position has not materially altered (for the better) since the application was refused and that it will not improve during the anticipated determination period of the appeal. Indeed, the August 2012 Addendum to the SoCG shows that as at June 2012, the supply position had worsened significantly, with only 1.98 years' supply of deliverable sites being available when a 20% buffer to compensate for under-

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<sup>5</sup> Drawing No 4045\_SK\_001 rev E.

delivery, as per the Framework, has been added to the base calculation. When divided between the Principal Urban Areas and the Non-Principal Urban Areas, this deficit equates to 0.59 years and 3.55 years supply respectively. It is common ground that the allocations in the local plan only cover the period to 2006 and are now expended. The Council will be unable to meet its needs on brownfield land alone and the majority of new housing will need to be on greenfield sites.

- Barrow Upon Soar is a sustainable location for development on the scale proposed. In the "Further Consultation" version of the emerging Core Strategy it is suggested as a "Service Centre", a higher order settlement for nearby villages with a range of community facilities including a supermarket, post office, primary school, secondary school, health centre, pharmacy, optician, library, cash points and public houses. It is suggested that the village could accommodate in the region of 500 new homes in the period to 2026.
- The site is within easy walking distance of the community facilities in the village centre of Barrow upon Soar, existing bus stops and the Barrow upon Soar railway station. It is also common ground that this gives ready access to the major centres of Leicester, Loughborough and Nottingham.
- The site is suitable and sustainable and that the proposals represent sustainable development for the purposes of paragraphs 14, 49, and 197 of the Framework and that the proposals comply with the intentions of paragraphs 37 and 38.
- The proposals accord with relevant policies of the RSS, notably Policy 3 and Policy 12, and that they will help to meet the housing needs of the district as set out in Policies 13a and SRS3.
- The proposals accord with a wide range of local plan policies but conflict with the intentions of policies ST/2, CT/1 and CT/2 which generally seek to restrict development in the countryside. Insofar as these policies concern the supply of housing land, it is common ground between the main parties that these should not be considered up-to-date in the context of paragraph 49 of the Framework bearing in mind the lack of a five-year supply of deliverable housing sites.<sup>6</sup>
- The residential development of the site is acceptable in principle.
- Save for the Grove Lane junction, the base data used in the preparation of the highways and transport assessments are robust and fit for purpose and that the inclusion of the FTP accords with the intentions of paragraphs 35 and 36 of the Framework.
- Save for the Grove Lane junction, all other impacts on the highways network would be satisfactorily mitigated by the package of highways measures proposed, including those for the Barrow Road Bridge.

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<sup>6</sup> SoCG paragraph 6.12

- Save for the impact on the Grove Lane junction, the proposals fully comply with the relevant transport policies of the local plan and the intentions of paragraphs 32 and 35 of the Framework.
  - The proposals demonstrate a high standard of design and that they comply with the design policies EV1 and H16 of the local plan, the Council's *Leading by Design* SPG and Section 7 of the Framework 'Requiring good design'.
  - There would be no adverse impact on the living conditions of existing residents in the vicinity of the site and that an adequate standard of residential amenity for up to 300 dwellings within the site can be achieved and that this would not be compromised by noise from the railway. There would, it is agreed, be no conflict with the intentions of the relevant local plan policies in this respect.
  - The interests of nature conservation would not be compromised and that biodiversity would be maintained or enhanced, satisfying relevant policies in the local plan and according with the relevant intentions of paragraph 118 of the Framework.
  - Existing flooding in the area would not be exacerbated by the proposed development and that the resulting increased capacity of the floodplain of Fishpool Brook would be a benefit with the potential to reduce the risk of flooding in the gardens of the adjacent properties on Breachfield Road. It is therefore agreed that the relevant policies and intentions of the local plan and the Framework in respect of flood risk and climate change would be complied with.
  - Save for the policing contribution, the provisions of the planning obligation accord with relevant local policy, meet the intentions of the Framework and comply with the CIL Regulations.
29. The only area of disagreement between the main parties concerns the safety of the Grove Lane junction, specifically with regard to visibility to the left.

### **The Case for Jelson Homes** (Docs 2, 44, A1, A2, A3 & A4)

*The salient material points are:*

30. This is an appeal in respect of a single reason for refusal, on highway grounds, issued contrary to the advice of the Council's own officers and that of the highway authority.
31. It is agreed that the proposal represents sustainable development in a sustainable location that would contribute to overcoming a severe shortfall of housing land, would provide needed affordable housing and that the presumption in favour of sustainable development applies.
32. Policies 1, 3, 12, 13a, 14, 15 and SRS3 of the RSS are complied with and it was accepted by the Council that this was so. The proposal would deliver market and affordable housing in accordance with the relevant targets adjacent to a service centre without infringing any environmental restraint in the RSS.
33. The local plan contains policies to prevent development in the countryside outside settlements defined to accommodate a level of housing need that is now historical. It was prepared in the 1990s. Current needs cannot be met by the

- local plan and require that development takes place on substantial areas of land classified by the local plan as “countryside” adjoining urban areas or settlements, the boundaries of which reflect historical needs. There is therefore a conflict within the development plan and section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the RSS prevails.
34. The development plan as a whole is complied with and the alleged conflict with policy TR/6 of the local plan is not accepted.
  35. In any event the Framework now provides, at paragraph 32, that proposals should only be refused (on highways grounds) where the impacts are severe. The second bullet point thereof clearly refers to the access to the site itself, a matter that can be controlled by the developer, whereas the third bullet point refers to the wider highway network. Safety is important, but real evidence of danger has not been demonstrated. The risk referred to by the Council and others is theoretical.
  36. Overall, the proposals conform to the development plan and should be approved without delay according to paragraph 14 of the Framework.
  37. It is agreed that the policies preventing development in the countryside are out-of-date and they are in any case deemed to be so by virtue of paragraph 49 of the Framework. The proposition put by Mr Reid for the Council, that they should nevertheless attract substantial weight, is untenable. His approach was rejected in two recent appeal decisions in Charnwood<sup>7</sup> and he accepted the approach in the Bishop’s Cleeve decision<sup>8</sup> that such policies should be given substantially reduced weight. Following the approach in the Worsley decision<sup>9</sup>, very little weight should be accorded to the Council’s 27 September 2012 decision regarding what may be an emerging local plan strategy. These are simply early thoughts on its part.
  38. The objection to the proposal on highway grounds cannot be sustained. There is no material shortfall in visibility. On the basis of appropriate calculations<sup>10</sup>, visibility to the left (‘Y –distance’) of some 38 metres is required but some 42 metres<sup>11</sup> is actually available.
  39. The accident record over many years confirms the Grove Lane junction to be a safe junction. The evidence of experience clearly demonstrates this to be so. Circa 1.5 million vehicles per annum use it, together with many pedestrians and cyclists. Its physical circumstances have remained constant and over the eight years for which formal accident records are now available there have been none recorded relating to visibility. There have been two recent accidents<sup>12</sup> but one (3 October 2012) occurred 500 metres to the east and there is no evidence that lack of visibility played any part in the accident of 27 September 2012.

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<sup>7</sup> Documents 36 & 37

<sup>8</sup> Appendix 7 to evidence of Mr Thorley

<sup>9</sup> Appendix 6 to evidence of Mr Thorley

<sup>10</sup> Evidence of Mr Young paragraph 6.3.12 and Appendix H

<sup>11</sup> Subsequently confirmed to be 42.5 metres with one metre encroachment or 40.3 metres with 0.75 metres encroachment (Doc 20).

<sup>12</sup> Docs 8 and 10



40. In any event Manual for Streets<sup>13</sup> states that there is no evidence of a relationship between reduced visibility and the potential for accidents and there is no evidence that an increase in traffic will lead to any increased risk of accidents. The TMS report<sup>14</sup> shows that the statistical correlation is nowhere near that which would be required to demonstrate a reliable relationship between the two factors. This junction has huge spare capacity. Increasing flows will not have any effect on the potential for accidents.
41. There is no evidence that the relevant criterion (i) of local plan policy TR/6 would be breached and no evidence of any harmful impact on the highway network.
42. It should be borne in mind as context that the proposed development will add only 30 movements to the left turn in the peak hour, which would be imperceptible, the average "queue" over this period being less than one vehicle. Any delays will be minimal and will not lead to frustrated drivers taking risks.
43. Two factors should be taken into account in calculating the appropriate visibility requirement, the appropriate 85th percentile speed and the appropriate MfS2 calculations.
44. The speed survey of the appellant's consultant, Mr Young, is to be preferred to that of the Council's consultant, Mr Bancroft. It complied with the mandatory TA22/81 requirement of 200 readings. Furthermore these readings were taken beyond the potential influence of local or bank holidays. The appropriate wet weather correction was made, whereas no such correction was made by Mr Bancroft whose recorded speed of 31.4 mph was not so corrected despite conditions being observed as merely damp/intermittent rain. The further readings<sup>15</sup> were inappropriately contrary to TA22/81 methodology being over a 24 hour period and thereby distorting the results with high speeds.
45. Mr Young's Stopping Sight Distance (SSD) calculation correctly made no allowance for HGVs and buses in compliance with the guidance because 2.9% HGV/bus content in the recorded vehicles was by reference to 2 X 3 hour periods rather than simply peak hours. It is therefore reliable.
46. If it is assumed that such vehicles should be included then the MfS2 reduction for buses of 10% (not accounted for by Mr Bancroft) should be applied to HGVs also. This is consistent with everyday observation and the admittedly small sample of readings referred to by Mr Young which show a 10.03% reduction. This approach results in a SSD of 40.83m.<sup>16</sup>
47. The amended figures from Mr Bancroft<sup>17</sup> are wrong because they do not make any speed reduction and the Council's preferred figure of 47.5 makes no speed reduction at all. In summary, the 43.86 metre splay distance requirement is based on the incorrect speed of 31.48mph; the 42.93 metre requirement is based on the WSP speed but uncorrected for wet weather; the 38.21 metre requirement is correct; and all the figures in the right hand column are wrong as they fail to allow for the lower speeds of HGVs and buses.

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<sup>13</sup> Referred to generally as MfS (or more specifically MfS1 or MfS2 as appropriate)

<sup>14</sup> Doc 9

<sup>15</sup> C1b Appendix I to the evidence of Mr Bancroft

<sup>16</sup> Rebuttal evidence of Mr Young, but based on Mr Bancroft's speed, not Mr Young's.

<sup>17</sup> 09/10/12 *Statement to address amendment to visibility calculation* (Mr Bancroft C1c)

48. As far as the available visibility is concerned, there is agreement between all three highway witnesses following a visit to the junction observed by the Inspector. From 2.4m on the centre line of Grove Lane (a starting point accepted by Mr Bancroft) there is a Y distance of 42.5m to a 1m off-set and Mr Bancroft accepted<sup>18</sup> a 1.3m off-set, so on his evidence there would be materially more than 42.5m. From 2.4m offset by 1m to the centre of the left turning lane there is a Y distance of 40.3m to a 0.75m off-set. But such a small offset cannot be justified because there is a virtually non-existent possibility of a motorcycle being closer into the kerb on approach from the east.
49. Mr Young's measurements are not only vindicated but found to be understated and there plainly is no material shortfall in visibility, even on the basis of unreliable speeds.
50. However the requirement should be calculated the junction has proved to be very safe and drivers in any event take more care at restrictions on the road network. If the objection were to prevail, moreover, needed development would be stifled at countless locations as Mr Young explained that the majority of junctions in most towns and cities are substandard; and that would be flatly contrary to the intentions of the Framework. The conventional approach to such matters is used in the recent appeal decision<sup>19</sup> at Bramcote Road, Loughborough and a similar approach is advocated here. In any event, if ever the operation of the junction required improvement, there is adequate scope for improvement.
51. The additional points raised by the Parish Council and others have no support from either the Council or the highway authority.
52. The highways objections raised by the Parish Council cannot be substantiated. First, at the site access it is inappropriate to rely on DMRB<sup>20</sup>, which is primarily for motorways and trunk roads when the proper guidance for this location, applied by the highway authority, is MfS. If the 85<sup>th</sup> percentile speed of 34.5mph is correct the required SSD is 52.5m which is achievable.<sup>21</sup> There is no problem with levels.
53. The visibility requirements of MfS are not absolute and applying the necessary wet weather reduction gives a 28.5 mph speed generating a requirement of 38 metres, which is available.
54. The single point of access contested as inappropriate by the Parish Council raises no objection from the highway authority whose own guidance advocates assessment of the matter on a site-by-site basis and concludes that a cul-de-sac may be the best solution in certain circumstances.
55. Thirdly, conflict with local plan policy TR/6 or the Framework does not arise at the Barrow Road Bridge as in the peak hour the development would add an imperceptible 93 vehicles and there is no evidence that this would make any difference to the safety or satisfactory operation of the bridge. The proposed

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<sup>18</sup> Paragraph 5.5 of the evidence of Mr Bancroft

<sup>19</sup> Doc 37, para. 29

<sup>20</sup> *Design Manual for Roads and Bridges*

<sup>21</sup> Rebuttal evidence of Mr Young Appendix D

- improvements would more than offset any impact as is shown by the LINSIG output in the ATA.
56. The VISSIM model showed the effects of the MOVA system proposed as reducing delay by around 13% with a consequential 2-3% improvement in capacity at the bridge accepted as an improvement arising from the development by the highway authority. It was accepted by Mr Cage in cross-examination that paragraph 6.3 of the later report,<sup>22</sup> which stated that the CD modelling the traffic flows showed the impact of development at the bridge, was misleading.
  57. Mr Cage's second proof is of no assistance because the model deployed assumes fixed timings which ignores the reality and negates the purpose of the MOVA system proposed, which shares out capacity according to demand at any given time. In fact, table 3.2/3.3 of the relevant report shows an improvement in capacity that exceeds the impact of the development with consequential benefits for base traffic. There would be a decrease not an increase in queuing at the bridge.
  58. There are other problems with the figures and results and, in summary, the report is not reliable evidence, whereas the WSP model is.
  59. So far as Appendix B to the report<sup>23</sup> is concerned, it simply ignored the proposed improvements to hatching which would enable the optimum location of stop lines for a 9/10 second intergreen phase.
  60. The occasional flooding at Slash Lane cannot be a highway objection to the proposed development. Unlike the Redland development<sup>24</sup>, there is no proposal to take access at this location. A number of the other points raised in respect of the bridge scheme are matters for detailed design.
  61. Two thirds of the development will be within 400 metres of a good bus service to Leicester and Loughborough and the extremities within 800 metres, which is comfortably accessible and both the Council and the highway authority consider this a sustainable location. Access to the rail station and good services is also easy.
  62. Even without the rail footbridge to the south-east corner of the site the accessibility of the proposed development would be good and the Council and the highway authority are satisfied that is so. In any event network Rail are pursuing its replacement, having obtained permission and approached landowners. Mr Cage thinks it could be built within five years.
  63. The Breachfield Road junction with Grove Lane (a short one-way stretch) is an existing situation with no record of accidents. The developer is entitled to assume that people will continue to observe the law here.
  64. The concern of the Parish Council as set out in its statement of case is with the impact of the proposed development on the existing community and its facilities, as set out in evidence by Mr Cattle, not the proposition in its closing submissions that deliverability over a five year period is in doubt. The technical material

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<sup>22</sup> Doc 26

<sup>23</sup> Ibid.

<sup>24</sup> Ref T/APP/X2410/A/95/259402/P4 at Appendix A to PC3

- supporting the proposal satisfies the Council and the highway authority in that context and the appellant is an experienced developer well versed in addressing practical issues.
65. Service capacity constraints in Barrow (identified by the Council as a service centre appropriate for growth) are to be addressed by the section 106 obligation that meets the requirements of the relevant statutory providers. This also provides for benefits sought by the Parish Council.
  66. The benefits of the proposed development for the whole settlement will include; increased floodplain capacity; improvements at Barrow Road Bridge; the introduction of warning signs to alert people of flooding on Slash Lane; upgraded pedestrian and cycle links to the centre of the village; the services of a Travel Plan Co-ordinator; additional public open space and some additional community facilities.
  67. Despite this, the Parish Council maintains that Barrow has had enough of development and can take no more, a position adopted by many residents and Barrow upon Soar Community Association (BUSCA). It is not for the developer to remedy the perceived deficiencies referred to by the latter, but the substantial S106 contributions are agreed as appropriate by the local planning authority and the statistics demonstrate that Barrow's growth has been comparable to other settlements and relatively less in some cases. It is calculated that less than 20% of the village population object to the proposal, rather than the overwhelming majority as claimed.
  68. 'Amber' values in the Council's assessment of potential service centres<sup>25</sup> do not preclude growth, simply some constraints. Several of the potential service centres are constrained in some respect. The 'amber' status in respect of health services is historic and rectified and the appropriate contribution in the planning obligation is supported by the Primary Care Trust and the Council. The excellence of care at the health centre was explained by Dr Parker who was careful to explain not that this would be jeopardised but that future improvement would be more challenging. Similarly, education is not threatened and very substantial contributions to education are provided for with the support of the relevant authorities.
  69. Parking difficulties in the village centre are aggravated by commuter parking and is not a matter peculiar to this village, being also a question of management. Few objectors refer to landscape and visual impact and the site has no special designations. In the Worsley decision previously referred to substantial harm in that respect was outweighed by the benefits of housing gain.
  70. No part of the developed area would be outside Flood Zone 1 according to the FRA which has been rigorously assessed by the Environment Agency, whose findings have subsequently been verified by the new hydraulic model of the Fishpool Brook catchment it has created. The proposals comply with the relevant policies of the Framework and there will be some betterment in that although gardens on Breachfield Road will continue to flood the occurrence and severity of

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<sup>25</sup> *Charnwood 2028 Local Development Framework (LDF) Core Strategy Service Centre Capacity Assessment (Final Report) December 2011 ('SCCA')* – Appendix D to Evidence of Mr Cantle (PC4) and Appendix 2 to Evidence of Mr Thorley (A1a)

such events will be reduced. With appropriate planning conditions as recommended by the EA, there is no reason to resist the proposal on surface or foul water drainage grounds.

71. **In conclusion**, the proposals comply with the development plan as a whole and should be approved without delay.

**The Case for Charnwood Borough Council** (Docs 4, 43, C1 & C2)

*The salient material points are:*

72. The application was refused because members disagreed with their officer's view. This was based on advice from the highway authority. Although this recognised the Grove Lane junction to be deficient it decided, all other objections having been addressed, that it could not support an objection on the basis of the one single issue of visibility alone.
73. At the time of application the appellant recognised that the junction fell short of the relevant visibility standard but now claims it will be met.
74. This standard is that the 'x' distance should be measured from a point 2.4m back from the give way line in the centre of the carriageway. The 'y' distance depends on variables affecting the SSD.
75. On a robust assessment the visibility splay is inadequate and the junction will not operate safely, giving rise to conflict with policy TR/6(i) of the local plan and the intentions of the Framework.
76. The conflict with the development plan is not outweighed by other considerations and the appeal should be dismissed.
77. Two recent appeals<sup>26</sup> in the Charnwood District have been allowed because of the inadequate housing land supply but that makes little difference to the merits of this case. In particular the junction inadequacy on its own should preclude the grant of permission in this case. None of the appeal decisions referred to in evidence by the appellant<sup>27</sup> involved determinative highway inadequacies and they are of limited assistance in this case.
78. The Council is cognisant of the benefits of the proposed development (these are set out for example in the officer's committee report) and the appellant has not suggested that the Council was not aware of them.
79. The main issue for the Council is the adequacy of the visibility for left turning traffic at the Grove Lane junction.
80. UK practice (as explained by MfS2) generally focuses on SSD. Paragraph 10.3.1 explains how the minimum SSD is deployed. This shows why a cautious approach is necessary to permitting additional traffic at junctions with inadequate visibility.
81. Although MfS2 explains, on the basis of research undertaken by TMS, that there was no evidence to suggest that failure to provide standard visibility at junctions

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<sup>26</sup> Docs 36 & 37

<sup>27</sup> Appendices 3 – 7, 12 – 14 and 16 – 18 to A1 Evidence of Mr Thorley

- resulted in an increase in injury collisions at 'high-risk' urban sites, it did not conclude that the evidence disproved the assumption that this would be so. The outcome of the research should be treated with caution and it is significant that MfS2 does not jettison the concept of adequate visibility splays being required.
82. Without local evidence to the contrary, it says, a reduction from recommended visibility will not necessarily lead to a significant problem.
  83. Local evidence goes beyond the Personal Injury Accident (PIA) record. It means all relevant local circumstances, including the particular features of the junction.
  84. In this case these include: frequent overrunning of the kerb (where it is dropped to facilitate crossing by pedestrians) by left turning vehicles so as to avoid encroaching onto the westbound lane used by oncoming vehicles; the route is also well used by cyclists; there are a number of private drives impinging on the junction layout, adding to potential conflicts; marked turning lanes are often ignored; and bus turning manoeuvres using the entire carriageway cause oncoming vehicles to brake suddenly.
  85. This local evidence militates in favour of caution as it may simply be good fortune that there are no recorded PIAs, rather than the junction being safe as the appellant suggests.
  86. It became common ground that the appropriate point in the carriageway to measure the 'y' distance to is 1 metre in from the carriageway edge.
  87. Based on one day surveys the parties variously calculated the appropriate wet weather speed for calculating SSD as 28.51mph (appellant) and 31.38mph (Council). In view of these differences a subsequent survey was undertaken by the Council between Thursday 30 August and Monday 3 September 2012, giving a 7 day average 85th percentile speed of 32.8mph.
  88. The Council's interpretation is that wet weather conditions do not have a major impact on speeds at this junction and it may therefore be unwise to rely on the lowest 85th percentile speed of 28.51mph advocated by the appellant.
  89. Notwithstanding criticism from the appellant that the Council's survey did not comply with TD22/81 guidance, aspects of its own work failed to comply, including reliance on single day surveys. Moreover, informed interpretation of the guidance by experienced professionals is more important than the quantity of vehicles included. Therefore surveying only 100 vehicles rather than the 200 advocated by the guidance is common practice among professionals, usually acceptable to highway authorities. The Council's results are reliable.
  90. Buses and HGVs have different characteristics in this context, with slower deceleration making for longer SSD and hence longer visibility splays, but guidance suggests that, in combination, bus and HGV traffic of less than 5% of total flow need not be assessed, subject to local circumstances. The appellant's TA did not contain information on the composition of traffic flow but both the appellant and the Council commissioned further survey work to address the point.
  91. However, the appellant's survey covered only the AM and PM peak hours, contrary to MfS2 guidance, whereas the Council's work covered 24 hour periods in which the proportion of HGVs/buses significantly exceeds the 5% threshold.

- The only criticism by the appellant was that the survey was 30 August to 3 September, which, although school term time locally, was not entirely neutral given that results could still be affected by the holiday period. This is a flimsy criticism, not based on guidance, which should be rejected.
92. It was agreed by the appellant that on the basis of the Council's data HGVs/buses should be taken into account. However, no separate survey of HGV/bus speeds has been undertaken by any party and therefore the information is imperfect.
  93. In these circumstances the 85th percentile speed for all vehicles should not be used as it includes buses and HGVs.
  94. Although MfS2 does not recommend it, the appellant sought to argue that there should be a 10% reduction of the 85th percentile speed for HGVs as well as buses, indicating how constrained the junction is. No such reduction is warranted in relation to HGVs. The practical consequences are that an overtaking HGV driver might not see a driver emerging from Grove Lane until it is too late to stop.
  95. The available splay measured to the agreed 1 m point in the carriageway is agreed to be 42.5m.<sup>28</sup>
  96. The appellant considers the required splay length to be 38m, but this assumes a wet weather 85th percentile speed of only 28.51mph, much lower than that observed by the Council in wet weather and lower than the ATC data suggests the average 7 day 85th percentile speed is. The appellant's splay length takes no account of the different deceleration rate for HGVs and buses.
  97. The Council concludes that the required splay length is 47.5m, using an 85th percentile speed of 31.48mph, which is reasonable given that it is in the middle of the three available measured speeds, also reasonably not discounting buses and HGVs as there is insufficient data upon which to do so. The Council's assessment is more robust and is to be preferred.
  98. That leads to a shortfall against the available splay of 5m which is in excess of 10% and not de minimis. MfS2 does not endorse unlimited flexibility but rather says that 'y' distances should be based on the recommended SSD values. While a reduction in visibility will not necessarily lead to road safety problems, that depends on local evidence.
  99. The Council submits that the shortfall in visibility is a serious one and should not be accepted. Its evidence is that adding additional traffic as proposed would lead to a situation on the highway that is unsafe and unsatisfactory and hence there is conflict with policy TR/6 of the local plan.
  100. This policy is not out-of-date and is in any event consistent with the aims of the Framework.
  101. The threshold of severity the appellant claims to be the meaning of paragraph 32 of the Framework is not relevant to this as there is either a well founded highway safety concern or there is not and it would be extraordinary if planning permission could not be refused on the basis of a really serious (as opposed to

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<sup>28</sup> Doc 20

severe) risk to highway safety. It is more likely that the “safety” part of paragraph 32, the second bullet point, applies here, whereas the third bullet point is concerned with convenience, delay etc where severity is a more meaningful concept.

102. **In conclusion**, the appeal should be dismissed.

**The Case for Barrow Upon Soar Parish Council** (Docs 3, 42 & PC1 - PC4)

*The salient material points are:*

103. The Parish Council does not oppose the principle of residential development in the settlement but believes it cannot support substantial development of the type proposed in this case without major infrastructure improvements, principally the upgrading of Slash Lane to provide two flood free links to the A6 and the provision of a new or significantly upgraded health centre. These concerns are evidenced by the Parish Plan final report, the NHS response to the application and the lack of permissions for major house building in the last 12 years.<sup>29</sup>
104. But for the Secretary of State’s intervention and consequent inquiry, the application would not have been sufficiently scrutinised in terms of deliverability in the context of meeting the Charnwood shortfall in housing land supply. Moreover, the proposed development is not “sustainable development” of the type envisaged by the Framework and insufficient mitigation is provided in respect of local infrastructure constraints, the consequences of which are articulated by those with local knowledge and experience.
105. The Parish Council’s concerns lead to technical objections concerning traffic impact, safety, sustainability and flood risk management and practical objections in respect of the ability of the village infrastructure to cope with this and other housing development that may occur.
106. The Council’s emerging core strategy shifts the emphasis away from the identified service centre settlements such as Barrow Upon Soar.
107. The proposed development will increase the risk of accidents at the Grove Lane junction and the wider highway network is severely constrained. The approaches to the village are subject to capacity issues as a consequence of growth in traffic with attendant safety concerns, notably when Slash Lane is flooded for typically 2 or 3 days around 12 times a year. The exacerbation of these concerns by the proposed development will not be adequately mitigated.
108. The site access arrangements and external linkages are inadequate.
109. There should be at least two points of access for a development on this scale, one of which could be an emergency access. This should be separate from the principal access and the proposed arrangements in this case are unacceptable. The development could be marooned by a road accident or a fuel spillage.

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<sup>29</sup> Appendix G to the Parish Council’s evidence in fact records, inter alia, the grant of permission for 360 dwellings to David Wilson homes (land between Cotes Road and Willow Way Ref P/04/0999/2 in outline and subsequent reserved matters P/05/2778/2)



110. There is insufficient assurance from the submitted material that adequate forward visibility to the access roundabout on approach from the north east could be achieved without tree removal and re-grading of third party land.
111. There will be a risk that the short section of Grove Lane that is one-way to the north of its junction with Breachfield Road will be increasingly abused by impatient drivers, an occurrence which anecdotal evidence suggests to be periodic and which led to a recorded accident with a pedestrian on 17 December 2008. This is a further indicator that the main vehicular route to the site is constrained.
112. The Grove Lane junction has been considered in great detail and the Parish Council endorses the case made by the Council. The second scenario agreed by the parties<sup>30</sup> is considered appropriate, i.e. Splay 2: 2.4 (offset 1 metre east of centreline) x 40.3 x 0.75 (encroachment) metres. This is because right turning vehicles constrain the observed propensity of left turning drivers to position themselves at the centreline for maximum turning advantage.
113. The majority of vehicles turning left emerge from the junction and impinge on the opposite carriageway to avoid overrunning the kerb.
114. Even with speed cushions the surveyed wet weather speed recorded by the Council is 31mph and should not be reduced further for the purposes of calculating the splay requirement. The requisite 45m visibility is not available.
115. Both MfS2 and the WSP supporting research paper are caveated by cautions as to their conclusions regarding the relationship between visibility at junctions and accidents. It is common sense that constrained visibility to the left reduces the necessary attention that drivers can give to traffic approaching from the right.
116. This is the principal route from the site and it is unsuitable for serving significant new housing development.
117. With regard to the proposed improvements at the Barrow Road Bridge, the ATA acknowledges that MOVA control is only likely to result in a 2-3% increase in capacity. Moving the stop lines closer prevents HGVs passing or causes vehicles passing to take additional time. The humpback of the bridge restricts visibility and deters efficient use of the green phase. Cyclists now have a dedicated phase that will negate the proposed capacity improvements. The absence of an adverse impact from this has not been demonstrated. The location of the signal heads cannot be optimised because the bridge is a listed structure.
118. The anticipated MOVA improvements will only materialise if both approaches are not at saturation. The WSP VISSIM model underestimated the queues and therefore didn't account for queuing vehicles beyond the purview of the model, a deficiency that will be exacerbated by anticipated traffic growth. The proposed 'hurry loop' to prevent vehicles queuing back onto the Jerusalem roundabout will cause excessive queuing from the west in the AM peak.
119. Barrow upon Soar is a constrained location due to periodic flooding of Slash Lane and the Barrow Causeway. It is primarily a dormitory settlement and travel beyond it to work and for main food shopping and leisure is a constant necessity.

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<sup>30</sup> Doc 20

- No meaningful improvements to current travel patterns are proposed and the principles of paragraph 32 of the Framework need to be applied.
120. The sustainability credentials of the proposal are questionable as far as travel is concerned, with most residents travelling to work by car outside the settlement. There is no new employment proposed and no linkage across the railway and parking facilities in the village centre are inadequate.
121. Without the replacement footbridge, the programme for which is uncertain, over one third of the site would be in excess of 400m from a bus stop. The footpath crossing of Fishpool Brook will be within the flood alleviation area and if raised to avoid the water would impede flow, a scenario that has not been modelled.
122. The proposed improved pedestrian routes to the village centre are subject to a number of deficiencies and it has not been demonstrated that the £40,000 provided for improvement will be adequate. It is questionable whether the routes are truly “walkable” and hence whether the centre is within 10 minutes walk of the site as advised by MfS.
123. The Travel Plan target of a 14% modal shift away from the private car is unlikely to be realised as it has no real incentives. There is no proposed increase in the level of bus services and no proposed changes to train services or accessibility to the train station.
124. The train station suffers from the lack of car parking or drop-off facilities; it is only accessible by a large number of steps and is unmanned with an isolated platform with little in the way of shelter. It is an overstatement to say that it offers an excellent level of service. Its existence does not automatically make the appeal site sustainable. Only 1% of the Barrow Upon Soar population used the train to travel to work in 2001 and despite increased rail patronage the level of service remains unaltered, indicative of the usage made. Similarly the existence of a half-hourly bus service does not automatically make the appeal site sustainable. It is the practical ability to use such services on a sustained basis that is material. The Travel Plan does not and cannot provide that level of reassurance. The Travel Plan Co-ordinator may be of some benefit but without improved services there is little that can be achieved. The Travel Plan Penalty is nowhere near the level of funding that would be required to improve services.
125. The gaps in the technical information concerning the site development profile, sewage disposal and ground conditions mean that there is insufficient means to assess whether the houses proposed can be delivered within five years, with question marks also in respect of highway capacity, traffic flow and surface water drainage.
126. Ground conditions including a Phase 1 contamination survey have yet to be investigated but it is known that there are lime kilns within the site and old mine workings in the vicinity. The effect on works required to drain the site is unknown.
127. The potential increase in surface water flows have not been properly assessed and flood risk and flood management issues will be exacerbated, together with foul drainage difficulties. There is doubt about the ability of the site to contain its surface water flows so as to ensure no further increase in flood risk to adjoining land and this could affect layout and hence housing yield.

128. The exacting requirements of the Environment Agency's suggested condition (8)<sup>31</sup>, the lack of discussions with Severn Trent Water and the configuration of the existing drainage diminish confidence in the occupation of any dwellings on the site within 5 years. This is highlighted by the fact that the appellant has not had discussions with Severn Trent Water and the knowledge that the sewer is at capacity due to gradient and already discharges at times of peak flow. The opportunities for redirecting the flow away from this catchment are limited and the construction of a new sewer would require a tunnel under the railway and the crossing of third party land, possibly with a need to upgrade a pumping station. There is therefore no certainty that any houses on the site could be occupied within 5 years.
129. There are concerns about the impact of the culvert under the railway being blocked and the revised modelling that took some account of this took no account of the impact of serviceable pedestrian crossing points for Fishpool Brook.
130. EA acceptance of the revised FRA was not without reservation and the exacting requirements of the suggested conditions (5), (7) and (8)<sup>32</sup> should be borne in mind.
131. The EA response is detailed and prescriptive and indicates that much detailed work is yet to be done, including soakage tests. No assessment of the consequences of exceedance of the propose drainage systems in extreme events such that water flows directly into Fishpool Brook and no conclusions can be drawn on the adequacy of the drainage proposals.
132. The EA remains concerned because it advocates the lifting of floor slabs to 48m AOD. However, a large element of the proposed development is below 48m AOD and the raising of slab levels to that height has unknown consequences for the layout.
133. The absence of blockage modelling highlights the issue that at a flood level of 48m there would be an impact on the floor slabs of existing houses on Breachfield Road.
134. The proposed and any additional pedestrian crossings of Fishpool Brook will cause more flooding of properties upstream than has currently been modelled.
135. There will be a greater risk of debris in the brook and consequent blocking of the culvert during significant events with deeper flooding of the properties on Breachfield Road as a consequence.
136. The local health centre will be placed under unacceptable pressure and the mitigation proposed in the form of a contribution for extra car parking spaces will not address the underlying concern regarding a health centre operating at capacity.
137. The education contributions, which are phased, will not guarantee the provision of new classrooms and the same applies to contributions to community facilities and other contributions. The proposed mitigation will not deliver the necessary

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<sup>31</sup> Doc 29 Revised Draft Conditions

<sup>32</sup> Ibid

facilities to achieve the improvements now required from the planning system by paragraph 9 of the Framework.

138. **In conclusion**, the proposals will not lead to a better quality of life or positive improvements as advocated by the Framework but rather it will lead to deterioration in the quality of life currently enjoyed by Barrow Upon Soar residents. Although they seek to meet the Charnwood housing shortfall, they remain incomplete and uncertain in delivery with harmful impacts such as not to be the type of sustainable development the Framework encourages. The grant of outline consent would have a number of adverse effects and the appeal should be dismissed.

### **The Cases for Interested Parties**

*The salient material points are:*

#### **Mr Hilsdon** (Docs 32 & 34)

139. Gardens in Breachfield Road flood on a regular basis. This won't affect the new residents but the situation for existing residents will be made worse. There is a danger that the culvert under the railway will block, making the situation worse. What guarantee do the residents have that these things will not occur? Old mine workings could exacerbate drainage and flood problems.

#### **Mr Willcocks**

140. The travel plan will not work. Experience of commuting to Leicester prior to retirement is that the service is poor, unreliable and overcrowded. There are only two carriages on the relevant trains and the station is rudimentary. The railway is only useful for a journey to work if the stations are walkable at both ends of the journey.

#### **Dr Sarah Parker** (Doc 5 re: GPs' practice at the Barrow Upon Soar Health Centre)

141. The health centre was purpose built in 1980 around which time the practice list of 4,500 was broadly comparable to the population. The current population of Barrow Upon Soar is circa 6,320 but the practice list is around 8,650. New types of patient place new demands on a practice and at present the clinical skills available match the demographic profile.
142. The premises have adapted in response to a rising population, with S106 monies from another development being used for refurbishment in 2011, bringing into use rooms vacated by district nurses, health visitors and school nurses pursuant to NHS re-organisation. The limited surgery space is shared to manage clinical availability and evening appointments are offered on a Wednesday.
143. The practice boundary has been redrawn to curtail pressure and patients are no longer accepted from outside the boundary. The appeal site is within it and will therefore have an impact, as only under exceptional circumstances can GPs lists be closed.
144. The objection arises because the appeal proposal comes hard on the heels of the challenge posed by the ongoing construction of 360 houses elsewhere in Barrow Upon Soar.

145. The Practice is challenged by the rising population, having been rated “deep amber” by the PCT prior to refurbishment and there are ongoing uncertainties arising from further NHS reorganisation. The health centre is currently operating at 70% over capacity and will be 90% over if the appeal scheme is developed. There is no prospect of NHS funded capital investment at present. Adding patients to the current practice list will cause deterioration in the services offered.
146. The central location of the health centre is appreciated by patients for its good public transport links but at busy times the car park is often full.
147. The quality of care provided is good and the Practice is keen to improve it further. The continued rapid growth of the Practice population would make achieving improvement extremely challenging and would be detrimental to the care of both existing and future patients.
148. The appeal should be dismissed.

**Nicky Morgan MP** (Doc 16 on behalf of constituents in Barrow Upon Soar)

149. First, the former Planning Minister Greg Clark and the former Local Government Minister Bob Neill have both emphasised the Government’s commitment to Localism and empowering communities to shape their neighbourhoods through neighbourhood plans as the Parish Council wants to do. This is clear in the Framework. To ignore residents’ concerns is to ignore the policy intentions of Localism. I have not been contacted by a single resident of Barrow Upon Soar in favour of this development. The community has had more than its fair share of new development through the large Willow Road development. This proposal outside the village limits is a step too far.
150. Secondly, the Secretary of State needs to be aware of the vulnerability of Councils such as Charnwood, which does not yet have a core strategy in place, to speculative applications such as this. The framework says weight can be given to an emerging core strategy and in September 2012 the Council indicated its intention that service centres including Barrow upon Soar would share 200 homes between them over 15 years, whereas this proposal is for 300 homes in Barrow Upon Soar alone.
151. Thirdly, the development would put intolerable strains on the physical and social infrastructure of the settlement and it is inconceivable that the residents of the proposed development would use public transport rather than their cars. The development cannot be considered sustainable.
152. The appeal should be dismissed.

**Mr Rowland** (Doc 18 Landmark Planning for Barrow Residents’ Action Group)

153. BRAG supports the Council’s reason for refusal.
154. The appeal site is on rising land and prominent. The proposed development would harm the landscape and the harm could not be mitigated by the proposed landscaping scheme. It would therefore be contrary to saved local plan policies CT/1 and CT/2.
155. The harm to the rural landscape and the danger to highway safety would outweigh the benefit of reducing Charnwood’s housing land deficit.

156. The appeal should be dismissed.

**Councillors Ranson and Fryer** (Docs 17 & 40)

157. We support the Parish Council, the Barrow Residents' Action Group (BRAG) and the residents in their opposition to the development.

158. Its adverse effects would significantly outweigh its benefits when assessed against the Framework as a whole. It is over dominant and alters the whole character of the village. The roads will not cope and access to the schools is under stress as roads serving them do not have the scope to be improved. More than 500 houses have been built or approved in 10 years and the High Street facilities suffer from lack of parking already. It is unrealistic to suppose people will walk to the shops and back.

159. Slash Lane is often closed by flooding and more warning signs would do little to help drivers already committed to using the route through the village, which takes traffic from other villages en route to the A6, M1 and A46.

160. The health centre is heavily oversubscribed and access to it from the appeal site would be by car, adding to congestion.

161. Existing residents have made welcome the occupiers of many new houses in recent years. They are not "NIMBYs" but do object to the sheer scale of what is proposed. The changing climate is increasingly disrupting the road system through flooding around the village and the measures proposed will not help. Huge investment is needed, for example at Slash Lane.

162. The appeal should be dismissed.

**Mr Wilson**

163. Experience suggests that, with the fire station being based in Loughborough, there will be problems of accessibility for it if the roads are congested at times of flood.

**Mr Burton** (Doc 39)

164. This is the first area to flood in Leicestershire, up to 12 times per year. Traffic congestion is always caused, with of a mile in length. The police put signs up and additional signs will not help as most people know when roads will be closed.

165. The abuses of the one-way system between Breachfield Road and Melton Road are not reported to the police. The station is inaccessible due to the many steps and people are more likely to drive in any event because they can visit superstores and the like during the course of their journeys, or they will drive to the station and park on roads near the station.

166. The sewer is at capacity and subject to storm overflows, but Severn Trent Water tends not to object. However, there has been no mention of the water Framework Directive which requires rivers to be improved by 2027. It is doubtful if surface water can be dealt with using SUDS

167. Previous applications in the countryside have been rejected and nothing has changed to justify this one.

**Mr Smith** (Doc 19)

168. There is a highway danger at the Melton Road/Breachfield Road/Babington Road junction close to the appeal site as illustrated on my annotated plan.<sup>33</sup>
169. MOVA might help with Barrow Road Bridge but the wider area including Slash Lane needs to be looked at.

**Councillor Forrest** (Chair of BRAG)

170. Local residents are not "NIMBYs". Lots of them have had new houses "in their back yard". Barrow Upon Soar is a great place to live and we do welcome newcomers, but we are at saturation point and enough is enough. The infrastructure will not cope.

**County Council** (represented by Mr Prendergrast, Mrs Owen, Mr Kettle and Mr Tyrer) (Docs CC1 & CC2)

171. In its essentials, the position of the County Council is as set out in the written evidence submitted and there is little to add. A Civic Amenities site is no longer required as one has been provided at Mountsorrel.
172. The adopted County Council policy in respect of developer contributions is the *Statement of Requirements for Developer Contributions in Leicestershire* (SRDCL) which is the starting point for negotiating appropriate contributions, the latest review of which was in 2007.
173. There are written submissions from Mr Tyrer, the Developer Contributions Officer and Mr Cook in respect of highways and transportation matters.

**Mrs Anderson** (Doc 15 for Leicestershire and Rutland Primary Care Trust)

174. The concerns expressed by the practice regarding the pressure of extra patients are echoed<sup>34</sup> but in terms of consequential capacity improvements to premises the need would be for extra parking capacity, for which a £30,000 contribution is sought.

**Mr Page**

175. Traffic on Grove Lane/Melton road is at the capacity of the highway and creates a potential danger to children.

**Mrs Noon** (Doc 28 for CPRE Charnwood District Group)

176. The County Council has given insufficient weight to the appeal decision referenced T/APP/X2410/A/95/259402/P4<sup>35</sup> regarding the disruptive effect to traffic of flooding on Slash Lane. This is relevant to any additional development in Barrow Upon Soar. The circumstances have not changed in the 14 years that have since elapsed but rather they have been exacerbated.
177. This is an important appeal decision and consideration should be given to the increased volumes of traffic that the proposed development would add to various

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<sup>33</sup> Doc 19

<sup>34</sup> Doc 15

<sup>35</sup> Included also as Appendix 2 to Doc 28

routes in Barrow Upon Soar that are already disrupted by flooding and the appeal should be dismissed for this reason.

**Mrs Reed**

178. Parked vehicles disrupt the flow of traffic, especially lorries, on the eastern approach to the Barrow Road Bridge and this will undermine the proposed improvements.

**Mr Pepper**

179. Cyclists will inevitably slow traffic as it passes over Barrow Road Bridge because of the configuration of the highway and cycling has been encouraged in Barrow Upon Soar. Mountsorrel Lane also floods and that practically leaves the bridge as the only route. 30% of residents in a Parish Plan survey cited flood disruption as a reason not to build.

**Mr Hobbs**

180. A trial run of MOVA should be considered as set out in letter.<sup>36</sup>

**Mrs Rodgers** (Doc 41 for Barrow Upon Soar Community Association)

181. BUSCA is looking to build a new purpose built community centre in the village to accommodate a variety of activities in response to identified needs.<sup>37</sup> Dual use of the Humphrey Perkins School facilities, including the sports hall, has been curtailed for practical reasons. Little attention has been given by the developers, or by the Council, to the detrimental impact of a large influx of new residents and the social consequences.

182. In order to maintain social cohesion it is imperative that the village has the facility BUSCA hopes to build at an estimated cost of around £1.5 million. This is an essential facility that would be necessitated by the proposed development and the sum proposed in the planning obligation (£100,000) will not cover the cost.

**Written Representations**

*The salient material points are:*

**The County Council**

183. The signing of the S106 planning obligation obviated the need for the representatives of the County Council who had prepared evidence to be called as witnesses. That evidence therefore effectively becomes written submissions.

184. The gist of the evidence in respect of financial contributions to education and library services is that they are based on formulae in the SRDCL,<sup>38</sup> adopted by the County Council as Supplementary Planning Guidance.

185. In respect of education, the proposed development will not affect the high school but will impact on the primary and upper schools, which are full and predicted to remain so. This will give rise to a need for funding of school places

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<sup>36</sup> Doc 31

<sup>37</sup> Detailed in Doc 41

<sup>38</sup> *The Statement of Requirements for Developer Contributions in Leicestershire*



at circa £12,099 per primary school place and circa £18,355 per upper school place, the deficit in the number of places relative to the number of dwellings being calculated according to standard formulae.

186. The contributions sought are proportionate, necessary and directly related to the development. They are therefore CIL compliant.
187. In respect of library facilities, the contribution would be used to improve the lending stock and computing facilities at Barrow Upon Soar Library and reconfigure its internal space to provide for additional public access. Calculated by standard formulae, the contribution sought is proportionate, necessary and directly related to the development. It is therefore CIL compliant.
188. The contributions for public transport and pedestrian and cycle improvements stem from the core principle of the Framework that patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
189. The proposed enhancements to the walking and cycling routes to the High Street, the Humphrey Perkins High School and the Sibleby Road bus stops are necessary to cater for and encourage increased use in accordance with travel plan objectives. £40,000 is proportionate and the need stems from the development given the likely demand that development on this scale will give rise to. The Travel Packs Contribution, 6 month public transport passes and the funding of two bus shelters are necessary, proportionate and directly related to the proposed development, the object being to facilitate and encourage public transport use from the outset.
190. The Travel Plan Penalty will become payable if monitoring demonstrates that the modal shift target of 14% in the Travel Plan is not achieved. This penalty will incentivise the developer to seriously implement the travel plan and give comfort to the County Council that further funding would be available to encourage modal shift if targets are not met. The penalty is necessary, directly related and proportionate.

### **Nicky Morgan MP**

191. The application was refused prior to the finalisation of the Framework. This clarifies the meaning of sustainable development and the impact on the roads, schools and health services in particular render it unsustainable in terms of the Framework. There is a five year land supply in the local area. The development will, by taking open countryside, harm the character and visual amenity of the area contrary to saved policies CT/1 and CT/2 of the local plan. It is also contrary to saved policy ST/1(ii) because it is clear from the level of objection that this landscape is "particularly valued by the local community". The refusal on highway safety grounds is supported.

### **Barrow Upon Soar Parish Council**

192. It is misleading for the appellant to suggest that the Borough Council has previously supported the proposed development "in principle". The application is speculative and exploits the Borough Council's failure to deliver a Local Development Framework. It is unsustainable because it is on greenfield valuable

agricultural land outside the limits to development, visually dominant on high ground, and will overload healthcare and schools in the village.

### **Leicestershire Constabulary**

193. The policing contribution is necessary, proportionate and directly related to the development. It is therefore CIL compliant.

### **Barrow Residents' Action Group**

194. The appeal site is on rising land and prominent. The proposed development would harm the landscape and the harm could not be mitigated by the proposed landscaping scheme. It would therefore be contrary to saved local plan policies ST/1(ii), CT/1 and CT/2. The harm to the rural landscape and the danger to highway safety would outweigh the benefit of reducing Charnwood's housing land deficit.

### **Private Individuals**

195. There is a great weight of correspondence from local residents. In reading this I have discerned a number of consistent themes:

- First, there is a widespread feeling that the village community has witnessed rapid expansion and that it is outgrowing the physical and social infrastructure available to it.
- Secondly, there is a concern at the loss of countryside around the village.
- Thirdly, there is a concern with highway safety, especially at the Grove Lane junction
- Fourth, many people believe that the capacity of the highways is near its limit, certainly at peak times, and that the problems are particularly intense because periodic flooding already disrupts flows.
- Fifth, there is a perception that the proposed development will increase flooding.

196. In addition, there are numerous comments raising concerns which include; the effect on the living conditions of neighbouring residents, parking pressure in the village centre, noise and disturbance to existing residents, destruction of trees and hedges, inadequate public transport, harm to biodiversity, loss of agricultural land, unsuitable ground conditions, potential to increase crime and disorder, the slow progress or halting of existing residential developments for lack of demand, encouragement of car-based travel building and the disregard of the opportunities for using existing empty properties.

## **Conditions and the Planning Obligation**

### *Conditions*

197. A number of suggested conditions (SC) were agreed between the Council and the appellant.<sup>39</sup> Discussion of these at the Inquiry was inclusive of the Parish Council and interested local residents.

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<sup>39</sup> Doc 29

198. I have reviewed the SC in the light of the advice in Circular 11/95 *The Use of Conditions in Planning Permissions* and the relevant tests therein, together with the advice of the Framework. Some require minor rewording to more closely accord with the relevant advice of the circular and others may usefully be combined for economy, but in general they are appropriate.
199. The standard timescales (SC1) for an outline permission and submission of reserved matters are appropriate but these should be more precisely expressed so as to define the reserved matters and the associated timescales.
200. Accordance with the definitive plans (SC2) should be prescribed by condition for the avoidance of doubt and in the interests of good planning but general accordance with supporting documents is an imprecise approach. However, precision may be introduced by requiring the submission of details for approval by the local planning authority in relevant cases to be in accordance with the principles contained therein. Bearing in mind, inter alia, the planning obligation, I do not consider the approach appropriate for the TA, the ATA, the UFTP or VISSIM modelling. It is inappropriate to address the proposed off-site works at Barrow Road Bridge in this fashion as the land involved is not in the control of the appellant. However, bearing in mind that these are essentially traffic management measures susceptible to refinement and I am not persuaded, having considered the evidence and observed the relevant circumstances of the bridge on site, by the proposition [117] that there would be impediments to its detailed implementation in practice that could not be readily resolved, I consider it could appropriately be dealt with separately through a Grampian style condition. (See also my comments on SC15 below.)
201. The various assessments have been based on a maximum of 300 new houses and as this number is not specified in the description of the development or the application, which is simply for "residential development" it is necessary to limit the number to a maximum of 300 (SC3) by specific condition. Moreover, it is necessary to prescribe the maximum developable area bearing in mind the importance of flood alleviation, the scope for SUDS and the role of the structural landscaping, with a Master Plan creating an overarching framework for the submission of reserved matters. However, the submitted masterplan is purely illustrative. This difficulty may be overcome by the approach advanced in SC4, as this builds on the general principle illustrated to create a firm framework and phasing programme, the latter being necessary for a development on this scale, in my view. I see no difficulty in requiring general conformity to the illustrated principles according to which the proposal has been advocated as a sustainable form of development. This would not fail the test of precision as those principles are spatially expressed on the illustrative masterplan and articulated in the Design and Access Statement. It would be for the Council to reasonably consider whether or not the Master Plan and Design Code submitted pursuant to the relevant condition were in general conformity with them.
202. SC5 increases the focus on the detailed implementation of any particular phase approved pursuant to SC4 and this seems to me to be an entirely necessary and reasonable approach.
203. The site is known to have some archaeological potential including the remains of lime kilns of varying age from early post-medieval until perhaps as recently as the nineteenth century, but the Archaeological Services team at the University of

Leicester is satisfied that the matter can be addressed by a programme of work following a written Scheme of Investigation.<sup>40</sup> This may be secured by a condition such as SC6.

204. Although SC7 – SC9 are all essentially concerned with drainage it seems to me that, in the circumstance of the site, the matters addressed are most practically dealt with by separate conditions specifically concerned with sustainable surface water drainage, foul sewage and the specific detail of trapped gully provision in each phase of development.
205. The site is currently in arable use and there is no reason to suspect widespread contamination. However, its archaeological characteristics suggest that disturbance of buried deposits might, in places, give rise to concern and hence, on balance, a precautionary condition of the type suggested (SC10) is appropriate.
206. SC11 seeks to protect retained trees and hedges on the site as the development progresses through phases. It would require an overall scheme to be first approved, supplemented as necessary by the implementation of the approved measures as each phase commences (SC12). This seems to me to be a logical and methodical approach to this important matter that it is necessary to address in the interests of sustainability.
207. SC13 reflects the concerns regarding the impact of the railway on the living conditions of future occupiers of parts of the site and while there is no reason to constrain development in principle for that reason, suitable detailed measures to secure amenity are necessary.
208. SC14 effectively requires the precise details of the access applied for to be resolved and the works, including the pedestrian and cyclists' bridge over the Fishpool Brook to be fully implemented before any dwelling is occupied; and I consider this to be necessary as these involve the sole vehicular access and the principal pedestrian route anticipated.
209. SC15, in effect, partially replicates the suggested content of SC2 insofar as it specifically concerns the off-site works for the Barrow Road Bridge traffic management scheme to improve its capacity, and involves further consideration of the details of the improvement, notwithstanding the satisfaction of the highway authority with the details submitted to date. This is necessary and will potentially cater for the effects of the cyclists phase subsequently introduced. Being off-site on land not controlled by the appellant, it needs to be negatively expressed in 'Grampian' style and to ensure early delivery and benefit the condition should, as suggested, make first occupation of a dwelling contingent upon its implementation.
210. SC16 – SC18 are best combined within the purview of a standard form of construction management condition suitably adapted to include, inter alia, the precautions to be taken in respect of badgers passing through the works.
211. SC19, if appropriately cross-referenced to the details of design, would require the retained public footpaths within the site to be upgraded by the time half the houses are occupied. This seems a reasonable and necessary precaution to

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<sup>40</sup> Doc 24

ensure that such improvements are incorporated in the development in a timely fashion whilst accommodating any unavoidable delay.

212. The Slash Lane Flood warning system (SC20) is promoted as a benefit of the proposal and a means of mitigating the impact of extra traffic on such occasions and is seen as such by the highway authority. Despite some scepticism amongst third parties as to its value or efficacy I am nevertheless satisfied that it is necessary to secure the benefit by condition.
213. Insofar as public art (SC21) is required by the provisions of the development plan, it is necessary to secure its implementation by condition. Local plan policy EV/43 seeks to make public art integral to the design of major developments and, given this development plan rationale for the condition, it is not in my view inappropriate, in this instance, to seek to reinforce the quality of the detailed scheme design in this way.
214. Insofar as the Framework encourages renewable energy as an important aspect of sustainability, it is necessary to reinforce this locally on a development of this scale by a condition such as SC22.
215. The Parish Council promoted a condition to minimise the risk of flooding caused by the blocking of the Fishpool Brook culvert under the railway line, suggesting that the land as far as the culvert is in the control of the appellant and that the test of necessity is met by the need to avoid such blockage. However, I am not persuaded that this is appropriate or necessary as the potential blockage of culverts is a universal and ongoing matter for the appropriate authorities rather than the developer of any particular site. Moreover, I do not consider the risk of blockage to be demonstrably increased by the proposed development as the risk of unauthorised disposal of items likely to cause such a problem would arguably be reduced by the greater surveillance of the Fishpool Brook that is likely.

#### *Planning Obligation*

216. The Framework sets the tests for planning obligations consistent with the statutory requirements of the Community Infrastructure Levy Regulations 2010 (CIL Regulations). The Council's evidence addresses in some detail<sup>41</sup> the developer contributions provided for and concludes, with reservations regarding the Travel Plan Penalty, that all bar the Policing Contribution are compliant with the relevant tests and the CIL Regulations. The separate matter of Affordable Housing in the obligation is justified on the basis of local and national policy and the relevant local evidence base. The precise level of affordable housing is a matter of negotiation on the specifics of any particular site, but it seems to me that 30% affordable, to be tailored to local needs as regards the mix of Social Rented Dwellings and Intermediate Affordable Dwellings, is a reasonable expectation on a greenfield site of this nature. The rationale for the Education and Library Facilities contributions is set out in the written evidence of the County Council,<sup>42</sup> which also refers to the original request for a Civic Amenity contribution, subsequently dropped as a result of convenient local facilities with adequate capacity having been provided.

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<sup>41</sup> C2 Evidence of Mr Reid, Section 3

<sup>42</sup> CC1 Evidence of Mr Tyrer

217. I have no reason to depart from the Council's analysis in respect of Public Open Space/Recreation and Community Facilities, Education and Library Services, all of which are calculated on the basis of established practice locally and with a view to specific provision in response to the predicted impacts of the proposed developments. Full weight may be accorded to those elements of the Planning Obligation. They are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

218. More substantial comment, to which I return in due course in the context of my conclusions regarding infrastructure, is necessary on the financial contributions provided for in respect of Highways and Transport, Policing and Health.

## Conclusions

*References are made, where appropriate, to previous parts of the report by indicating the relevant paragraph number thus [0].*

## Main Considerations

219. I have identified the following main considerations in this case:

- (i) Whether the Council can demonstrate a five year supply of deliverable housing;
- (ii) The sustainability of the proposed development;
- (iii) The effect of the proposed development on highway safety, in particular its effect on the safe operation of the junction of Grove Lane with Sibley Road and South Street ('the Grove Lane junction');
- (iv) The effect of the proposed development on traffic circulation within Barrow Upon Soar, including at times of flooding;
- (v) The effect of the proposed development on flood risk;
- (vi) The effect of the proposed development on the infrastructure of the village and whether its impacts may be adequately mitigated by the provisions of the planning obligation;
- (vii) Whether the proposed development accords with the development plan for the area in respect of highway safety and the protection of the countryside;
- (viii) The accordance of the proposed development with the intentions of the National Planning Policy Framework ('the Framework') regarding the delivery of a wide choice of high quality homes, good design and the promotion of healthy communities; and
- (ix) Whether any harm arising from the proposals would be outweighed by other considerations, i.e. the planning balance.

### *(i) Housing Land Supply*

220. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites and there was no substantive, evidence-based, challenge from any party regarding this. Accordingly, the Council accepts that the local plan policies

concerning housing land supply, specifically, cannot be considered up-to-date. [28]

221. I have no reason to doubt the position and it merits no further discussion other than to note that the presumption in favour of sustainable development set out in paragraph 14 of the Framework is thereby engaged. The failure to demonstrate a five year supply of deliverable housing sites is a matter to which substantial weight must be accorded.

*(ii) Sustainability*

222. Sustainability is a multi-faceted concept most authoritatively articulated in the Framework for present purposes. It merits some attention in that the sustainability credentials of the site are questioned by many, albeit not the Council [28], including numerous local residents who object to the proposals.

223. In land resource terms it has been established that the site does not comprise Best and Most Versatile land [8] and hence the loss of farmland does not weigh significantly against the proposal in sustainability terms, given the inevitability of having to develop greenfield sites in the Council's area.

224. Moreover, I am satisfied that there are no seriously adverse implications from the point of view of biodiversity. Again this is common ground between the main parties [28]. It seems to me that, if anything, the enrichment of habitat through extensive landscaping with appropriate species and the additional benefits afforded by individual suburban gardens in the fullness of time would be a benefit, notwithstanding that some species associated with farmland would be unlikely to return to the site itself.

225. Insofar as design is an important facet of sustainability, the qualities of the layout are such that it is common ground [28] between the main parties that relevant objectives would be met or would be capable of being achieved at the detailed design stage. It seems to me that the proposals balance the need to make efficient use of the site with the need to provide adequate open space to not only create a pleasant setting but also to accommodate appropriate SUDS measures and flood attenuation in a practical fashion.

226. The majority of the site is within a reasonable walking distance of the village centre. I noted that at reasonable walking pace it is 10-15 minutes and the upgrading of the routes would encourage their use. The south eastern part of the site is the least accessible at present, including to the bus stops on Sileby Road to the south. However, the evidence before me suggests [62] that Network Rail fully intends to replace the closed pedestrian crossing point of the railway that currently disrupts the footpath network with a footbridge and I have no reason to believe that this replacement will not in due course be implemented. The layout of the site makes for the encouragement of trips on foot and by bicycle and certainly facilitates such modes for those who wish to utilise them in preference to using a car for local journeys.

227. More strategically, the existence of the railway station, which provides access to major centres for employment, shopping and leisure, is a major advantage of the settlement of Barrow Upon Soar which would be readily shared by residents of the proposed development. I acknowledge that the station is perhaps more properly described as a 'halt' rather than a 'station', insofar as the latter is more

commonly understood as a substantial building or group of buildings with ticket office, staff and possibly shops and cafés. Nevertheless, the fact of the matter is that it exists and enables the population of Barrow Upon Soar to make ready use of the railway to travel to a variety of important destinations for employment, shopping, leisure and many other services, should they choose to do so. It may not be the most comfortable of facilities but for the majority of able-bodied people it is a perfectly practicable proposition.

228. This is an important consideration in terms of the concept of sustainability, to which the long view is intrinsic. Transient factors such as the state of the rolling stock or the quality of the service are less important than the fact of heavy and permanent infrastructure investment having already been undertaken, thereby representing an asset to be capitalised upon as needs dictate. The fact that usage is apparently low at present [124]<sup>43</sup> does not detract from the fundamental long term advantage of the railway as a focus for residential development.
229. The Framework<sup>44</sup>, importantly, puts it thus: (Planning should)... *“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable”*. This core principle places Barrow Upon Soar in a category of existing settlements which are inherently sustainable and, moreover, the appeal site itself is all within an entirely comfortable walking distance of the station<sup>45</sup>. Many of the houses would be within 800m and none would be further than one kilometre, equivalent to a 10-15 minute comfortable walk for most. [28,61]
230. In addition, the existence of regular local bus services, for the most part within 400m<sup>46</sup> of the proposed houses with the potential for diversion through the site in due course, complements the more strategic accessibility afforded by the railway. [25,28,61]
231. It is relevant in this context to note in full the reported comments of the County Council’s Director of Environment and Transport, set out in full in Appendix 3 to *Charnwood 2028 Local Development Framework (LDF) Core Strategy Service Centre Capacity Assessment (Final Report) December 2011* (‘the SCCA’) [68]. These were that Barrow Upon Soar... *“is well served by bus services, and has a railway station but accessibility for pedestrians is currently limited to stairs only. However, existing public transport levels are insufficient to cater for the level of modal shift away from the car that would be required in order for the village to be considered suitable for a further significant expansion in housing provision.”*
232. The third key element in the equation as regards the sustainability of the location is the existence of a village centre with a good range of services that is already accessible on foot for those with the time and inclination to walk, and can be made more pleasantly so by the measures provided for in the planning obligation. There is no reason to regard the site as disadvantageous or discouraging to the use of bicycles.

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<sup>43</sup> PC1 Evidence of Mr Cage, Appendix 1

<sup>44</sup> Paragraph 17

<sup>45</sup> ATA fig 3.2

<sup>46</sup> ATA Fig 3.1



233. For the above reasons I conclude that the appeal site's basic credentials in terms of both natural resource conservation, potential for good design, choice of sustainable transport modes and, importantly, scope for future improvement of public transport in response to demand, are in fact highly conducive to development of the type proposed.

234. It is of course the case that many other considerations impinge on the overall sustainability of the site and those that are of potentially decisive importance, namely highway safety, traffic circulation, flood risk and village infrastructure are separately considered below in order that an assessment in the round within the context of the development plan and the Framework can be made.

*(iii) Highway safety*

235. Grove Lane joins Sileby Road/South Street in the form of a section of one-way street with left turning and right turning lanes. The visibility to the right is entirely adequate but the visibility to the left is constrained by an existing property and it was agreed,<sup>47</sup> on the basis of on-site measurement during the course of the Inquiry, that the available visibility was, in practical terms, 42.5 metres to a 1 metre offset from the kerb. [48].

236. Much evidence was adduced regarding observed speeds on the road, adjustments for wet weather conditions and the composition of the traffic, to which I have given careful consideration. It seems to me, bearing in mind not only the totality of the evidence but also the response of the Highway Authority, which does not object to the proposals that, were the junction being constructed today, a more generous 'Y' distance of around 45 metres would be provided as a matter of course. Correspondence between the appellant's highway engineers and the highway authority<sup>48</sup> indicates its view that 45 metres was the appropriate standard to work to and that this could be achieved by the use of a 1.31m offset from the kerb. In other words, the layout of the junction does not provide the visibility to the left that, ideally, it should [114] [38 - 50, 73-99 and 112 – 114 for detail of the cases put].

237. This perceived deficiency must, in my view, be considered in the light of a number of factors, including the, albeit cautious, conclusion in MfS2 that there is no invariable relationship between visibility and collision risk. A second contextual factor is the reality that numerous junctions in urban areas are below current standards but are not normally reconfigured unless there is evidence of safety problems arising on a regular basis as a consequence. Otherwise they are left alone to carry volumes of traffic far in excess of those that originally typified the streets, on the basis that drivers exercise the necessary degree of caution as circumstances demand. The proposition was advanced that, if absolute standards were to be routinely applied to junctions in the network at a distance from individual application sites, this would unnecessarily inhibit the development of urban areas [50].

238. In response to my questions on that matter, Mr Young, for the appellant, explained the reality of the general picture very clearly and I concur with the commonsense assessment that he gave. Moreover, the Framework, at

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<sup>47</sup> Doc 20

<sup>48</sup> ATA, Appendix A email from Younus Seedat to Stephen Yeates 25/01/11 @16:46

paragraph 32, sets out an approach which takes account the need for safety at the site access itself and residual cumulative impacts on the network that must be severe if development is to be prevented or refused. While it was submitted on behalf of the Council [101] that severity is a concept that that is inapplicable to the safe operation of a junction, i.e. it is either safe or it is not, I do not consider that the real world operates in that way. It would of course be wrong to sanction any development that self-evidently gave rise to significant deterioration in road safety without effective mitigation of the problem, but there is no cogent evidence to suggest that would be the case here.

239. MfS advises that local evidence should be taken into account in exercising the necessary judgement about any junction and the evidence in this instance is a sustained freedom from recorded accidents at the Grove Lane junction. It is of course the case that lack of accidents related to visibility is not proof that a substandard junction is inherently safe, but it does strongly suggest that it operates in practice in a safe manner because of its particular circumstances and the response of the drivers using and approaching the junction to such circumstances.
240. I observed the operation of the Grove Lane junction both as a driver and as a bystander on a number of occasions during the course of my visit to the area. There is no doubt that larger vehicles emerging from the junction to turn left do impinge on the far side of the carriageway, but they appear to do so in a cautious manner which gives adequate time where necessary for vehicles approaching from the east to adjust their speed to accommodate the manoeuvre. I also observed that certain other vehicles turning left do cross the lowered kerb so as to remain within the nearside of the highway whilst effecting the manoeuvre, whereas the great majority had no need to do that. The tyre marks and the evidence of my own eyes suggest that this is a regular, if not unduly frequent, occurrence, but the fact remains that large numbers of vehicles have exited the junction over the years without mishap. On the basis of agreed flows the junction carries in excess of 1.5 million vehicles annually, albeit right turning as well as left turning [39].
241. The reasons for the evidently safe operation of the junction may well include driver knowledge of its characteristics, including the lack of turns into it by reason of its one-way flow. But I also note that the approach to the junction from the east is up a perceptible gradient which is traffic calmed to some extent with occasional speed cushions and subject to the "friction" of parked cars where parking is not restricted and the improved forward visibility that results where it is, the net result being that drivers unfamiliar with the road are likely to approach the junction from the east with appropriate caution rather than assuming that they may proceed with impunity at a constant speed, as would be the tendency for instance on a free-flowing rural road. The urban and complex driving conditions give rise to a driver response that meets the circumstances, as is the case in countless situations throughout the country.
242. Competing assessments on the part of the appellant and the Council<sup>49</sup> make for a range of required visibility from 38.21m to 43.86m when appropriate reductions in average speeds to account for HGVs and buses are made [47].

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<sup>49</sup> Doc 44, paragraph 25

The actual visibility based on what I consider to be an appropriate offset from the kerb of 1 metre, inside of which the highly unlikely and extremely rare occurrence of a motorcycle overtaking another vehicle overtaking a parked vehicle would not be entertained by its rider owing to the risk of kerb clipping, grids etc, is 42.5m from the centre line of Grove Lane<sup>50</sup>. This comfortably exceeds the mid-point of the range, which is fractionally over 41m. Therefore, if the appellant is right in its calculation of 38m<sup>51</sup> being the appropriate distance there is clearly no deficiency at all but the Council's more cautious approach without speed reductions for HGV/Bus content in the flows would produce a deficiency of the order of 3% against the 42.5m available. Using the appellant's surveyed speed uncorrected for wet weather, the 42.93m requirement would give a deficiency of around 1%. Only the most extreme requirement canvassed of 47.5 metres (Council's preferred figure with no speed reductions at all) would give a deficiency of around 10%.

243. Clearly a deficiency of that order would not be de minimis, but it is material that a more pragmatic approach was taken by the highway authority itself, which regarded 45 metres as being the desirable visibility and in any event does not object to the proposed development, and that the appellant's approach, in my view, more closely accords with the totality of the relevant available advice, little of which is wholly prescriptive, and contains the necessary ingredient of judgement on the circumstances and evidence.

244. I therefore consider it is appropriate to consider the matter of the safety of the Grove Lane junction in the round, bearing in mind the contextual considerations I have described, the lack of recorded accidents that could be ascribed to visibility, and the fact that the highway authority has at no time considered the junction to be in any sense a priority for improvement, notwithstanding that it is one of the principal junctions in the settlement of Barrow Upon Soar. I am also conscious that its one-way operation makes for a simpler pattern of movement and interaction between road users than would be the case if it were a conventional two-way flow with traffic entering it from the main road. It is pertinent to bear in mind the advice originally set out in MfS1<sup>52</sup> concerning driver reaction and stopping sight distances, the various strands of local evidence and the revised guidance in MFS2<sup>53</sup>. All things considered, I conclude that, despite its perceived deficiency in respect of visibility to the left, the junction, on the basis of that local evidence, operates safely and would not, understandably, be a priority candidate for improvement on the basis of current usage.

245. In my estimation, the deficiency, such as it is, is of marginal significance when the judgement is made in the round and should not trigger prevention of the proposed development unless the impact upon its continued safe operation would be demonstrably severe in the sense intended by paragraph 32 of the Framework. In the ordinary course of events developers cannot reasonably be expected to address imperfections in the existing network unless the impact of the proposals would be significantly adverse.

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<sup>50</sup> Doc 20

<sup>51</sup> Doc 44 paragraph 19

<sup>52</sup> MfS1 7.5

<sup>53</sup> MfS2 10.1 – 10.5

246. That begs the question in this instance of whether the impact of additional traffic on the junction would be so significant as to undermine its currently safe operation.
247. The traffic forecast calculations accepted by the highway authority and the parties as the correct basis of calculation show that with no allowance for modal shift as a result of the Travel Plan but with allowance for unreduced<sup>54</sup> traffic growth to 2020 the proposed development would add some 62 right turners and some 30 left turners during the am peak hour to the one way exit from Grove Lane. PICADY results show that the consequential delays per vehicle at 2020<sup>55</sup> would be of the order of a few seconds only for left turners and a little longer for right turners, with less than one vehicle being added to the left turning queue and 1.3 vehicles being added to the right turning queue. The ratio of flow to capacity would be 0.401 for left turners and 0.58 for right turners, well within the accepted capacity threshold of 0.850. Similarly, the pm peak flows would be well within capacity.
248. On that basis, it is evident that the junction would continue to operate comfortably within capacity at the busiest times, with little additional delay for drivers that might otherwise cause impatient behaviour that could potentially undermine the demonstrably safe current operation of the junction. It seems to me that the evidence demonstrates conclusively that the junction should continue to operate without significant change when the additional traffic from the development has built up to its maximum anticipated level, which would in any event be a gradual process which would allow drivers to adjust their habits to compensate for any perceptions of additional delay in any event. Bearing all the relevant considerations in mind, I see no reason why, on a robust assessment, the safety of the junction would be materially diminished by the extra traffic from the proposed development.
249. Nor do I see any reason on the basis of the evidence before me [39, 83 - 85] why pedestrian safety in the vicinity of the junction should be any less than it is now, or that safety for cyclists would be diminished. In relation to the latter, I am conscious that MfS2 notes that greater visibility at T- junctions is associated with higher cycle collision rates.
250. For all the above reasons, while I understand the perception of the Council and the Parish Council that the imperfection of the Grove Lane junction with regard to its geometry and visibility to the left would be a cause for concern [72 - 101, 112 - 116] albeit not one ultimately shared by the highway authority, if the proposed development were to go ahead, I consider that the balance of evidence points conclusively to the judgement that highway safety would not be materially compromised by it. I therefore accord only limited weight to that perception and accordingly, I am unable to conclude that the effect of the proposed development would have an unacceptable impact in those terms as far as the Grove Lane junction is concerned. It follows that the claimed conflict with criterion (i) of local plan policy TR/6, set out in the Council's sole reason for refusal [23], is not, in my estimation, substantiated.

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<sup>54</sup> Surveyed flows at the junction have decreased between 2009 and 2012

<sup>55</sup> Capacity assessment updated to 2020 at request of highway authority and summarised in evidence of Mr Young at table 5.3 of his evidence (A2)

251. I turn now briefly to the matter of the site access itself. The Council raises no objection to the proposed site access [28] and neither does the highway authority. The Parish Council, on the other hand maintained that the vehicular access to the site itself would be unsatisfactory in two principal respects, namely the single access point (with no separate emergency access) and the forward visibility to the access roundabout from the north east [109, 110].

252. The more usual approach is to provide for two or more access points on a development of this size, or a separate emergency access, but that is not always possible, a fact recognised by the highway authority's own guidance<sup>56</sup> which advocates assessment on a site-specific basis [54]. In this case, the requisite emergency access would be 'designed in' to the access roundabouts and short connecting road by the provision of over-run areas to be constructed sufficiently firmly and kept free of obstruction so as to allow emergency vehicles the option of leaving the carriageway itself to get round any obstruction within it. Clearly there is always the possibility that an incident such as a road traffic accident or fuel spillage could close the access itself for a while, but in such circumstances emergency vehicles would be able to reach the relevant area and no doubt by-pass it on the over-run area provision in the event that a simultaneous emergency occurred within the housing area beyond. The highway authority is entirely satisfied on this point [28] and I have no reason to disagree. There are no objections from the relevant emergency service providers in any event.

253. As far as the forward visibility to the roundabout is concerned, the relevant and appropriate guidance in MfS2 suggests that on the current observed speeds the necessary distance is around 52 metres and that, it is claimed by the appellant can be achieved, even when the changing levels of the land and adjacent land are taken into account as the Parish Council suggests. Having carefully studied the levels information on Drawing No 0940/SK/014 rev A and the drawing at Appendix D to Mr Young's rebuttal evidence,<sup>57</sup> and having observed the lie of the land and positioning of retained trees at my site visit I am satisfied that is so. The Highway authority has no objection to the proposed geometry either. Moreover, the speeds measured by the Parish Council in this 30 mph limit are clearly a driver response to the highway geometry as it currently exists, not the geometry proposed, which would include a signified roundabout and a more curved road, both of which would tend to reduce speeds in any event. This is not, in my estimation, a significant point against the proposed development which would create conflict with the intentions of the development plan or the Framework in respect of highway safety and no weight should be accorded to it [52,53,110].

*(iv) Traffic circulation in Barrow Upon Soar*

254. The particular geography of Barrow Upon Soar tends to concentrate traffic entering and leaving the settlement via the nearby A6 onto the historic Barrow Road Bridge, a listed structure. The alternative route to and from the A6 via Slash Lane to the east of the settlement is regularly inundated by flooding, albeit there appear to be no reliably precise records of exactly how many days in the year it is wholly impassable to motor vehicles.<sup>58</sup> Nevertheless, from all that I

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<sup>56</sup> The so-called '6 C's' guidance (Appendix C to PC1 Evidence of Mr Cage)

<sup>57</sup> A3

<sup>58</sup> See for example paragraph 13.1 of evidence of Mr Cage on flooding (PC3)

saw and heard I have no doubt that this is a strategic difficulty for the settlement, indeed a difficulty that contributed to the dismissal of an appeal in of an appeal in 1997 [60,176]. I have studied this decision carefully and it seems to me that the circumstances of the site were different in that it was directly related to the possibility of providing a flood reduced link via Slash Lane to ensure the accessibility of the business premises at that time proposed, but there were in any event a range of other substantiated objections to the proposal and the Inspector concluded, amongst other things, that... *“such consequences of poorly sited development are particularly unnecessary at this time when there is no urgent need for further employment land to be released and when there is to be debate over how to best provide for future needs in the context of the emerging Local Plan.”*<sup>59</sup>

255. At the strategic level a further distinguishing feature was the lack of demonstrable need for the release of employment land at the time and I am also conscious that housing development has continued apace in Barrow Upon Soar, especially on its northern fringe, despite the obvious difficulty that the periodic severance of Slash Lane and other routes causes. Nevertheless, it seems to me that in the ordinary course of events the expansion of the settlement without resolution of the problem via public investment in the necessary works, however funded, does weigh against the current proposal in the absence of a clear mechanism, set out for example in an up to date development plan, so as to overcome the difficulty, which, unresolved, must ultimately limit the growth of the settlement, especially if climate change increases its frequency.
256. Against that, the settlement is established and must continue to thrive despite those intermittent difficulties which load additional traffic onto the more reliable route across Barrow Road Bridge, leading on such occasions to additional and widespread congestion. The relationship of the proposed development to the Slash Lane difficulty is not so direct or unique that it would be reasonable to require resolution of the problem, which is common to the entire settlement, to be funded by the appellant in this case and there is no suggestion from the Council or the highway authority (neither of which objects to the proposed development on the grounds of the Slash Lane situation) that it should be. Some mitigation of the extra impact of the proposed development on ‘flood days’ is arguably necessary but has been catered for by the commitment to extra warning signs, albeit these do not address the root cause of the difficulty.
257. The key question is whether the extra traffic impact of the proposed development on flood days would be so severe as to render the development untenable as a consequence of the extra loadings on the Barrow Bridge route on those occasions which disrupt the traffic flow and cause congestion in the settlement in any event, but I have no cogent evidence to suggest that a critical threshold would be crossed so as to render the existing unfortunate situation wholly unacceptable.
258. Moreover, the appellant’s off-site proposals to improve the capacity of the Barrow Road Bridge through the use of some additional traffic management measures, including the repositioning of the traffic lights and stop-lines and the installation of MOVA technology would serve to ease, it seems to me, the position

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<sup>59</sup> Ibid paragraph 33

on flood days in the same way that it would on the ordinary days when Slash Lane and sometimes Mountsorrel Lane, apparently, are closed. Clearly the congestion would be greater and more enduring on such occasions but that simply reflects the current position without the proposed Barrow Road Bridge improvements necessitated by the additional traffic from the development proposed in this instance.

259. The effectiveness of those proposed improvements was questioned by the Parish Council [117,118], albeit not the Council or the highway authority, on a number of counts. While I can see that an overly ambitious approach to repositioning the stop lines could potentially cause difficulties in the event of large vehicles meeting at the point of constriction, I have no doubt that precise positioning at the point of implementation would minimise the risk of such an occurrence. Moreover, there is no cogent evidence that the listing of the structure would necessarily inhibit the most advantageous re-positioning of the traffic signals. It does seem that the recent introduction of a dedicated cyclists' phase by the highway authority has the potential to require further modification to the proposals, but the highway authority is the instigator of that and I have no doubt that adjustments could be made as it considers necessary.
260. Fundamentally, it seems to me, the MOVA system proposed, being a dynamic means of traffic management in response to the prevailing circumstances, has the potential for continuous adjustment, for example in the event of the so-called 'hurry loop' introducing unintended consequences<sup>60</sup>, to achieve the optimum outcome at a bridge which has served the settlement and will continue to do so on the basis of alternating one-way flows. The appellant's VISSIM modelling was criticised as being too limited in its scope on the approach roads, for example stopping short of the 'Jerusalem Roundabout' but the inclusion of the additional traffic in a wider purview would tend to dilute its significance in any event. Ultimately, all such modelling has its limitations and the Parish Council's evidence failed to convince me that its VISSIM modelling ultimately gave a more accurate prediction. It seems to me that the CD visualisation of the predicted traffic movement failed to take into account matters that would be properly addressed by experienced drivers on a day to day basis, such as minimising delays caused by right turners into Proctor's Park Road.
261. In any event, the addition of around 90 vehicles in the peak hour or around 1.5 vehicles per minute, whilst not perhaps, at 6% increase, imperceptible as the appellant claims<sup>61</sup>, would certainly not give rise to insurmountable or unacceptable levels of increase in congestion relative to the existing situation, even if the installation of the proposed measures were to be less effective than predicted. While I have no doubt that there are occasions when the bridge does give rise to difficulties in the settlement, I observed it on a number of occasions, including my formal site visit (timed to observe am peak conditions at the Jerusalem Roundabout.) I can only conclude, having done so, that, given the constriction in the network that the bridge must inevitably create, for the most part it operates as well as can reasonably be expected and that, with the benefit of the improvements proposed, it will continue to do so and may even experience some improvement as the appellant claims. It is significant that the highway

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<sup>60</sup> Doc 42 paragraph 5.16

<sup>61</sup> Doc 44 paragraph 39

authority is satisfied with the proposed mitigation of additional flows on the network in this respect and that there is in any event continuing scope for refinement of a system that is intrinsically sensitive to demand at any time and allocates the available capacity of the bridge accordingly, i.e. an intelligent system. A 'trial run', as has been suggested by a local resident [180], would, in the circumstances, neither be practical, nor, in my view, necessary.

262. All in all, given the proposed improvements, there is no reason to consider that the increased traffic at the Barrow Road Bridge would lead to any conflict with the intentions of the development plan or those of paragraph 32 of the Framework, which says that decisions should take account of, inter alia, whether...

*"improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."* The residual impact of the proposal on the Barrow Road Bridge following the introduction of the proposed MOVA system, even if were to fail to fully live up to its promise of more than compensating for the impact of the proposed development<sup>62</sup>, could by no stretch of the imagination be described as 'severe' even though some adverse impact might at some point on some occasions conceivably occur.

263. Moreover, the visibility towards the bridge is perfectly adequate from both directions and would remain so even after the adjustments proposed to the signal heads were effected. There is no convincing evidence to demonstrate that visibility at the bridge, or the layout of the road, is in any sense a cause of undue danger. The bridge is an inconvenience known, logically, to most drivers in the peak hours and almost certainly to a sizeable majority of those using it outside those hours. The only potentially decisive question is one of consequential materially and unacceptably reduced capacity on the highway network and, for the reasons previously explained, I do not consider that to the case in any event.

264. Finally, as regards the day to day operation of the highway network elsewhere, there was contention; from the Parish Council [111]<sup>63</sup> that abuse of the short stretch of one-way routeing between the junction of Breachfield Road with Grove Lane, between it and Melton Road; and from Mr Smith [168]<sup>64</sup> regarding the speed of traffic passing the junction of Babbington Road with Melton Road in the vicinity of the northern end Breachfield Road; that both were potential sources of danger, underlining constraints in the network. With regard to the latter point, I consider that the introduction of the proposed site access roundabout (Drawing No 0940/SK/014 rev A) would advantageously change the geometry of Melton Road, improving visibility whilst calming traffic. As regards the former point, it can only reasonably be assumed that local motorists will obey the law and resist the temptation to short-cut. If anything, a perception of increased flow, such as it would be, would reduce that temptation rather than increase danger, in my view. I do not consider that either point would amount to a conflict with local plan policy TR/6 or the intentions of Framework policy concerning road safety and, again, I am conscious that there is no objection from the highway authority.

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<sup>62</sup> Ibid paragraph 45

<sup>63</sup> Doc 42 paragraph 5.4

<sup>64</sup> Doc 19



*(v) Flood risk*

265. Flood risk is not an objection raised by the Council, which is satisfied on the basis of the technical evidence and the position of the Environment Agency (EA) that, with the imposition of appropriate conditions, the appropriate standard of mitigation will be achieved, principally through siting the dwellings wholly within Flood Zone 1 within a specified maximum area, by SUDS techniques to maintain run-off rates of surface water at the existing greenfield level and by an engineered increase in the capacity of the existing floodplain of Fishpool Brook. The latter would ameliorate<sup>65</sup>, it is suggested, albeit not eliminate, the problems for existing householders on Breachfield Road with rear gardens bounded by the brook.
266. Having visited certain of the gardens and studied, in particular, the photographs<sup>66</sup> submitted by Mr Hilsdon and Mr Burton, as well as those appended<sup>67</sup> to the FRA and AFRA, I can well appreciate the apprehension of residents [139] that flooding of Fishpool Brook would be exacerbated, notwithstanding that their gardens are clearly designed and profiled to cope with such periodic flooding. It plainly occurs. It cannot be pleasant, and the prospect of it increasing would be a cause for dismay. However, such a prospect is not borne out by the evidence, even though it was not possible for the FRA to survey this private land specifically, causing reliance on so-called 'glass wall' modelling techniques.
267. Understandable apprehension is no substitute for robust evidence and the FRA and its submitted addendum to address masterplan amendments provides just that. The evidence of Mr Rassool, sections 3.00 – 6.00 in particular, demonstrates very effectively that a robustly pessimistic or conservative approach in the modelling has been taken and that there could well be the prospect of a slight improvement in the experience of the householders, albeit that flooding of their lower gardens will still occur. The proposed development would not, therefore, be a panacea. However, I am satisfied that a careful approach has been taken, rooted in the appropriate scientific principles and, on that basis, the proposed development should certainly not make matters worse in any significant way. The EA's updated modelling<sup>68</sup> provides a further level of comfort on the issue. Moreover, the note prepared by Mr Rassool<sup>69</sup> in response to Mr Hilsdon's concerns about drainage from old mine workings<sup>70</sup> deals authoritatively, in my view, with that matter.
268. The Parish Council's submissions on flooding<sup>71</sup> are extensive but miss the essential point that, whilst stating that its requirements would be "exacting", the work undertaken satisfies the EA, and the essential point also that such requirements can be secured through the imposition of appropriate planning conditions such that the development could not proceed if more detailed investigations belie the conclusion that, in principle, all relevant requirements

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<sup>65</sup> AFRA paragraphs 1.16, 1.17 and 1.23

<sup>66</sup> Docs 32 and 39 respectively

<sup>67</sup> Appendices I and A respectively

<sup>68</sup> Ref NTW307/TN1 (Appendix B to A4 Evidence of Mr Rassool)

<sup>69</sup> Doc 38

<sup>70</sup> Doc 32

<sup>71</sup> Doc 42 Section 4.0

appear capable of being satisfied on the basis of the work undertaken to date. This is an outline application for a large development with sufficient scope for flexibility, for example in attenuation capacity, regarding SUDS techniques built into the basic masterplan; and it would negate the spirit and purpose of the outline procedure if the expense of comprehensive and definitive investigation and design of the end state solution were to be required in advance of the certainty of planning permission that might be withheld for other reasons. It is sufficient at this stage to demonstrate to the EA and, with the benefit of its advice, the decision maker, that the most up to date and refined modelling available, in combination with a site layout that incorporates the principles that would enable the relevant objectives to be met, give sufficient comfort that a practicable solution is in prospect. I have seen no evidence sufficiently compelling to convince me that is not the case.

269. Moreover, it seems to me that future investigation of the permeability of the sub-strata in detail, bearing in mind the above, may improve upon the situation, if it proves better than has been portrayed,<sup>72</sup> although there would be no adverse consequences if it did not.

270. Further, while I note the contention that the modelling did not account for any reduction in capacity of the floodplain of Fishpool Brook if, for example, a causeway approach were to be adopted in its design, I am conscious that other solutions could be considered which would allow the free passage of floodwater in any event, whilst maintaining the passage of pedestrians across the low lying area. Alternatively, acceptance of the partial submergence of an at grade pedestrian route as a temporary inconvenience would not significantly undermine the sustainability credentials of the site as alternative routes would be available via the principal access to the site. Although perhaps not ideal, I do not consider the consequences of the pedestrian link crossing the floodplain to be intrinsically insurmountable and I have no reason to consider that the consequences in terms of flood risk would be sufficient to change my overall assessment that the flood risk modelling is adequate.

271. Nor do I consider the alleged increase in risk of the culvert under the railway blocking to be a matter to which weight should be accorded. The culvert is presently rather inaccessible and consequently rarely observed. Hence debris potentially causing a blockage is likely to go unreported. More natural surveillance of the Fishpool Brook could just as readily reduce the risk of blockage as more public access to the adjacent land might increase it. I have no evidence to suggest that this is a serious criticism of the scheme which should carry any weight. Similarly, the maintenance of the culvert is ultimately the responsibility of Network Rail and I have no evidence that the potential for increased scour is a serious threat to its structural integrity or continued effectiveness.

272. The Parish Council's submission [132] that the EA recommendation to keep floor slabs at 48 metres AOD or above to cater for potential 50% blockage of the culvert in the 1 in 100 year plus climate change event would cause significant problems is not borne out by the evidence. The western edge of the development area shown on the masterplan, within which the layout is

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<sup>72</sup> Ibid paragraph 4.6

illustrative, broadly corresponds with the 48m contour shown on the site survey drawing included as Appendix A to the FRA. It is plain to me that the necessary precautionary minimum slab level which the EA recommends would readily be achieved by the scheme as currently conceived without unduly radical revisions to the layout. Moreover, the AFRA<sup>73</sup> shows the 100 year plus 20% for climate change modelled floodplain to be well below this level, such that any blockage would have to cause flooding at significant additional depth over a very extensive area to cause significant problems in that respect. That possibility is plainly remote in the extreme when the relevant contours are studied.

273. In the final analysis, the expert responsible statutory consultee is content that the approach to flood risk at outline stage is sufficient to engender confidence that its requirements can be met in practice. This is powerful evidence of the ability of the scheme to comply with relevant policy regarding flood risk in the Framework and associated technical guidance and a position to which substantial weight and credence is to be accorded. The logic of the approach to flood risk within the design of the scheme is compelling and I am satisfied that in principle it effectively addresses the matter, with a firm prospect of the broad approach to the disposition and extent of land uses illustrated being retained in broadly the same form at detailed design stage. The illustrative masterplan has a logic to it that has clearly taken into account the relevant precautionary requirements regarding flood risk. In short, I am satisfied that the evidence shows that, subject to the imposition of the EA's requirements, the proposed development would not be subject to fluvial inundation on any reasonable assessment of risk and nor would it materially increase flood risk elsewhere in the catchment.

274. For all the above reasons I am able to conclude that, whilst the definitively detailed measures have not been designed at this stage, the evidence, including the evident satisfaction of the EA, which is fully aware of the master plan proposals for the site, clearly indicates that in practice they will be effective in avoiding any increase in flood risk; and may possibly give rise to betterment that could, on occasion, improve the position of certain of the existing householders whose lower rear gardens are currently affected by flooding.

275. There is, therefore, no significant conflict with the intentions of the development plan or the Framework in respect of flood risk.

276. As to the potential impact of the flooding of Fishpool Brook on foul drainage and the risk of surcharge, I see no reason in principle why appropriate design measures could not be incorporated to secure the system, thereby effecting an improvement on the current situation. The matter is capable of being addressed as necessary by planning condition.

*(vi) Infrastructure*

277. It is apparent that Barrow Upon Soar, over a number of decades, has expanded through the development of housing estates from its original core. Its location on the north east side of the of the River Soar, which effectively separates the settlement from the group of settlements comprised of Loughborough, Quorn and Mountsorrel, makes it relatively freestanding but there is little to suggest that it is notably self-contained despite its identification as a 'Potential Service Centre' in

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<sup>73</sup> Figure 1

the evidence base for the Council's forthcoming Core Strategy. Nevertheless, in the context of an expansion of the total Charnwood population of 15.4%, the document in question (SCCA) [68] indicates, at Table 7, that other settlements - Mountsorrel (36.9%), Rothley (30%) and Wymeswold (24.5%) – have expanded in population terms relatively more in the period 1991 – 2009. Barrow Upon Soar, by comparison, has expanded by some 20.6% in population terms over the same period, with 619 houses having been built. Clearly, this expansion is ongoing with the continuing development at the Willow Road site in the northern part of the settlement, together with smaller sites, as the Parish Council's evidence clearly indicates, suggesting a likely increase of the order of 50% since 2001 if the proposed development in this case were to be allowed and constructed.<sup>74</sup>

278. Table 12 of the SCCA broadly classifies the range of facilities on a comparative basis as between their level of provision in the identified Service Centres. In the case of Barrow Upon Soar 'Services and facilities', 'Quality of centre', 'Opportunities for improvement' and 'Planning constraints' are ranked as "reasonable" with a moderate level of capacity constraint, whilst 'Transport access', 'Employment self-containment' and 'Infrastructure capacity' are ranked as "fair" with a significant level of capacity constraint. No category is ranked as poor or as giving rise to a very significant or potentially overriding level of constraint.
279. The classification is broad and has yet to be tested through independent examination. Moreover, the development strategy itself for the district has yet to be settled in terms of the emerging plan and it is common ground between the main parties that it should be accorded no weight in the determination of the appeal [14]. Nevertheless, the evidence base presents a picture that is perhaps less constrained than the very clear perception of the Parish Council and the numerous local residents [103 -105, 136,137, 141-148,151,158-161,170,174,181,182 185] who have made representations that the physical and social infrastructure of Barrow Upon Soar is unduly stretched, although elsewhere in the SCCA [68] specific concerns are highlighted. For example, Table 2 notes the highway authority's concern that the Barrow Road bridge is constrained in capacity terms and that the settlement is prone to disruption when Sibley Road and Slash lane are flooded, together with the comment that *"it is not readily apparent how these issues might be addressed in order to accommodate further housing growth in the village"*.
280. I also note that Table 11 of the SCCA indicates, inter alia, that there is potential for improvement through contributions to *"capacity of services and facilities where justified"* and that there is the opportunity to... *"Improve provision for buses, cycling and walking plus better traffic management to help reduce pressures. New highway capacity only considered where no other reasonable alternative can address traffic related problems."*
281. These matters go to the heart of my previous consideration of the suggested planning conditions and the planning obligation submitted and what, because of the statutory CIL tests, may or may not be accorded weight in the decision making process as far as the latter is concerned, notably in relation to the

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<sup>74</sup> PC4 Evidence of Mr Cattle paragraphs 2.2 – 2.7

- financial contributions provided for in respect of Highways and Transport, Policing and Health.
282. The County Council's written evidence to inform the Inquiry [183 – 190] includes details<sup>75</sup> of the manner in which specified contributions for Highways and Transport are intended to be spent and my conclusions are summarised below.
283. The bus shelter and pedestrian and cycle routes contributions relate to physical works and infrastructure so as to more effectively serve the proposed development by public transport and physically link it into the existing built village with improved access to the village centre and the Humphrey Perkins High School. They involve capital expenditure which is necessary to make the development acceptable in the sense of keying it in to the fabric of the settlement and this is directly related to the development and, it seems to me, fairly and reasonably related to it in scale and kind. Full weight may be accorded to this element of the Planning Obligation.
284. It is common ground between the main parties that the site is sustainably located. The 'Travel Pass Contribution' is essentially a form of revenue expenditure effectively, albeit indirectly, subsidising the provision of rail and bus services for a temporary period to induce good habits in potential customers. There can be no guarantee that such habits will continue. People tend to be rational in the exercise of transport choice and, if it suits their needs to make use of the public transport services to which the site is inherently accessible, they will do so; otherwise they will use other means, whether that be bicycle, motorcycle or motor car. However, insofar as it would promote sustainable transport habits to capitalise on the advantages of the site's location, thereby contributing to the promotion of sustainable transport advocated by the Framework, the contribution may be regarded as a necessary complement to help ensure that the sustainability credentials of the development are maximised at the outset.
285. The obligation also provides for a 'Travel Packs Contribution'. Such packs are undoubtedly good practice. They may influence the behaviour and travel choices of a proportion of the occupants of the proposed houses, initially at least. Again, to the extent that they would promote sustainable transport habits from the outset, they may be regarded as a necessary complement to help ensure that the sustainability credentials of the development are fully utilised early on. The packs would clearly be directly related to the development proposed and I have no reason to consider the sums of money involved disproportionate.
286. However, the Travel Plan Penalty (CC2, para. 3.3) cannot, logically, be necessary to make the development acceptable in planning terms. It caters for the possibility that, notwithstanding the services of a Community Travel Plan Co-ordinator (CTC) for a temporary period<sup>76</sup> whilst the development takes place, the Travel Plan fails to meet its target of 14% modal shift away from the private car, which of itself is a laudable objective in policy terms. However, by the time that failure had become apparent, the houses would have been built and occupied and the additional measures to pursue modal shift objectives that the £45,000 penalty would fund would be further physical measures or travel packs and passes, it is said, but the latter would only be for a temporary period. It is also

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<sup>75</sup> CC2 Evidence of Mr Cook

<sup>76</sup> Fourth Schedule to planning obligation, paragraph 5.3.7

said that the penalty provides an incentive for the developer to seriously implement the measures in the travel plan but, realistically, in the context of a development of 300 new houses and, possibly, a commensurate reduction in the base value of the land in any event, I cannot see that this would be so. It may have merit as a signal that necessary good practice is expected, but I do not consider such an arrangement to be necessary to make the development acceptable in planning terms in the longer term. The concept of necessity, in my view has to be more robust than a measure that, at best, would seek to retrofit good practice and unspecified physical measures at some point in the future after the development had been implemented in any event.

287. For these reasons, I do not consider that any weight should be accorded to that particular element of the planning obligation.

288. The 'Police Authority Contribution' is for £177,255. The manner in which the authority would seek to spend it is set out in the Third Schedule to the Planning Obligation. By letter to the Planning Inspectorate of 6 August 2012, the Leicestershire Constabulary explained in some detail its approach to the use of S106 monies for police infrastructure throughout the county, supported by a number of appeal decisions in which it was concluded that the contributions in each case passed the relevant tests and could therefore be accorded weight. The letter appends (Appendix 2) a useful note from the Association of Chief Police Officers which draws the distinction between capital expenditure on equipment and premises, the basic infrastructure of policing, and revenue expenditure which might reasonably be expected to be supported by the increased number of households. A January 2012 policy statement from the Leicestershire Police Authority *Policing Contributions from Development Schemes* is also included. This sets out its approach to the increased pressure on policing from additional housing development. The document includes at Section 7 the principles whereby financial contributions will be deployed, including provision for repayment if the police authority fails to spend the contributions, linkage to the development in question and use for additional needs arising from it and a "clear audit trail demonstrating that financial contributions have been used in a manner that meets the tests" (in the subsequently cancelled Circular 05/2005 Planning Obligations.)

289. Those tests are essentially the same as those of the extant CIL Regulations and hence there is a clear recognition by the Leicestershire Police Authority that development is not simply a source of additional finance to be spent in an unspecified or unrelated way. Moreover, the appellant in this case has "signed up" to the Policing Contribution, albeit under, it seems, protest. The evidence of Mr Thorley<sup>77</sup> addresses this matter at Section 12 and his Appendix 10<sup>78</sup> is a paper on the topic that refers to a number of appeal decisions where a contribution to policing has not been supported, for example the appeal in Sapcote (Ref APP/T2405/A/11/2164413) in which the Inspector comments, in paragraph 41 of his decision, that... *"it has not been shown, in the light of the statutory tests, that the contribution would be directly linked to the impacts arising from the appeal proposal."*

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<sup>77</sup> A1

<sup>78</sup> In A1a

290. Equally, the material submitted by the Police Authority under cover of its letter of 6 August 2012 includes a number of appeal decisions pointing in the opposite direction, for example the appeal in Bottesford (Ref APP/Y2430/A/11/2161786) where the Inspector comments, in paragraph 68, that *"there was also specific justification of the individual elements within this global sum directly related to the circumstances of the appeal proposal. Therefore the contribution does meet all three tests for CIL compliance."*
291. The Inspectors will have reached their own conclusions on the particular evidence and submissions put to them at appeal and I shall approach the evidence in this case in the same way, i.e. on its merits. It seems to me that the introduction of additional population and property to an area must have an impact on policing, in the same way as it must on education and library services, for example. Moreover, it also seems to me that the twelfth core planning principle of the Framework, that planning should... *"take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs"*, can only be served if policing is adequate to the additional burdens imposed on it in the same way as any other local public service. The logic of this is inescapable. Section 8 of the Framework concerns the promotion of healthy communities and planning decisions, according to paragraph 69, should aim to achieve places which promote, inter alia, *"safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."*
292. Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries.
293. In this case, the planning obligation clearly sets out in its third schedule the items anticipated to be needed as a consequence of policing the proposed development alongside the existing settlement and apportioned accordingly. It seems to me to be sufficiently transparent to be auditable and at a cost equivalent to, perhaps (if 300 dwellings are constructed) £590.85 per dwelling, it does not equate to an arbitrary "roof tax" of the type complained of, whatever previous practice may have been.
294. For these reasons I am of the view that the 'Police Authority Contribution' is compliant with the CIL Regulations and that weight should therefore be accorded to it as a means of mitigating the predicted impact of the development.
295. The 'Healthcare' contribution of £30,000 is solely for the improvement of the health centre car park rather than, for example, additional consulting space, albeit more efficient use of space and hence easier parking should, in principle, help to improve the efficiency of throughput as people have less difficulties in prompt attendance. The PCT,<sup>79</sup> despite its reservations about the impact of the proposed development on its ability to deliver continuously improving services

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<sup>79</sup> Doc 15

through the health centre, nevertheless sees this specific action as complementary to premises improvement funded by previous S106 monies. Given the inevitable increase in patient numbers that the proposed development would give rise to, it does appear to be a considered and specified use of funds for a relevant capital project to cater for additional demand rather than simply a bid to overcome an existing deficiency. In the circumstances that have been described to me [145,146,174] it would therefore meet the relevant tests and may be accorded weight.

296. For the above reasons, I consider the contributions to the infrastructure of Barrow Upon Soar and encouragement of public transport use that would be delivered via the executed obligation should be accorded weight in the planning balance, but that the Travel Plan Penalty ought not to be accorded weight.
297. The majority of the provisions in the obligation are necessary to the grant of planning permission and do otherwise meet the relevant tests, the upshot being that the concerns of the residents and the Parish Council concerning pressures on the physical and social infrastructure of the village are capable of being met, but only barely so in the context of individual applications for development such as this one. The reality is that the mitigation of impact is confined to that which may directly be ascribed to the proposed development. Therefore, whilst the impact of development might be mitigated in the sense of services and infrastructure ultimately remaining no more stretched than previously, the perception is one of increased pressure on a finite quantum of service provision; hence the sentiment expressed in the Parish Council's closing submissions that the proposals will not lead to a better quality of life or positive improvements as advocated by the Framework but rather it will lead to deterioration in the quality of life currently enjoyed by Barrow Upon Soar residents [138].
298. I have previously drawn conclusions in respect of traffic and the highways infrastructure which, with the measures proposed, the highway authority considers will cope and I do not consider that the residual cumulative impacts would be severe. Therefore, bearing in mind the principle set out in paragraph 32 of the Framework and notwithstanding that the existing situation is perceived as unsatisfactory, certainly on flood days when one or more routes out of the settlement is closed, refusal would not be warranted on that ground, albeit the prospects for further growth in the absence of more radical measures would in my view be questionable and would ideally be addressed in the context of the development plan.
299. As I have noted, the planning obligation makes sufficient provision to mitigate the impacts of the proposed development on schools, libraries, policing, open space and recreation facilities and community facilities. In other words, the status quo would be broadly maintained at the existing level of pressure, whereas, it seems to me that local residents and the Parish Council feel that the existing level of pressure is already unsatisfactory due to the pace of growth in the relatively recent past. Perhaps understandably in the circumstances, a single proposal to construct up to 300 additional dwellings is perceived as too much for the community to absorb. It would of course be built out over a period of time, albeit relatively short, and the planning obligation makes provision for that in terms of stepped contributions as specified thresholds are crossed in respect of, for example, education. In other words, funds would be released proportionate to the impact over time.



300. The Health Centre and its services are clearly under pressure from an increasing population [141-148], albeit its commitment to excellence suggests that it would cope even if anticipated improvements are delivered less rapidly than might be hoped for. However, notwithstanding my previous observations on the generality of public services for the community in the context of policing, I do not consider that the limits to growth of a settlement can in principle be determined by the availability of health service resources that the increasing population would have to avail itself wherever it was housed in any event. It seems to me that such services are inherently malleable and capable of being expanded locally to meet demand, much in the same way as commercially provided services in a settlement respond to the opportunities created by additional population, albeit in the case of public services the necessary funding is prone to different disciplines and priorities. Put simply, it would be absurd to turn away needed housing simply because the present number of medical staff in a particular settlement was set at a finite number. The answer is clearly to improve upon their availability through the established funding channels to match population growth. The adequacy or otherwise of such funding is not a matter for me to address. Provision is made, in this instance, for the physical improvement of the capacity of the Health Centre car park so as to improve efficiency and help mitigate the impact [145] of significantly increased patient numbers.

301. In all the circumstances, while I can appreciate the local perception in the community of growth and consequent pressure, the reality is that in accordance with the CIL Regulations and the relevant formulae where applicable used by the public services, the proposed development would provide for the necessary mitigation, but little more, of its own impact and on that basis should not lead to the deterioration in the quality of life that the Parish Council and others assert. If additional benefits were to be provided for in the sense of positive but extraneous improvements not directly related to the proposed development, I would not be able to recommend that they should be given weight in the determination of the appeal. The most obvious example of this would be the funding sought by BUSCA for a community centre. I have no doubt that it would be perceived as a substantial benefit by the community, but funding of that order is not on offer and could not weigh in favour of the proposed development if it were.

302. In the final analysis, the approach adopted by the appellant, the Council and the County Council to the provision of physical and social infrastructure is, in the main, the correct one insofar as it aims to provide for proportionate mitigation of impact. There is no lack of such mitigation that would weigh decisively against the proposed development in this case, whatever the perception to the contrary might be. The provision made is sufficient, in accordance with relevant legislation and local and national policy. Given that position, I do not accept the proposition that in those terms the proposed development would lead to a deterioration in the quality of life of existing residents sufficient to warrant dismissal of the appeal.

*(vii) Accordance with the development plan*

303. The appellant maintains that the proposed development accords with the development plan as a whole [32-34,71]. I consider it more correct to say that there is substantial accordance with many aspects of the development plan, but clear conflict with certain key elements of it.

304. It is common ground between the main parties that the proposed development accords with a wide range of policies [21,28], both in the RSS and in the local plan. I have no reason to depart from that analysis.
305. The Council [23] alleges conflict with policy TR/6 but I have concluded that there is no conflict with that policy.
306. It is common ground that the proposals conflict with the intentions of policies ST/2, CT/1 and CT/2 which generally seek to restrict development in the countryside [28].
307. More specifically: ST/2 seeks to confine development to allocated sites within the defined limits of settlements and the appeal site lies outside the defined limit for Barrow Upon Soar. CT/1 seeks to strictly control development in the open countryside outside such limits to specified categories of essentially rural development. CT/2 permits development that would not harm the character and appearance of the countryside and which would safeguard its historic, nature conservation, amenity and other local interest value.
308. The conflict with ST/2 is self-evident. Moreover, suburban housing estates do not fall within the purview of what is contemplated by policy CT/2. The rural ambience of the appeal site would be transformed into that of such an estate and in that sense the conflict with CT/2 is clear, albeit there is no objection on the grounds of nature conservation or historic value in this instance.
309. Third parties [191,194] have specifically cited conflict with local plan policy ST/1(ii) in the sense that the nature of the many objections was indicative of the value ascribed by the community to the appeal site. Policy ST/1 states that, in providing for the development needs of the Borough measures will be taken to, amongst other things.....*"conserve, protect and enhance those features of the natural, historic and built environment which are particularly valued by the community"*... but gives no objective criteria by which to identify such features, specifically, albeit the explanation associated with the policy at paragraphs 2.24 – 2.27 appears to imply by its topic coverage that criterion (ii) is primarily concerned with heritage assets and designated sites, rather than the more nebulous concept simply of environment that is valued. On that basis, there would be no conflict with the policy as the appeal site contains no such assets or designations or features otherwise formally recognised.
310. Notwithstanding the groundswell of objection to the prospective loss of the site to development, I therefore do not consider the policy as originally conceived and drafted would be contravened in the manner that has been suggested and there is no suggestion from the Council that this would be the case, either in the SoCG or the evidence of Mr Reid. In terms of impact the loss of "ordinary" undesignated countryside that the appeal site represents would undoubtedly be keenly felt by a significant section of the community. However, although pleasant in its present rural appearance, the site is well contained by the vegetation at its margins that has the potential to be retained and strengthened in the overall landscaping scheme that would be necessary. The sloping nature of the site does make for prominence but the nature of the topography is such that this would be largely confined to visibility from within the existing settlement and the outer margins would be below the skyline given the nature of the topography [9] and would in some respects mirror the existing development on the gently sloping land to the west of the Fishpool Brook. This is particularly

evident when the site is viewed in context from its north-eastern margin. If it is necessary to release this greenfield site for development, there are, in my estimation, no overriding aesthetic objections to doing so based on development plan policy.

311. What the SoCG does confirm is the Council's view that policies ST/2, CT/1 and CT/2, being adopted prior to 2004, may only be given weight commensurate with the extent that they comply with the provisions of the Framework.<sup>80</sup> Moreover, it also confirms the Council's view that the policies, whilst generally restricting development in the countryside, also relate to the supply of housing and are "out of date" when considered in the context of paragraph 49 of the Framework because the Council is unable to demonstrate a five year supply of deliverable housing land [28]. I have no reason to depart from that analysis.
312. For the above reasons, I consider the proposed development displays a very substantial degree of accordance with the development plan as a whole, bar conflict with the protection of the countryside outside defined settlement boundaries. However, that local plan intention must be tempered by the presumption in favour of sustainable development as set out in paragraph 14 of the Framework. The Council accepts that the proposed development represents sustainable development [28] and I have drawn a similar conclusion in my initial broad analysis of its sustainability credentials. Nothing in my subsequent analysis of the main considerations would lead me to an alternative view.

*(viii) Accordance with the Framework*

313. The Framework promotes sustainable development and I have concluded that the proposal represents sustainable development in a sustainable location where a variety of transport choices, including rail travel, are already available and could in principle be improved upon.
314. I have also concluded, with the pedestrian and cycling measures provided for, that safe and suitable access to the site can be achieved for all and that the improvements to the operation of the Barrow Road Bridge would help to limit the impact of additional traffic and that the residual cumulative impacts of the proposed development in transport terms would not be severe and that the Grove Lane junction geometry is not, in the light of local evidence and circumstances, a sufficient reason to withhold planning permission.
315. The Travel Plan measures provided for can only serve to improve the situation and at least encourage the sustainable transport choices necessary to serve broad policy intentions articulated in the Framework. This represents good practice that accords with the spirit of the Framework's intentions in respect of promoting sustainable transport, albeit I do not consider the Travel Plan Penalty to be justified. Moreover, the site is capable of being readily linked in to the existing fabric of the settlement in terms of footpaths and cycleways and there is no reason to doubt that this objective will ultimately be better realised at the south-eastern extremity of the site when Network Rail fulfils its putative obligations<sup>81</sup> by constructing a footbridge to restore the footpath connection across the tracks.

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<sup>80</sup> SoCG paragraph 6.13

<sup>81</sup> Submitted Planning Statement, paragraphs 8.15 – 8.23 and Doc 44, paragraph 56

316. The layout of the site avoids placing residential development in the floodplain of the Fishpool Brook, allows for increasing its capacity and, moreover would enable houses to be placed above the required level to future proof them in respect of the potential effects of climate change, whilst allowing sufficient scope through SUDS techniques not to increase levels of run-off. The generous provision of open space within the proposed development required to achieve these outcomes would also facilitate recreational activity, a pleasantly landscaped setting and the promotion of biodiversity.
317. Many of the above characteristics assist the promotion of a healthy community and the housing proposed, which would be 30% affordable would make a valuable contribution to the delivery of a wide choice of high quality homes. Although there is evident and widespread concern that the existing community of Barrow Upon Soar will struggle to accommodate the additional population, especially in view of ongoing expansion as a result of permissions granted in the relatively recent past, the executed planning obligation would at least mitigate the impact of additional population in a proportionate manner commensurate with statutory requirements, even if compensating provision for perceived pressure already arising from existing expansion would not be added to that mitigation. The proposed development achieves what it must in terms of the latter.
318. The design of the proposed houses themselves is a reserved matter but given the carefully conceived layout to address a number of the above matters, I have no reason to consider that a standard of design appropriate to the essentially suburban nature of the existing settlement could not be achieved. The layout itself is also a reserved matter but its importance to the acceptability of the proposal is such that it would be necessary to secure its essential principles through the imposition of a planning condition (SC4 as previously referred to). The Framework of course provides for that approach.
319. As the proposed development is able to adequately address flood risk, the appeal site is not subject to any specific policies in the Framework that would inhibit its development in the manner indicated by paragraph 14 (Footnote 9 to the Framework refers). Nor would the development involve the loss of Best and Most Versatile land as discouraged by paragraph 112.
320. Bearing all of the above in mind and the acknowledged inability of the Council to demonstrate a five year supply of deliverable housing sites, together with its acknowledgement that policies ST/2, CT/1 and CT/2 may thereby not be considered up-to-date, and my conclusion that in any event the proposed development displays a very substantial degree of accord with the development plan as a whole, I have no doubt that the presumption in favour of sustainable development is, in principle, engaged.
321. The Parish Council submitted [125 – 131] that the practical difficulties associated with bringing the site into development would inhibit its full development within a five year period, but that approach is in my view a misconception as to the relevant approach to land availability as conceived by the Framework at paragraph 47. To enter the five year land supply an unallocated site such as this must be granted planning permission, not necessarily full permission, with a realistic prospect that housing will be delivered on the site within five years. There is no clear evidence in this case that the scheme would

- or could not be delivered over a five year period. There is no evidence to suggest that it is not viable, or that there is no longer a demand for the types of units (primarily family housing) proposed. For practical reasons the build-out of a site such as this should and would be phased, but that is a sequence of events, not in this case a means of preventing development prior to specified dates.
322. There would of course be practical matters to address, conditions precedent to discharge and consents to be gained before development could commence, but that is by no means unusual for a greenfield development on this scale. There is nothing to suggest that that an experienced developer, with the surety of an outline planning permission, would not invest heavily and with alacrity in the necessary up-front efforts to bring a site such as this into development. It is in no way dependent on a significant publicly funded infrastructure programme that might have to be implemented in advance. Even though other agencies such as Severn Trent Water and the highway authority may be involved in various ways they have statutory obligations in any event and the major financial resources needed would be in the control of the developer, to be deployed through other agencies where necessary.
323. It cannot of course be guaranteed that all the dwellings would be built and occupied within five years but there is, in my view, a realistic prospect of substantial delivery, thereby facilitating the availability of needed houses as the Framework intends. At this juncture, there is no cogent evidence that would significantly belie the appellant's intention or ability to secure substantial delivery within an appropriate timescale. I have no reason to doubt that, building on the work undertaken so far, vigorous concerted action by an experienced house builder would bring the development into being within a realistic timescale. Approval in principle is the essential catalyst to the necessary action on a site such as this. Little weight should, in my view, therefore be placed on the Parish Council's submissions in this respect.
324. The Framework does incorporate the core principle that decision taking should be... *"genuinely plan-led, empowering people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area"*. This principle was most forcefully put by Nicky Morgan MP [149] and is without doubt material. It pulls in the opposite direction to the presumption in favour of sustainable development that is engaged by this case and I have given considerable thought to those representations, summarised below.
325. The Council itself specifically states that no weight should be accorded to its emerging core strategy and it is clear that with the exception of the single highway safety reason for refusal based on conflict with local plan policy TR/6 it considers the proposal to be not only sustainable but substantially in accordance with the development plan as it currently stands, with the obvious exception of policies ST/2, CT/1 and CT/2, which it says are "out-of-date". Bar its conclusion on policy TR/6 I have no reason to take a different view in this case and therefore place less weight on Mrs Morgan's proposition than might be appropriate in other circumstances.
326. Moreover, in respect of the neighbourhood planning process, Mr Cattle confirmed, in response to my question on the matter, that it was the Parish Council's intention, following discussions with the Council, to follow the progress

and context of the core strategy insofar as its aspiration to prepare a neighbourhood plan was concerned. That is clearly some time off and Mr Cattle confirmed that the Parish Council did not have 'Frontrunner' status in the neighbourhood planning initiative. Nor do I have any evidence of a firm programme of preparation (albeit reference is made by the Parish Council to the spirit and implementation of the Localism Act 2011).<sup>82</sup> Accordingly, although the representations on the point merit weight in the context of the first core principle of the Framework, and might be regarded as an adverse impact in terms of public expectations, the presumption set out in paragraph 14 is inescapably influential in the context of the Framework as a whole, bearing in mind the sustainability of the proposal in terms of its location and characteristics.

*(ix) The planning balance*

327. The background to this appeal includes an uncontested shortfall in residential land supply in Charnwood Borough. A development of the order of 300 dwellings, deliverable at pace once necessary investigative and detailed design work and associated approvals are achieved, would make a significant contribution to reducing that shortfall, representing around 10% of the current deficit.<sup>83</sup> Nearly a third of the dwellings would be affordable. This quantum of housing in that context is a benefit which merits substantial weight.
328. Notwithstanding the existing disruption to road traffic that the settlement periodically experiences as a consequence of the flooding of strategic highway connections, the evidence demonstrates that on a day to day basis the traffic flows generated by the proposed development would be accommodated by the highway network, with specific improvements to the Barrow Road Bridge provided for, without the modal shift intended by the Travel Plan and its associated incentives and penalty. If that shift occurs it would be a bonus and a significant benefit, but I am unable to conclude that it would be necessary for the development to go ahead, or that it would be necessary to make it sustainable.
329. The essential characteristics of the settlement in this context are that it is served by a railway and bus services. The infrastructure for public transport is already in place, with connections to a variety of significant destinations. The existence of such infrastructure is particularly advantageous in the case of rail. Services are potentially capable of being improved in response to demand as the operators may see fit. The settlement has an accessible centre, albeit with parking difficulties as many are, but can be reached on foot from the site by those wishing to do so, relatively easily. Given the existence of the settlement and the public transport infrastructure, the location of the site is inherently sustainable. This weighs heavily in favour of the proposed development.
330. Other aspects of sustainability, including the direction of development away from Best and Most Versatile land and the protection and promotion of biodiversity, would be well served by the proposals.
331. While the highway safety arguments of the Council and others are not in my estimation substantiated in all the local circumstances, the perception that further traffic growth should not be contemplated is understandable in a

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<sup>82</sup> PC4 Evidence of Mr Cattle, paragraph 4.3

<sup>83</sup> Addendum to SoCG shows a shortfall of 2,980 units at June 2012

settlement that is regularly disrupted by flooding on the highway network. This is a matter to which some, weight should, in my view, be accorded. If it is a problem that merits significant investment to overcome it, it is an existing and long-established problem that cannot reasonably be resolved by private funding from an individual developer such as the appellant. The proposed development would not worsen the flooding, but its occupants are potentially inconvenienced by it, if they choose to travel by car on flood days. While the problems of Barrow Upon Soar in this regard must ultimately inhibit the further growth of the settlement if not resolved, I am unable to conclude on the evidence that the present periodic disruption is a sufficient reason in itself to refuse permission for the development at issue, large though it may be. The matter does weigh against the development but not, in my view, decisively so.

332. The outline design of the development has the potential to at least adequately mitigate the potential run-off through SUDS techniques. It would not place the new dwellings proposed at risk from fluvial inundation and could create some marginal improvement for existing homeowners with gardens prone to flooding. Importantly, the Environment Agency is satisfied that, with the measures it recommends, the development may go ahead without causing harm in this context.
333. Given the expansion of the village, recently and in previous decades, the concerns of the community regarding its social as well as its physical infrastructure are understandable and should, in the circumstances, be accorded weight. This is a material concern. However, within the constraints of what is permitted by the CIL Regulations, the appellant has made provision to mitigate the impact of the proposed development, calculated in the main according to the established formulae of the relevant service providers. Clearly, there will be additional pressure but, given that provision, the existing situation should not be materially worsened even if no tangible improvements are perceived. Due weight should be therefore accorded to the planning obligation entered into by the appellant, the Council and the County Council.
334. While the dismay of the local health centre at the prospect of additional pressure on its services must be acknowledged, I do not accept that such pressure should count decisively against the development. Such services must perforce adapt to demand within the budgetary constraints within which they operate and the obligation provides for physical improvements to the operation of the centre, albeit to the car park, in any event. Only limited weight should therefore be accorded to the representations made against the proposals on such grounds.
335. There is no significant conflict with an extensive range of policies identified in the SoCG [21] and this is a factor to which significant weight should be accorded. Nor have I found there to be significant conflict, in practice, with the intentions of local plan policy TR/6. Again, this is a factor to which significant weight should be accorded. There is clear conflict with the intentions of local plan policies ST/2, CT/1 and CT/2 but, insofar as the effective operation of these policies is contingent upon an adequate supply of housing land in the form of specific allocations or unallocated land within the existing settlement boundaries, these policies are rendered out-of-date by paragraph 49 of the Framework and it is common ground that is so. I have no reason to take a different view and the

weight that might otherwise be accorded to such harmful conflicts is thereby reduced.

336. The conflict with local plan policy ST/1 alleged by certain parties [191,194] is not borne out, on analysis, by the terms of the policy and its explanation. The sense of prospective loss expressed by local residents regarding the appeal site as a positive contribution to the rural setting of Barrow Upon Soar is real nevertheless and merits weight insofar as the intrinsic character and beauty of the countryside is valued by the Framework.

337. The intentions embodied in the first core principle of the Framework concerning plan-led development and local empowerment at the neighbourhood level is also a material consideration to which weight should be accorded. However, substantial harm or potential harm in that respect has not been demonstrated in this instance, and there is substantial accordance with the intentions of the Framework to promote sustainable development, in this case contributing to the delivery of a wide choice of high quality homes in a well designed scheme that facilitates healthy lifestyles.

338. While I am bound to report that there are harmful aspects to this development to which weight should be accorded, these must be weighed against the very substantial contribution to housing needs that the site is capable of providing in the context of an acknowledged shortage of suitable land and the inherent sustainability of the location. Those aspects of the planning obligation which may be taken into account to mitigate the impact of the proposed development should also be accorded due weight. The presumption in favour of the sustainable development, bearing in mind the policies of the Framework as a whole and the development plan taken as a whole, should therefore be the decisive factor in this case.

### **Overall Conclusion and Recommendation**

339. In the light of the above main considerations and having taken full account of all other matters raised, I consider the balance of planning advantage to be in favour of the scheme. I therefore recommend that the appeal be allowed and planning permission granted, subject to the conditions set out in the attached annex.

*Keith Manning*

Inspector



## **Annex: Schedule of Recommended Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall commence until both a Master Plan in general conformity with the submitted Illustrative Masterplan 4045\_SK\_001 rev E and a Design Code for the site have been submitted to and approved in writing by the local planning authority. Both shall substantially accord with the submitted Design and Access Statement Rev G. Any amendment to either shall be submitted to and approved in writing by the local planning authority. The Design Code shall address the following: -
  - i) Architectural and sustainable construction principles
  - ii) Character areas
  - iii) Lifetime home standards
  - iv) Car parking principles
  - v) Cycling provision including pedestrian and cycle links to adjoining land
  - vi) Street types and street materials
  - vii) Boundary treatments
  - viii) Building heights (which should be limited to a maximum height of three storeys, being located on the main street only, as indicated on pages 33/34 of the Design and Access Statement, and two storeys for the remaining parts of the development)
  - ix) Building materials
  - x) Provision of public open spaces (including timetable for implementation)
  - xi) Design of the site to accord with Secure by Design principles.
  - xii) Phases of development.

Applications for approval of the reserved matters submitted pursuant to condition 2) above shall be in accordance with the Master Plan and Design Code as approved. In addition to the Design and Access Statement previously referred to, The Master Plan and Design Code and the reserved matters submitted for approval shall also accord with the principles set out in the following submitted documents: Flood Risk Assessment June 2010; Addendum to Flood Risk Assessment January 2011; Ecological Appraisal June 2010; Bats in Trees Addendum December 2010; Tree Assessment Report Rev A; and Badger Mitigation Strategy December 2010. Development shall be carried out in accordance with all matters approved pursuant to this condition.

- 5) Notwithstanding the generality of condition 4) above, the development hereby permitted shall be carried out in accordance with the following approved plans:

4045\_SK\_005 Site Location Plan  
0940/SK/010 rev C Typical Badger Tunnel Detail  
0940/SK/013 rev E Melton Road Alternative Site Access Roundabout  
0940/SK/014 rev A Site Access Roundabout  
0940/SK/022 rev B Fishpool Brook Pedestrian Footbridge Crossing  
0940/ATR/002 rev A Proposed Site Access – Swept Path Analysis  
4045-L-01 rev D Types of Open Space  
4045-L-02 rev A Extended Floodplain Area to be Regraded  
4045-L-04 Public Open Space Phasing Plan  
NTW/307/Figure 4 Rev A Indicative Floodplain Sections

NTW/307/Addendum Figure 1 Rev A Fishpool Brook Modelled Floodplain Extent

- 6) The maximum area of residential development on the site (excluding the areas of public open space, structural landscaping, meadow and SUDS) shall be defined on the Master Plan to be approved pursuant to condition 4) above and shall not exceed 8.32 hectares, and no more than 300 dwellings shall be constructed on the site.
- 7) No construction on any phase of the development hereby permitted shall commence until such time as the following details in respect of that phase have been submitted to and approved in writing by the local planning authority:
  - a) Siting including details of proposed levels of ground surfaces and finished floor levels of all buildings and a number of selected typical sections across the phase.
  - b) A landscaping scheme including details of all trees and hedgerow to be retained, full planting specification, timing or phasing of implementation, services above and below ground; and a landscape management plan covering a minimum period of 10 years following completion of the development. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted;
  - c) Treatment of all hard surfaced areas, including types and colours of materials street furniture, signing and lighting of all public spaces.
  - d) Boundary treatment to all open areas where the site bounds other land (where confirmed in writing by the local planning authority to be required) including design, height, materials and colour finish.
  - e) Details of the proposed standard signage for the footpaths at the points where footpath I 23 is proposed to be crossed by the new estate roads.
  - f) Layout and design of children's play areas; Multi Use Games Area/skate park area and any other play/ recreation area within the development;
  - g) Details of external lighting.Development shall be carried out in accordance with the approved details.
- 8) No development shall commence until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority, and no development shall take place except in accordance with the approved scheme details.
- 9) No development shall commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the local planning authority. No dwelling, in any phase of construction, shall be occupied until all the works necessary in respect of that phase have been implemented in accordance with the approved details.
- 10) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydro-geological context of the development, including any requirement for the provision of a balancing pond, has been submitted to and approved in writing by the local planning authority. No dwelling, in any phase of construction, shall be occupied until all the works necessary in respect of that phase have been implemented in accordance with the approved details. The balancing pond, if required, shall be completed and be in operation before the occupation of the first dwelling on any phase.
- 11) No development shall commence until a scheme to install trapped gullies has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. No dwelling, in any phase of

construction, shall be occupied until all the works necessary in respect of that phase have been implemented in accordance with the approved details.

- 12) If during development contamination not previously identified is found to be present at the site then no further development should be carried out in that location until such time as a remediation strategy has been submitted to and agreed in writing by the local planning authority and the works carried out in accordance with the agreed strategy prior to re-commencement on that part of the site.
- 13) Prior to the commencement of development, a scheme for the protection of trees and hedges to be retained on site shall be submitted to and approved in writing by the local planning authority. The scheme shall include: -
  - Details of all trees and hedges to be retained on site.
  - Details of any works proposed in respect of any retained trees and hedges on site.
  - Details of operational and physical measures proposed for the protection of trees and hedges
  - Details of any ground works that are to be carried out within 10 metres of any tree or hedge identified as being retained.
  - Details of the methodology to be employed when carrying out ground or other works within 10 metres of any tree or hedge to be retained.

Development shall be carried out in accordance with the approved details.

- 14) No development shall commence on any phase until the tree/hedge protection measures for that phase approved pursuant to condition 13) above have been fully implemented. The approved tree/hedge protection measures shall be retained and maintained in their approved form until development on the phase in which they are located is complete. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon unless approved as part of the details submitted to discharge the condition.
- 15) No development shall commence until a scheme of noise attenuation/mitigation measures (in order to reduce noise likely to be experienced in dwellings and private gardens from the use of the railway corridor to the south west of the site) has been submitted to and approved in writing by the local planning authority. No dwelling in any phase of the site identified by the scheme as being affected by railway noise shall be occupied until the required measures have been implemented in accordance with the approved scheme.
- 16) No development shall commence until details of the construction of the proposed access roundabout (as shown indicatively on drawing 0940/SK/013 Rev E) and the footpath/cycleway bridge across the Fishpool Brook (as shown indicatively on drawing 0940/SK/022 rev B) have been submitted to and approved in writing by the local planning authority. No dwelling on the site shall be occupied until the access roundabout and pedestrian bridge have been constructed in accordance with the approved details.
- 17) No development shall commence until a detailed scheme of works for the improvement of traffic flow at the Barrow Road Bridge of the type illustrated on WSP UK drawing numbered SK/017 Rev A has been submitted to and approved in writing by the local planning authority. No dwelling on the site shall be occupied until the improvement works at the bridge have been fully implemented in accordance with the approved details.
- 18) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors

- ii) the routing of construction traffic throughout the construction process and the mechanism for securing adherence to approved routes
  - iii) loading and unloading of plant and materials
  - iv) storage of plant and materials used in constructing the development
  - v) the erection and maintenance of security fencing
  - vi) wheel washing facilities
  - vii) measures to control the emission of dust and dirt during construction
  - viii) a scheme for recycling/disposing of waste resulting from the construction works
  - ix) precautionary measures to ensure that no badgers become trapped or injured during development work
- 19) No development shall commence until procedures have been initiated to upgrade the existing public footpaths I 23 and I 24 (part) beyond the edge of the meadow boundary to the eastern boundary of the application site to footpaths/cycleways. The upgrading works (including those approved through Condition 7) shall be completed prior to the occupation of 50% of the dwellings on the site.
- 20) No development shall commence until a scheme of electronic or other suitable signing to warn of flooding on Slash Lane has been submitted to and approved by the local planning authority. No dwelling on the site shall be occupied until the scheme has been fully implemented in accordance with the approved details.
- 21) No development shall commence until a scheme of public art to be delivered on site has been submitted to and agreed in writing by the local planning authority. Those elements of the approved public art scheme which are to be delivered on a particular phase of the development shall be delivered prior to the occupation of 80% of the dwellings in that phase.
- 22) No development shall commence until an assessment of the anticipated energy requirements arising from the development has been submitted to and approved in writing by the local planning authority. That assessment must demonstrate how a minimum of 10% of the energy requirements shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how these measures are to be achieved, including details of any physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.

\* \* \*

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

|                                       |   |
|---------------------------------------|---|
| Melissa Murphy                        | Of Counsel  |
| She called                            |   |
| Mr Chris Bancroft Adv Tip<br>TS FCILT | Director, Bancroft Consulting                     |
| Mr Iain Reid DipTP DipLD<br>MRTPI     | Director, Iain Reid Landscape Planning<br>Limited |

### FOR THE APPELLANT:

|   |                                |
|---|--------------------------------|
| Christopher Lockhart-Mummery QC                 |                                |
| He called                                       |                                |
| Mr Robert Thorley BA<br>(Hons) DipTP MRTPI      | Associate Planner, GVA         |
| Mr Alan Young BSc (Hons)<br>MBA CEng MICE FCIHT | Senior Technical Director, WSP |
| Mr Iqbal Rassool BEng<br>(Hons) CEng MCIWEM     | Service Director, BWB          |

### FOR THE BARROW UPON SOAR PARISH COUNCIL:

|   |   |
|---|---|
| John Pugh-Smith                                       | Of Counsel  |
| He called   |   |
| Parish Councillor Peter<br>Cantle CertEd DipComEd     | Barrow Upon Soar Parish Council                           |
| Mr Jonathan Cage Eng<br>(Hons) MSc CEng MCIHT<br>MICE | Managing Director, Create Consulting<br>Engineers Limited |

### INTERESTED PERSONS:

|                      |   |
|----------------------|---|
| Councillor P Ranson  | Ward Councillor   |
| Councillor H Fryer   | Ward Councillor   |
| Dr Sarah Parker      | GP Barrow Upon Soar Health Centre, on behalf of<br>Dr NHR Simpson and Partners      |
| Mrs Nicky Morgan MP  | MP for the Loughborough constituency  |
| Councillor S Forrest | Chair of BRAG   |
| Mr P Rowland         | Landmark Planning on behalf of BRAG   |
| Mr J Prendergrast    | Solicitor, Leicestershire County Council (LCC)                                      |
| Mrs Owen             | LCC   |
| Mr Kettle            | LCC   |
| Mr A Tyrer           | Development Contributions Officer LCC   |
| Mrs A Anderson       | Primary Care Premises Manager, Leicester,<br>Leicestershire and Rutland PCT Cluster |
| Mrs J Noon           | CPRE Charnwood Group  |
| Mrs S Rodgers        | Vice Chair Barrow Upon Soar Community<br>Association                                |
| Mrs P Reed           | Local resident  |

|                |                |
|----------------|----------------|
| Mr K Pepper    | Local resident |
| Mr T Burton    | Local resident |
| Mr C Smith     | Local resident |
| Mr P Hilsdon   | Local resident |
| Mr A Willcocks | Local resident |
| Mr D Wilson    | Local resident |
| Mr K Page      | Local resident |
| Mr G Hobbs     | Local resident |
| Mrs Burrows    | Local resident |
| Mr R Billson   | Local resident |
| Mr T Anderson  | Local resident |
| Mrs C Hilsdon  | Local resident |
| Mr D Ellison   | Local resident |

## INQUIRY DOCUMENTS

- 1 Council's notification letter
- 2 Appellant's opening submissions
- 3 Parish Council's opening submissions
- 4 Council's opening submissions
- 5 Dr Sarah Parker's speaking notes
- 6 Report to Cabinet of 27 September 2012 re local development framework
- 7 Minutes of Cabinet meeting of 27 September 2012
- 8 Email exchange of 9 October 2012 between Create Consulting Engineers and Leicestershire Police re Incident 82: 03/10/2012 and Incident 460: 27/09/2012
- 9 Extract (pages 13 – 16) from TMS report *Safer Roads for Everyone*
- 10 Email exchange of 4 October between Parish Council and Leicestershire Police re Incident 460: 27/09/2012
- 11 Tables of Estimated Population Increase in Barrow Upon Soar
- 12 Letter dated 5 May 2011 from Parish Council with Parish Council minutes of 02/11/10, 7/12/10, 13/04/11, 03/07/11 and 06/07/11
- 13 Email from Alison Saunders (08 October 2012 @ 14:24) with Technical notes from Create Consulting Engineers Ltd re Micro-simulation Traffic Model, email exchange with Leicestershire Police re Incident 460: 27/09/2012 and Telephone Note by Mark Allen (dated 08/10/120 re conversations on 3/10/12 with Richard Clay and Kingsley Cook of Leicestershire County Council.
- 14 2001 Census data re Travel to Work
- 15 Representation from Primary Care Trust re impact of proposed development on GP practice at Barrow Health Centre
- 16 Statement by Nicky Morgan MP
- 17 Statement by Councillors Ranson and Fryer
- 18 Statement by Barrow Residents Action Group
- 19 Annotated map of local road network by Mr Charles Smith
- 20 Agreement by Bancroft Consulting, WSP and Create Consulting re achievable visibility at South Street/Sibley Road/ Grove Lane junction
- 21 Report of the Overview Scrutiny Group re Local Development Framework Position Report and Way Forward: Cabinet – 27 September 2012
- 22 East Midlands Trains Timetable (Leicester-Nottingham-Cleethorpes) 09/12/12 to 18/05/13
- 23 Committee Report of 9 December 2009 on Application Ref P/09/2376/2
- 24 University of Leicester letter dated 5 July 2010 concerning archaeological work
- 25 Various emails (12/01/10, 11/11/10 & 14/02/11) from Network Rail (Margaret Lake) to Council (Neil Thompson)
- 26 CCE VISSIM Model Report
- 27 Email from GVA 24/10/12 re CCE VISSIM Model Report and response from Parish Council (Lesley Bell 29/10/12) with comments from Jonathan Cage of CCE
- 28 Statement from Charnwood District Group CPRE
- 29 Revised Draft Conditions
- 30 Extract (R A Crowder) Chapter 7 Hydraulic Analysis and Design
- 31 Letter from Mr Hobbs to PINS dated 27/11/12
- 32 Letter from Mr Hilsdon received by PINS 24/12/12 'Record of Flooding, Fishpool Brook. Barrow upon Soar 1983-2012'
- 33 Email from Parish Council dated 10/01/13 with Analysis of Comments
- 34 Letter from Mr Hilsdon received by PINS 10/01/13 re; mine workings (Soar Valley Local Plans) Agricultural Land Classification of appeal site
- 35 Appeal Ref. APP/X2410/A/12/2177327 (Iveshead Road, Shepshed)
- 36 Appeal Ref. APP/X2410/A/12/2177036 (Bramcote Road, Loughborough)
- 37 Appeal Ref. APP/X2410/A/12/2177036 (Bramcote Road, Loughborough)
- 38 Note by Mr Rassool in response to letter from Mr Hilsdon (Doc 32 above)

- 39 Set of photos of flooding at locations in Barrow Upon Soar submitted by Mr Burton
- 40 Concluding statement from Councillors Ranson and Fryer
- 41 Statement from Barrow Upon Soar Community Association
- 42 Closing Statement – Barrow upon Soar Parish Council
- 43 Closing Submissions – Charnwood Borough Council
- 44 Closing Submissions – Appellant

**S106 Planning Agreement dated 4 October 2012 (with Deed of Variation dated 15 January 2013)**

**Proofs of Evidence**

*Appellant*

- A1 Evidence of Mr Thorley
- A1a Appendices to A1
- A2 Evidence of Mr Young (Volume 1)
- A2a Appendices to A2 (Volume 2)
- A3 Rebuttal evidence of Mr Young
- A4 Evidence of Mr Rassool

*Council*

- C1 Evidence of Mr Bancroft (Volume 1)
- C1a Appendices A-E to C1 (Volume 2)
- C1b Appendices F-N to C1 (Volume 3)
- C1c Statement to address amendment to visibility calculation (Mr Bancroft)
- C2 Evidence of Mr Reid

*Parish Council*

- PC1 Evidence of Mr Cage – highways, transport, sustainability
- PC2 Evidence of Mr Cage – flood risk and drainage
- PC3 Evidence of Mr Cage – Slash Lane flooding
- PC4 Evidence of Councillor Cattle
- PC5 Appendices to PC4

*County Council*

- CC1 Evidence of Mr Tyrer
- CC2 Evidence of Mr Cook





## Department for Communities and Local Government

### **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

#### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;**

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

#### **SECTION 2: AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

#### **SECTION 3: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

## Publication Draft Representation Form 2014

|                   |  |
|-------------------|--|
| For Official Only |  |
| Person ID         |  |
| Rep ID            |  |

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This form has two parts:

- Part A – Personal Details
- Part B – Your Representations

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All forms should be received by **4.45pm on Friday 27 June 2014**

To return this form, please deliver by hand or post to: **Development Policy Manager, Development Services, Warwick District Council, Riverside House, Milverton Hill, Leamington Spa, CV32 5QH** or **email:** [newlocalplan@warwickdc.gov.uk](mailto:newlocalplan@warwickdc.gov.uk)

### Where to see copies of the Plan

Copies of the Plan are available for inspection on the Council's web site at [www.warwickdc.gov.uk/newlocalplan](http://www.warwickdc.gov.uk/newlocalplan) and at the following locations:

|   |
|---|
| Warwick District Council Offices, Riverside House, Milverton Hill, Royal Leamington Spa |
| Leamington Town Hall, Parade, Royal Leamington Spa                                      |
| Warwickshire Direct Whitnash, Whitnash Library, Franklin Road, Whitnash                 |
| Leamington Spa Library, The Pump Rooms, Parade, Royal Leamington Spa                    |
| Warwickshire Direct Warwick, Shire Hall, Market Square, Warwick                         |
| Warwickshire Direct Kenilworth, Kenilworth Library, Smalley Place, Kenilworth           |
| Warwickshire Direct Lillington, Lillington Library, Valley Road, Royal Leamington Spa   |
| Brunswick Healthy Living Centre, 98-100 Shrubland Street, Royal Leamington Spa          |
| Finham Community Library, Finham Green Rd, Finham, Coventry                             |

**Where possible, information can be made available in other formats, including large print, CD and other languages if required. To obtain one of these alternatives, please contact 01926 410410.**

# Part A - Personal Details

## 1. Personal Details\*

## 2. Agent's Details (if applicable)

\* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.

|                               |  |  |  |
|-------------------------------|--|--|--|
| Title                         | Mr   |  |  |
| First Name                    | Andrew                                       |  |  |
| Last Name                     | Morgan                                       |  |  |
| Job Title (where relevant)    | Estate Strategic Planner                     |  |  |
| Organisation (where relevant) | Warwickshire Police and West Mercia Police   |  |  |
| Address Line 1                | Estate Services HQ                           |  |  |
| Address Line 2                | Hindlip Hall                                 |  |  |
| Address Line 3                | PO Box 55                                    |  |  |
| Address Line 4                | Worcester                                    |  |  |
| Postcode                      | WR3 8SP                                      |  |  |
| Telephone number              | 01905 332885                                 |  |  |
| Email address                 | andrew.morgan.60139@westmercia.pnn.police.uk |  |  |

### 3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

|  |     |                                     |    |                          |
|--|-----|-------------------------------------|----|--------------------------|
| The submission of the Local Plan for independent examination   | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| The adoption of the Local Plan.  | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

For Official Use Only

Person ID:

Rep ID:

## Part B - Your Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

### 4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

|                      |   |
|----------------------|---|
| Local Plan or SA:    | <input type="text" value="Local Plan"/>                   |
| Paragraph Number:    | <input type="text"/>                                      |
| Policy Number:       | <input type="text" value="DS11 Allocated Housing Sites"/> |
| Policies Map Number: | <input type="text"/>                                      |

### 5. Do you consider the Local Plan is :

|   |     |                                     |    |                          |
|---|-----|-------------------------------------|----|--------------------------|
| 5.1 Legally Compliant?                    | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 5.2 Complies with the Duty to Co-operate? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 5.3 Sound?                                | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

### 6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not:

(please tick that apply):

|                                  |                          |
|----------------------------------|--------------------------|
| Positively Prepared:             | <input type="checkbox"/> |
| Justified:                       | <input type="checkbox"/> |
| Effective:                       | <input type="checkbox"/> |
| Consistent with National Policy: | <input type="checkbox"/> |

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Person ID:

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7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Please see the enclosed report (Appendix 1) prepared by our consultants, Boughton Butler Architecture and Planning Ltd.

Continue on a separate sheet if necessary

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable.

Continue on a separate sheet if necessary

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

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Person ID:

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9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Whilst we consider that these representations present our case fully, we would be prepared to participate at the examination should the Council and/or the Inspector consider this beneficial to proceedings.

Continue on a separate sheet if necessary

Please note: This written representation carries the same weight and will be subject to the same scrutiny as oral representations. The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

#### 11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed:

Andrew Morgan

Date :

26 June 2014

Copies of all the objections and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments on the Local Plan are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of the new Local Plan and with consideration of planning applications in accordance with the Data Protection Act 1998.

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Person ID:

Rep ID:

## Publication Draft Representation Form 2014

|                   |  |
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|                               |  |  |  |
|-------------------------------|--|--|--|
| Title                         | Mr   |  |  |
| First Name                    | Andrew                                       |  |  |
| Last Name                     | Morgan                                       |  |  |
| Job Title (where relevant)    | Estate Strategic Planner                     |  |  |
| Organisation (where relevant) | Warwickshire Police and West Mercia Police   |  |  |
| Address Line 1                | Estate Services HQ                           |  |  |
| Address Line 2                | Hindlip Hall                                 |  |  |
| Address Line 3                | PO Box 55                                    |  |  |
| Address Line 4                | Worcester                                    |  |  |
| Postcode                      | WR3 8SP                                      |  |  |
| Telephone number              | 01905 332885                                 |  |  |
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|                      |   |
|----------------------|---|
| Local Plan or SA:    | <input type="text" value="Local Plan"/>   |
| Paragraph Number:    | <input type="text"/>  |
| Policy Number:       | <input type="text" value="DS15: Comprehensive Development of Strategic Sites"/> |
| Policies Map Number: | <input type="text"/>  |

### 5. Do you consider the Local Plan is :

|   |     |                                     |    |                                     |
|---|-----|-------------------------------------|----|-------------------------------------|
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