

AGENDA MANAGEMENT SHEET

Name of Committee

Regulatory Committee

Date of Committee

27th February 2007

Report Title

**Vertical Alignment Change - Rugby
Western Relief Road**

Summary

The application proposes the alteration of the vertical alignment of the approved Rugby Western Relief Road between Cawston roundabout and the Sow Brook.

For further information please contact

Richard Forbes
Planning Officer
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Would the recommended decision be contrary to the Budget and Policy Framework?

Yes/No

Background Papers

Submitted application and plans, received 7/12/06.
Consultation response letter from Rugby Borough Council with an attached email regarding Environmental Health issues.
Letter of representation received during the consultation process.

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

Other Committees

.....

Local Member(s)

(With brief comments, if appropriate)

Councillor T Cavanagh - No comments received as at 13th February 2007.
Councillor B Levy - No comments received as at 13th February 2007.

Other Elected Members

.....

Cabinet Member

(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

.....

Chief Executive

.....

- Legal L Arden – agreed.
- Finance
- Other Chief Officers
- District Councils Rugby Borough Council, Environmental Health -
No objections subject to submission of noise
calculations to verify assessment, and acceptable
siting of noise barriers.
- Health Authority
- Police
- Other Bodies/Individuals See paragraph 2.

FINAL DECISION **YES/NO** *(If 'No' complete Suggested Next Steps)*

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by
this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Regulatory Committee – 27th February 2007

Vertical Alignment Change - Rugby Western Relief Road

**Report of the Strategic Director for
Environment and Economy**

Recommendation

That the Regulatory Committee authorises the grant of planning permission to vary condition 26 of Planning Permission R1442/02CC093 for the Rugby Western Relief Road, in relation to the details relating to the vertical alignment of the road between Cawston roundabout and Sow Brook for the conditions and for the reasons contained in **Appendix B** of the report of the Strategic Director for Environment and Economy.

Application No : R1442/06CC039

Received by: Strategic Director for Environment and Economy on:
7/12/2006.

Applicant: Strategic Director for Environment and Economy on behalf of
Cabinet.

Advertised Date : 14/12/2006

The Proposal : Section 73 application to amend condition No. 26 of consent R1442/02CC093 for the Rugby Western Relief Road. The amendment would allow the Rugby Western Relief Road to be constructed at a different level to that granted consent under R/1442/02CC093 between Cawston roundabout and the Sow Brook. [Submitted Under Regulation 3 of The Town & Country Planning Regulations 1992.]

Site & Location : 9.1 ha of land at the route of the approved Rugby Western Relief Road from Cawston roundabout to the Sow Brook. (See Drawing No HVA426-31\341) [Grid ref: 475.747].

See plan in **Appendix A**.

1. Application Details and Background

- 1.1 This application seeks consent for an amendment to the approved Rugby Western Relief Road, previously approved under planning permission reference R1442/02CC093. The amendment concerns a change in the vertical alignment of the road between the Cawston roundabout junction and the Sow Brook, adjacent to the Paynes Lane Industrial Estate. The vertical alignment for the remainder of the road would remain as per the original planning approval.
- 1.2 Since the granting of planning permission the relief road scheme has been the subject of a public inquiry for approval of Side Road and Compulsory Purchase Orders. As part of the confirmation of orders, the provision of the underpass for public right of way number R126 was removed. This means that the vertical alignment of the road at this point would not be constrained by the provision of the underpass.
- 1.3 The proposed alteration of the approved road would result in the road largely being at a lower level between Cawston roundabout and Sow Brook. However, the junction with Bilton Lane, the Cawston roundabout junction and the bridging point over Sow Brook would remain at the previously fixed levels.
- 1.4 The lowering of the vertical alignment would result in the reduction in height of the 7 metre high screening bund to the south west of Bilton Lane by up to 3 metres at the southern end. The maximum difference between the approved and proposed scheme is around 3 metres, whilst the average lowering of height is around 1.2 metres for the section between Cawston and Bilton Lane junctions and 1.5 metres for the section between Bilton Lane and Sow Brook.
- 1.5 Condition 26 of the approval for the relief road requires the road to be constructed in accordance with the submitted drawings and details. This application seeks to incorporate the revised drawing and additional information revising the vertical alignment within the approved drawings and details relating to condition 26.
- 1.6 The statement attached to the vertical realignment submission notes two major benefits to the revised road profile. Firstly, the lowering of the road and the earth embankment south of Bilton Lane would reduce the visual intrusion of the road in the general vicinity. Secondly, the road lowering would result in less material being imported for the construction of the road, this would reduce HGV movements by around 4,500.

2. Consultations

- 2.1 **Rugby Borough Council** - No objection.
- 2.2 **Rugby Borough Council, Environmental Health** - No objections subject to submission of noise calculations to verify assessment, and acceptable siting of noise barriers.
- 2.3 **Councillor T Cavanagh** - No comments received as at 13th February 2007.

- 2.4 **Councillor B Levy** - No comments received as at 13th February 2007.
- 2.5 **Dunchurch Parish Council** - No comments received.
- 2.6 **Long Lawford Parish Council** - No comments received.
- 2.7 **Libraries, Adult Learning and Culture** - No comments received.

3. Representations

- 3.1 Two identical objection letters from the owners of Lodge Farm, Mr and Mrs Brown, stating the following reasons:-
- (i) All outstanding details that require approval should be submitted as one application.
 - (ii) Landscaping and noise fencing elements close to Lodge Farm have not been shown.
 - (iii) Details regarding noise and lighting glare have been intentionally omitted.
 - (iv) The road has been designed for a 60 miles per hour(mph) speed limit however a 50 mph limit is proposed.
 - (v) Proposed cutting adjacent to Lodge Farm is totally inadequate.
 - (vi) The reduction in height is half-hearted and has only been proposed as a financial saving.
 - (vii) To the northern end of Lodge Farm the road would be almost completely out of a cutting with no effective screening for Lodge Farm residents or campers.
 - (viii) The noise assessment is based on a 2% figure for HGV use, this would not reflect actual usage and a more realistic figure should be used.
 - (ix) The impact of traffic glare on residential properties to the east of Bilton Lane, the intervening railway embankment and associated vegetation should not be relied upon, as it is outside of County Council control and is largely made up of deciduous species. Greater provision should be made for glare reduction at properties on Kennedy Drive.
- 3.2 An email from a resident of Wilson Close noting that buyers have pulled out of his house sale due to the close proximity of Rugby Western Relief Road.

4. Observations

History and Background

- 4.1 The Rugby Western Relief Road was granted planning permission on the

3rd April 2003. Following this decision the scheme was subsequently the subject of a public inquiry into the Compulsory Purchase and Side Road Orders. The Secretary of State announced his final decision on the 15th December 2005, allowing the scheme subject to some minor alterations.

- 4.2 As part of the confirmation of orders, the provision of the underpass for public right of way number R126 was removed. This would enable the vertical alignment of road along this section to be amended.

Planning Policy

- 4.3 The application site is set within the Green Belt as defined by the adopted local plan. Therefore there is a general presumption against inappropriate development in the Green Belt as defined by Planning Policy Guidance Note (PPG) 2. However, within the Green Belt designation the route of the western relief road is safeguarded under policy T9 of the adopted plan, thereby accepting the principle of the relief road development in general.
- 4.4 It must also be acknowledged that the overall road scheme now has planning approval and this application relates to a condition attached to the approval. Therefore, as the policy framework has remained fairly consistent the main considerations relate to the resulting change in the height of the road, including the change in relation to the approved scheme.

Impacts on Amenity

Visual Amenity

- 4.5 At three locations the height of the road is constrained and as such would remain the same as the approved scheme at these points. These are the Cawston roundabout junction, Bilton Lane junction and the bridging point over Sow Brook. As such views onto these features would not be affected.
- 4.6 The intervening sections of road would lie at a lower level than the approved scheme. Overall the reduction in height would mean that the road would sit within deeper cuttings, which would be of benefit in terms of visual amenity. Despite this the sides of some vehicles, especially high sided vehicles would still be visible. As such on the whole the submitted visual assessment is only a slight but positive impact when compared with the approved scheme.

Noise Impacts

- 4.7 The submitted noise assessment compares the approved and proposed scheme. Generally there would be a small improvement in the noise performance of the scheme. However, any differences would be minimal with any changes between the approved and proposed being around one or two decibels.
- 4.8 The objectors have made reference to the model used and the use of a 2% figure for HGV usage. However, it has been confirmed that this figure relates to

the side roads only and for the main line of the road the figure of between 6% and 8% has been used.

- 4.9 In addition, the objector has concerns regarding the insufficient depth of the cutting adjacent to Lodge Farm and the campsite. The cutting protects the amenities of the residents and campers using the site to some degree. However, the amended vertical alignment of the road is to be lowered from the level originally envisaged. Indeed the road within the vicinity of Lodge Farm would change from an embankment up to 2 metres above ground level to a cutting at least 1 metre lower than the existing ground level. As such, this is a significant improvement on previous scheme that could be implemented.
- 4.10 The provision of other noise abatement measures, such as specific fencing, has also been raised, by both objectors and the Borough's Environmental Health Officer. Such details are required by condition 5 of the existing approval and will need to be submitted and approved prior to the first use of the road.

Other Impacts

- 4.11 With regards to the glare of traffic lighting associated with the road this would be no worse than the approved scheme indeed increasing the cutting depth may result in a reduction of light glare spillage. This applies to properties located on either side of the approved relief road, including those situated to the opposite side of the disused railway embankment.
- 4.12 In relation to the ecological consequences of the proposal, the changes caused by the proposal would be minor. However, badger tunnels would need to be provided within the vicinity of Bilton Lane.
- 4.13 With regards to the objectors concerns relating to speed limits, many of these concerns relate to existing highways and speed limit changes would need to be considered under as a Traffic Regulation Order under separate legislation.

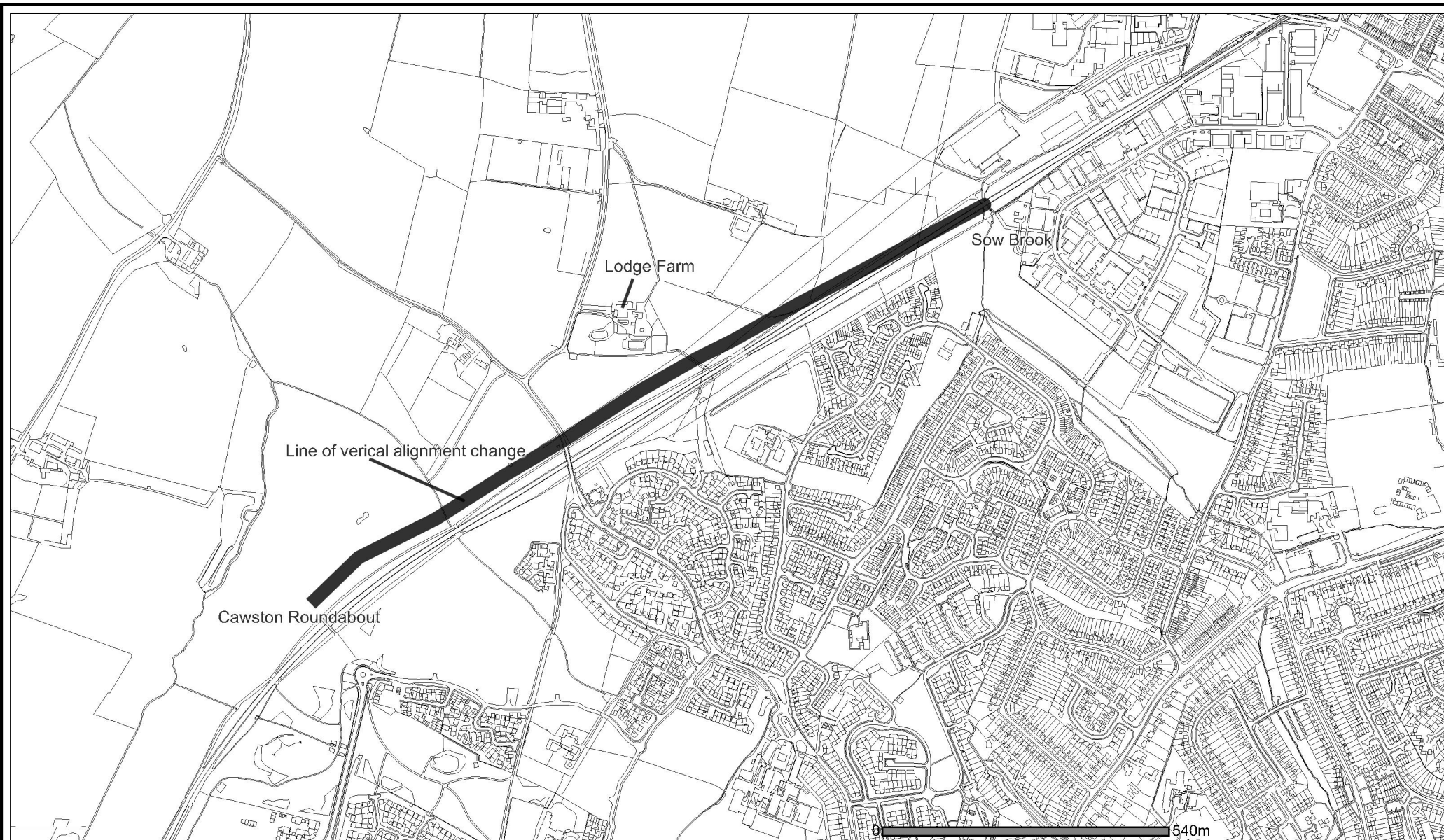
Conclusions

- 4.14 The proposed lowering of the vertical alignment of the Rugby Western Relief Road would enable a slight reduction in the visual prominence of the road and vehicles using the road. In addition, the noise impacts would generally slightly reduce and the lowering of the road would significantly reduce the lorry movements.

5. Environmental Implications

- 5.1 The scheme would have no significantly greater environmental impact than the approved relief road.

JOHN DEEGAN
Strategic Director for Environment and Economy
Shire Hall
Warwick
15th February 2007



Scale 1: 10000

Ref No. R1442/06CC039

Drawn Richard Forbes

Regulatory Committee - 27th February 2007

Subject

Rugby Western Relief Road - Vertical Alignment Change

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Appendix B of Agenda No

Regulatory Committee - 27th February 2007

Vertical Alignment Change - Rugby Western Relief Road

Application No: R1442/06CC039

Commencement Date

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of section 51 of the Planning and Compulsory Purchase Act 2004.

General Operations

2. The vertical alignment of the approved Rugby Western Relief Road between Cawston roundabout and Sow Brook shall be implemented in accordance with the Planning Application Reference R1442/06CC039, the attached submission report and drawing number H/A426-31/829B.

Reason: To ensure development is carried out in accordance with the planning permission hereby granted.

Note:- As this application only affects the vertical alignment of a portion of the approved Rugby Western Relief Road the conditions attached to planning permission R1442/02CC093 remain valid for this particular approval and must be complied with.