



LOCAL ACCESS FORUM

For the attention of Case Officer:
Dan Charles
Warwick District Council Planning
Planning Delivery, WCC, Shire Hall Post Room
Rear of Shire Hall, Northgate Street
WARWICK CV34 4RL

18 July 2025

W/25/0778

Reference: Application for Variation of Condition 1 (Approved Plans) of planning permission W/23/1766 (reserved matters application for 185 dwellings) to allow amendments to house types and minor plot alterations to facilitate changes. (No changes proposed to layout, open space or quantum of development). Land South of Chesterton Gardens.

Dear Mr Charles

This letter constitutes formal advice from the Warwickshire Solihull and Coventry Local Access Forum (WSC LAF). Warwick District Council is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice and recommendations from this forum in carrying out its statutory role, duty and functions.

The Warwickshire Solihull and Coventry Local Access Forum remain disappointed by the continuing manipulation and flawed interpretation of planning due process surrounding this long running planning saga. There appears to be no common baseline on what is understood and agreed upon between the Council and the Developer.

Our views on the soundness of the entire process is well documented, however, the continuing anomalies surrounding the application and in particular the above Reserved Matters application is deeply concerning. We take issue with the recently published Committee Report and particularly the passages on Waste Storage and Inclusion of a pumping station.

The report clearly confirms that neither the proposed pumping station or the changes to the waste storage proposals were identified as necessary on any previous supporting documents which also **CONFIRMS** the application is **NOT** a variation of any previous **Condition** and should, therefore, be determined within a **NEW** full Reserved Matters application to allow for the openness and transparency this application requires.

The proposal to site a foul sewage pumping station with connection into a main sewer within a 'flood zone' and without open and transparent discussion and determination on the public platform of a Planning Committee meeting is unacceptable. In addition, the land is adjacent to an ecologically sensitive watercourse and Nature Reserve. Also of concern; Whitnash Brook discharges into the Rivers Leam and Avon so any unlawful discharge of sewage, which is highly possible during the present climate of dangerous and frequent unlawful events,

would be catastrophic. Due to the Climate Emergency and increasingly intensive and prolonged weather events, long periods of flooding, around the brook and nature reserve, have become a regular feature. The fall on the land has been a constant feature of our well documented concerns, in relation to polluted and possibly toxic rainwater runoff drainage issues, over the entire planning process. Warwick District Council have ignored all reasonable requests to rectify the issue. Do attenuation ponds remain and, if so, what maintenance programme is proposed to remove polluted sludge to prevent unwanted discharges. Will the discharge outfall pipe, grill and conduit remain?

It is stated within the Committee Report and we quote:

'In visual terms, the predominant features of the pumping station would be underground with only control cabinets above the surface, contained within a small compound to allow access for drainage body.'

Officers are satisfied that the purpose of the pumping station is a common feature of developments and would not have any material detrimental impact on the character and appearance of the site.'

We are deeply concerned the very real possibility of unlawful discharges of raw sewage into the Whitnash Brook during flooding events has been ignored. The size of the proposed development of 195 homes will necessarily produce a large volume of raw sewage. Is the capacity of the sewer able to deal with the additional volume? The rich and sensitive ecosystem of Whitnash Brook discharges into the Rivers Leam and Avon, therefore, any unlawful spillages of raw sewage will have a huge negative effect downstream. Have any changes to the storage and disposal of polluted rain water runoff from the site, which will inevitably contain unwanted, toxic pollutants, been proposed? The fall on the land and, therefore, gravity will ensure excess runoff will be discharged, as was previously indicated, into the Whitnash Brook and subsequently into the Rivers Leam and Avon? This proposal gave us huge concerns which officers failed to address.

There remain too many questions and no answers merely assumptions based on a 'nothing can go wrong' scenario.

If 'officers' now admit they knew about the fall on the site and knew a 'pumping station' is a common feature of developments why was this not flagged up as an issue previously? Yet again, 'officers' are making undemocratic decisions based on assumption without giving existing and future residents a chance to exercise their democratic right to voice concerns from an informed position. Residents have also been denied vital information which could negatively affect the visual landscape and peaceful nature of the environment with constant noise produced by the pumping station. Most concerning is the longterm safety of a sensitive and irreplaceable local ecologically rich and biodiverse recreational amenity.

The decision made by Warwick District Council, endorsed by the Committee Report, is undemocratic. Details were not identified, front and foremost, in the Reserved Matters application W/25/0778.

We also believe the substantial design changes proposed to the dwellings and garaging are also sizeable and propose significant technical changes. They should

also be brought back as part of a **NEW** Reserved Matters Application to allow for democracy to take its course. All material planning considerations are required to be subjected to a full planning application with open and transparent scrutiny.

The fact 'officers' continue to suggest, whatever the out of date reports conclude, that *'there would be no harm arising in terms of neighbour amenity, highway safety or ecology and as such it is considered the scheme therefore complies with the policies listed. Accordingly, 'officers' recommend that the variation of conditions of previously approved reserved matters is granted'*. This recommendation is nonsensical given the indisputable evidence available which fails to comply with NPPF or local policies. The officer recommendation, given the background of the longrunning planning due process of this site, is unacceptable and undemocratic.

The increasingly dangerous safety issues on the existing estate roads, overcrowded and increasingly dangerous local road networks, the unsustainability of the proposed development, including a lack of public bus services, lack of dedicated cycle ways, lack of upgraded facilities including local school places and medical facilities, both GP, hospital and dental and total lack of provision for those with low incomes and the disabled and those with mobility issues to enable them to get to local social and essential facilities breaches planning policy and makes the proposal entirely unsustainable.

Access routes remain totally inadequate with the volume of traffic, of every size and weight, increasing exponentially. The narrow estate and overcrowded local roads and highways were not designed to accommodate the type and volume of additional traffic this development will produce. The estate and local roads will be impassable to HGV construction vehicles unless the choice is made to seriously compromise user safety.

We believe much of the above does not meet Warwick District Council's own published commitments and strategies especially the delivery of sustainability and climate change mitigation.

The proposed development will be almost totally reliant on private cars for transport which renders the Council's commitments inconsistent and open to challenge.

The delivery of truly affordable housing also seems to be open to serious questions given the design changes proposed. Where will they finally be built, will they be built at all and will they be truly affordable? Will the previous approved commitments be downgraded and will homes for social rental be constructed?

There is a fundamental flaw in all of the above with residents with the most need having to rely on private transport because affordable public transport has been sidelined for profit.

As we indicated above there remain significant environmental, ecological and ecosystem challenges on the proposed site with the loss of biodiversity a real risk. The possible negative implications and repercussions of each change only serve to exacerbate the risks.

The validity of the Reserved Matters application W/2025/0778 is under a microscope. The lack of openness, transparency and, therefore, the failure to

consider **NEW** and weighty material planning considerations appropriately, is patently undemocratic.

We believe application W/2025/0778 and the previous applications, it now relies on for support, raise serious questions on the validity of the whole planning process.

The WSC LAF gave evidence at the Planning appeal held in November 2024 on the grounds of non-determination by Warwick District Council. During the Hearing the Ground was not mentioned, neither was it mentioned that a previous Reserved Matters application W/23/1766 had been approved, with indecent haste, in October 2024 ahead of the Hearing. W/25/0778 is now being relied on in tandem with the previous outline application W/20/0617. This confusing situation now appears to be the basis upon which the development is progressing.

The cost to the Public Purse of the questionable appeal hearing, held in November 2024, on which the Inspector did not appear to base on the official Ground of Non-Determination, including the cost to the Planning Inspectorate, the cost in officer time and Council resources, in legal and Counsel fees and in the cost of other experts, is mindblowing. Those costs have all been wasted with the Conditions applied to the approval, by the Inspector, sidelined in favour of returning to an historic outline approval W/20/0617 and indecently rushed through Reserved Matters approval W/23/1766, in October 2024 ahead of the Appeal Hearing; this approval bears little resemblance to the Conditions attached to last year's, now redundant appeal decision APP/T/3725/W/3347138 (W/23/1746), published on 10 March 2025.

The Inspector was robust in her expectation for approval to be based around the application of the conditions within the laid-down timeline.

The cost to the Public Purse has been unacceptable and requires a forensic investigation.

The cost, to the Public Purse, of the years of manipulation of due process surrounding the attempts to build houses on this development has not only been in monetary terms but also in erosion of, and loss of faith in, the UK Planning System and particularly in Warwick District Council as the Planning Authority.

The outline application you are now relying on was the subject of a previously **upheld** appeal after which Warwick District Council were found guilty of unreasonable behaviour and had costs of circa 100K awarded against them.

The general costs to the Council associated with the planning process, costs in additional general costs of long-running application preparation, the cost to the Council while attempting to justify its decision to abandon its affected residents, will never be forgotten. It was a regrettable decision which turned out to be a spectacular misjudgement by the Council who have never apologised to the residents who continue to suffer uncertainty surrounding the final outcome of this unacceptable planning saga; the estate is at present a cul-de-sac of 800 houses either built or approved, (W/20/0617 + W/23/1766 and W/25/0778), with a final phase remaining to be constructed which will make a cul-de-sac of 1,100 dwellings from a single access with the only access into the present phase crossing a live bridleway and much used recreational public footpath which connects to the wider

PRoW network. The increasingly unsustainability of the site and exponential increases in size and numbers of vehicles using estate roads not designed to take either the increased size, weight or numbers of vehicles will inevitably take its toll on the safety and health and wellbeing of existing and future affected residents.

The huge historic and entirely preventable ongoing costs to the Public Purse remain unacceptable and beyond reason given the present climate of depleted Government and local authority resources.

The Warwickshire Solihull and Coventry Local Access Forum repeat their many requests for honesty and decency to prevail. A local authority is responsible for and accountable to its residents. The negative and cumulative effects of all of the above on the affected residents of Chesterton Gardens and the wider communities are unacceptable; they deserve a voice; they deserve to be listened to; they deserve better from their local authority.

We advise and recommend that approval of the application for Reserved Matters W/23/1766 and W/25/0778 are **REFUSED** to allow appropriate scrutiny to be undertaken. This statutory intervention is within the remit and role, duty and function of the WSC Local Access Forum. It is also within our remit to write to the Secretary of State, Angela Rayner MP to urge her department to call in the current application and ensure that the full planning history of, Land South of Chesterton Gardens, is subjected to long overdue scrutiny.

We request an acknowledgement of receipt of this **OBJECTION** and request for **REFUSAL** of application W/25/0778 for all the reasons above and the many others already extensively documented. We also request immediate publication of the **OBJECTION**.

Yours sincerely

A handwritten signature in cursive script that reads "Sheila Cooper". The signature is written in dark ink on a white background. Below the signature, there is a long, thin, horizontal line that tapers at both ends, resembling a decorative flourish or a signature line.

Sheila Cooper

Acting Chair the Warwickshire Solihull and Coventry Local Access Forum

Please Respond Directly to: sheila.ann.cooper41@gmail.com

Copy to LAF Secretary: charlesbarlow@warwickshire.gov.uk

