

**Planning Committee – 13 September 2023**

**Report of the Chief Officer for Growth and Investment**

**Applications for Consideration**

Planning applications for consideration by the Committee are set out as below.

**Recommendation**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

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| 1           | R21/0631                      | Land off Parkfield Road, Parkfield Road, Rugby<br>Proposed industrial warehouse development suitable for B2/B8 Use Classes with ancillary E(g)(i) office space, including service yards, car parking, landscaping and associated access infrastructure.            | 3                  |
|             |                               |  |                    |
| 2           | R23/0174                      | Dunchurch Methodist Church, Cawston Lane,<br>Dunchurch, Rugby CV22 6QE<br>Change of use from Church to a Montessori Nursery, including alteration of 1 no. south-west windows to doors. Creation of external activity area and associated parking and bin storage. | 28                 |
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**Reference: R21/0631**

**Site Address: LAND OFF PARKFIELD ROAD, PARKFIELD ROAD, RUGBY**

**Description: Proposed industrial warehouse development suitable for B2/ B8 Use Classes with ancillary E(g)(i) Office space, including service yards, car parking, landscaping and associated access infrastructure.**

**Recommendation**

1. Planning application R21/0631 be approved subject to:
  - a. the conditions and informatives set out in the draft decision notice appended to this report; and
  - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
  - c. The completion of a PROW Legal diversion for RB5 & RB5B
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

**1. Introduction**

1.1. This application is being reported to Planning Committee in accordance with 5.2.3 (c) for determination because the proposed development falls within the definition of major development due to the provision of a building where the floor space to be created by the development is 1,000 square metres or more.

**2. Description of site**

2.1. The proposal is a greenfield site located within the Rugby Urban Area and is sited in proximity to the River Avon (running north of the site), the A4071 which borders the northern and western boundary of the site and Rugby Railway Line to the South. The eastern boundary of the site is heavily vegetated by tall trees separating the site from the Sewage treatment works which is sited to the east of the site. Opposing the A4071 further North is the Avon Valley School and Centenary Park and in western direction is the residential dwellings on Parkfield Road. Topographically the level of the site sits below the A4071 with the access road sloping down in gradient to meet the lower level of the railway. The total site area is 3.94 acres and consists of two areas of open green space (the larger being in an eastern position) subdivided by the road which runs south. There are employment units in a southern position to the site

including SUEZ, Rugby Self Story, Nuphalt group and Metso Minerals and residential dwellings in a north western position on Parkfield Road.

### **3. Description of proposals**

- 3.1. This is a full planning application for the erection of a Proposed industrial warehouse development suitable for B2/ B8 Use Classes with ancillary E(g)(i) Office space, including service yards, car parking, landscaping and associated access infrastructure.
- 3.2. The proposed would provide 3958 sqm metres of B2/B8 storage and 476 SQM metres of E (g)(i) Office space.
- 3.3. The proposal would extend 40 metres by 101 metres and would use a curved roof profile at an eave height of 10 metres and an approximate (due to the curve profile) total height of 14.25 metres.
- 3.4. Internally the ground floor would have a number of points of access and would form the main warehousing area with an entrance lobby and 2 staircases.
- 3.5. The 1st floor would form an open plan office using the total width of the building but covering a much smaller length of only 11.9 metres.
- 3.6. Externally the building would use metal cladding of a grey colour scheme. The majority of the building would be of utilitarian aesthetic apart from the main entrance to the building which is a focal point architecturally with full height glazing located on the south-western corner of the building.
- 3.7. The site would use a mixture of hard and soft landscaping with the proposed unit sited parallel with the eastern boundary with the service yard located centrally to serve the proposed unit. The access road off the A4071 divides the site with the southwestern portion of the site being used as an overflow car park with amenity space. The site would use hard landscaping for parking, service yard and footpaths as well as planting and lawned areas throughout the site.

### **4. Planning History**

- 4.1. No Relevant Planning History

### **5. Relevant Planning Policies**

- 5.1. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2. The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011-2031. The relevant policies are outlined below.

Rugby Borough Council Local Plan 2019

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy  
 HS2: Health Impact Assessments  
 HS5: Traffic Generation, Air Quality, Noise and Vibration  
 NE1: Protecting Designated Biodiversity and Geodiversity Assets  
 NE3: Landscape Protection and Enhancement  
 SDC1: Sustainable Design  
 SDC2: Landscaping  
 SDC4: Sustainable Buildings  
 SDC5: Flood Risk Management  
 SDC6: Sustainable Drainage  
 SDC7: Protection of Water Environment and Water Supply  
 D1: Transport  
 D2: Parking Facilities  
 D3: Infrastructure and Implementation  
 D4: Planning Obligations

5.3. Supplementary Planning Documents (SPDs)

Air Quality SPD (2021)  
 Climate Change and Sustainable Design and Construction SPD (2023)  
 Planning Obligations SPD (2012)

5.4. Material Considerations

National Planning Policy Framework (NPPF or “the Framework”) (2021)  
 National Planning Practice Guidance (NPPG)  
 Community Infrastructure Levy (CIL) Regulations 2010 (as amended)  
 National Design Guide (2021)

**6. Technical consultation responses**

|                                      |   |
|--------------------------------------|---|
| WCC Rights of Way                    | No objection, subject to legal diversion            |
| Environment Agency                   | No objection  |
| RBC Environmental Health             | No objection subject to conditions and informatives |
| RBC Trees and Landscape              | No objection, subject to conditions                 |
| RBC Works Services Unit              | No objection subject to informative                 |
| Severn Trent Water                   | No response   |
| Warwickshire Fire and Rescue Service | No objection subject to informative                 |
| Warwickshire Police                  | No objection with comment                           |
| WCC Ecology                          | No objection subject to conditions and S106         |
| WCC Flood Risk Management            | No objection subject to conditions and informative  |
| WCC Highways                         | No objection  |
| Network Rail                         | No objection  |
| The Ramblers                         | Objection   |

**7. Third party comments**

7.1. None Received

**8. Assessment of proposals**

8.1. The key issues to assess in the determination of this application are:

|            |                                     |
|------------|-------------------------------------|
| Section 9  | Principle of Development            |
| Section 10 | Design, Layout, and Visual Impact   |
| Section 11 | Impact on Residential Amenity       |
| Section 12 | Trees and Landscaping               |
| Section 13 | Flood Risk and Drainage             |
| Section 14 | Ecology                             |
| Section 15 | Highways                            |
| Section 16 | Air Quality Noise and Contamination |
| Section 17 | Public Rights of Way                |
| Section 18 | Other Matters                       |
| Section 19 | Planning Obligations                |
| Section 20 | Planning Balance and Conclusion     |
| Section 21 | Recommendation                      |

## **9. Principle of development**

- 9.1. Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.
- 9.2. This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 9.3. Paragraph 11 of the NPPF states that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.
- 9.4. The Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing. The latest Annual Monitoring Report (AMR), published in October 2021, confirms this position. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.
- 9.5. The application is within the Rugby urban area which Main focus for all development in the Borough. Development permitted within existing boundaries and as part of allocated Sustainable Urban Extensions.

### *Employment Need*

- 9.6. Policy DS1 of the Local Plan 2019 sets out the overall employment and housing requirements for the Borough. This policy was evidenced by the Employment Land Study 2015, which sets out that 58,300 sqm of floorspace for B2 uses and 283,000 sqm of floorspace for B8 uses

are required for the plan period to 2031. This need is set to be met through the designation of existing employment sites and the provision of new land through allocations. The specific areas where the employment requirement is to be met is set out in the supporting text to DS1(point 9.9).

- 9.7. The Coventry & Warwickshire Housing & Economic Development Needs Assessment (HEDNA) 2022 provides a further evidence base and considers the employment land requirements across Coventry and Warwickshire looking to 2041.
- 9.8. The HEDNA Executive Summary indicates a need for B8, B2 and Office use space across Coventry and Warwickshire including Rugby. The proposed development would contribute positively towards meeting the need. The LPA however, consider that the HEDNA does not provide basis for principle of development on need alone and does need to be balanced against all other planning matters including the development plan and national policy.

#### *Overall development Needs (Housing vs Employment)*

- 9.9. The site subject of this application is not within one of the areas listed in Policy DS1 nor as an employment allocation as part of Policy DS4. The proposed therefore represents a supply in addition to that calculated in Policy DS1. Although providing beyond that allocated through the Local Plan, the development would afford flexibility in supply and support a broader market. The proposed 3,957 sqm space (and 475 sqm of B1 offices) represents around a 1% increase over the Local Plan target. In the Inspector's Report for the Local Plan, the Inspector notes (para 227) that there will be a surplus of housing to be delivered over need of 17.5% in the plan period. Therefore, any extra dwellings required by additional employment generated can be accommodated without requiring additional housing allocations. As such, the proposal is not considered to adversely the effect the balance of levels of employment vs housing provision in the Borough.

#### *Unit Size*

- 9.10. Policy DS1 further states that in addition to a quantitative need for employment land in Rugby Borough, a proportion of the land must meet a qualitative demand for employment sites providing units in the range of 5,000 to 50,000 sq ft. The proposed units have a GIA square ft of 47,718 and therefore would meet the qualitative demand albeit outside of an allocated employment site.

#### *Location*

- 9.11. Policy ED2 of the Local Plan 2019 details the considerations for new employment development within the settlement boundary. In accordance with ED2, new employment development within use classes B1(b), B1(c) (now superseded in the use classes order), B2 and B8 will be permitted within the urban area boundary. Any such developments will be subject to compliance with all other relevant policies in the Local Plan and national policy. The principle of the development in this location is therefore supported by ED2.
- 9.12. Planning decisions are based upon their own merits and therefore assessment on the current development proposed on the site. However, it is considered that due to the proximity to the existing industrial uses, the Sewage Treatment works and the railway network that on balance a subsequent application is likely to be considered unsuitable for a housing development and more favourable to the proposed use on site. This is not a material

consideration for this assessment but does provide a wider commentary for the site in question.

### *Ancillary Office Space*

9.13. Policy ED2 states new employment development within use class B1(a) which is now superseded to E(g)(i) Offices will be permitted in Rugby town centre subject to the provisions of the Town Centre policies in this Local Plan. In assessment it would be determined that the office space is ancillary and is considered in accordance with Policy ED2.

9.14. The application proposal would provide B2/B8 floor space in which there is a need in accordance with the HEDNA. The unit is determined to be of a size that would not adversely affect the balance of employment vs housing provision in the Borough and the proposal is in a location where the principle of employment development is supported in accordance with the Borough's settlement hierarchy. Therefore, the unit is considered to comply with Policy GP2 and Policy ED2 which will attract positive weight within the planning balance.

## **10. Design, Layout, and Visual Impact**

10.1. Section 12 of the Framework and policies SDC1 and SDC2 of the Local Plan set out the importance of good design and landscaping in new developments. The Climate Change and Sustainable Design and Construction SPD (2023) expands on this and sets out more detailed design considerations. An assessment of the proposed design and layout of the development against these policies, the SPD is outlined below.

10.2. Policy SDC1 of the local plan states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated.

### *Materials*

10.3. Due to the proposed buildings use, the design would be utilitarian in appearance using metal cladding as the main material with a curved roof profile. The materials chosen are considered in character with employment buildings which also feature on Parkfield road further south which also consist of grey industrial cladding. In order to ensure the materials of acceptable quality and appearance CONDITION 3 requires the submission of samples for further approval by the LPA.

### *Scale & Levels*

10.4. The proposed building is considered of a large scale. However, is proportional and can be accommodated within the site. There are various land level changes proposed throughout the site which in turn impact the eventual height of the proposed unit in comparison to the existing level. The applicant's investigation has demonstrated high voltage cables running down the eastern side of the site which are in proximity to the ground floor level. This in turn creates issue with building foundations and the required site level. The applicant has taken advice from service and civil engineers who have determined safe distances for the building

and foundations from the HV cables. In order to avoid a cable diversion, the land level must be raised. The applicant state that a cable diversion has considerable impacts via high costs to the project which bring in viability issues for the development. The applicant has demonstrated that as existing the levels across the site differ greatly (west to east). The level changes are also stated to be required in order to provide the site access, service yard and the building at an achievable level.

- 10.5. As the applicant consider the level change to be of an essential requirement in order to deliver the development, there must be an assessment of how this impacts the character of the area and the overall design. Any identified harm must then be weighed against the benefits of the proposal within the planning balance.

### *Visual Impact*

- 10.6. The applicant did provide drawings demonstrating the visual impact of the proposed building with the additional change in land levels (Drawing Number 20104-C4P-AV-XX-DR-A-6206) from a variety of viewpoints on the A4071.
- 10.7. The plans show the road level to alleviate and screen the building along the western viewpoints from the A4071. However, from the northern viewpoints looking southwards into the site the building does appear above the road level and contributes visually to the character of the area. The impact of this to some degree is alleviated by the distance of the highway which is at least 50 metres from the northern elevation of the building. There is also existing vegetation which sits outside of the site bordering the road which acts as a visual buffer but would be unlikely to provide full screening.
- 10.8. Overall, the building is of acceptable material and is of a large scale considered proportional within the site. The change from an open green space to a developed area and the built form of the building and its service yard does impact the character of the area. However, the change is deemed to be sympathetic with the character of the area due to the existing employment uses which are sited off of the A4071. Overall, the impact is considered as less than substantial harm which must be weighed against the benefits within the planning balance.

## **11. Impact on residential Amenity**

- 11.1. Policy SDC1 of the Local Plan sets out that proposals for new development should ensure the living conditions of existing and future neighbouring occupiers are safeguarded.
- 11.2. The nearest residential dwellings are those to the west on Parkfield Road. These dwellings are over 100 metres away and therefore this proposal would not be considered to be significantly detrimental to any of the residential amenity.
- 11.3. The application is therefore considered in accordance with Policy SDC1 and therefore acceptable in terms of residential amenity.

## **12. Trees and Landscaping**

- 12.1. Policy SDC2 states that the landscape aspects of a development form an integral part of the overall design and a high standard of appropriate hard and soft landscaping will be required. Proposals should ensure that new planting comprises of native species which are of ecological value and appropriate for the area. Policy NE3 has a similar purpose ensuring that significant landscape features are protected and enhanced.
- 12.2. Policy NE1 states that developers will be required to make provision for the protection and subsequent retention of natural features and necessary supporting habitats, such as ponds, hedgerows, ditches and trees which are to be retained.
- 12.3. The proposal includes several hard and soft landscaping measures throughout the site. It is accepted the developments proposed service yard is hard surfaced for purpose. The western relief road when approved included a number of measures which include vegetation to the northern and western boundaries of the site. It is accepted that largely this vegetation exists outside of the proposal site. However, to strike a balance with its surroundings the proposal requires both retention, planting, and coalescence with the surrounding landscaping to be deemed appropriate.
- 12.4. RBC's Arboricultural officer was consulted in order to assess the proposal and noted that there are no protected trees within the application. The officer in discussion noted that the need for retention of the trees to the eastern boundary as well as a planting scheme required. The LPA therefore deem that the application to not warrant a refusal as long as the appropriate mitigation is secured under CONDITION 4.

### **13. Flood Risk and Drainage**

- 13.1. Paragraphs 159-169 of the Framework and policies SDC5 and SDC6 of the Local Plan set out the need to consider the potential impact of flooding on new development whilst ensuring that flood risk is not increased elsewhere as a result of it. Sustainable drainage systems (SuDS) should also be incorporated into major developments where feasible.
- 13.2. The application site borders flood Zone 2, there was initial concern of a potential overlapping of the site into flood zone 2 however, as confirmed by WCC Flood Risk the application is located wholly within Flood zone 1 and therefore would not require a sequential test in accordance with Local Plan Policy SDC5.
- 13.3. The proposal was accompanied by a drainage strategy and drainage layout, greenfield run off rate estimation and a flood risk assessment.
- 13.4. The Flood Risk Assessment concludes that Surface water flood risk has been assessed and the risk is identified as low with other secondary flood risks including groundwater, reservoir and sewer flooding also determined at low flood risk from all sources. Risk from Climate Change and Residual Risk is also considered low.
- 13.5. Initially the lead flood risk authority objected to the proposal due to insufficient information including provisions for SuDs within the layout. A further site drainage layout plan was

submitted and under consultation with the lead flood risk authority a stance of no objection was returned subject to a pre commencement CONDITION 5 requiring a detailed surface water drainage scheme is submitted based on sustainable drainage principles. As well as a prior to occupation CONDITION 6 which requires a site-specific maintenance plan be submitted. Both conditions will require consultation and approval of details with the lead local flood risk authority.

- 13.6. WCC Flood Risk Management has considered the assessment and proposed drainage strategy. They have raised no objection to the proposal subject to conditions 5 and 6. The impact on flood risk and drainage is therefore considered to be acceptable. As a result, the proposal complies with the Framework and policies SDC5 and SDC6.

## **14. Ecology**

- 14.1. Paragraphs 174 and 180 of the Framework and policy NE1 of the Local Plan set out the need to protect and enhance biodiversity including protected habitats and species.
- 14.2. Planning ecology initially requested more information than submitted in the form of an EclA. The applicant delivered the information in two parts including; a Nocturnal bat survey report and Reptile Survey Report.

### *Bat Survey*

- 14.3. The bat survey reports three nocturnal surveys to determine presence or likely absence of roosting bats in three trees. No bats were seen entering or emerging from the trees and it can therefore be concluded that bats are not currently roosting within the site. Foraging activity by common pipistrelles and a single Natterer's bat was observed on the eastern perimeter of the site. The report makes recommendations for limiting lighting in this area, and for using lower spectrum lighting if lighting is necessary.

### *Reptile Survey*

- 14.4. The reptile survey presents presence/absence surveys across the site, with 7 visits carried out in suitable conditions. The findings report no reptiles were found on any of the visits and it can be concluded that reptiles are not present within the site.
- 14.5. Planning ecology therefore require a LEMP CONDITION 11, CEMP CONDITION 12 and a lighting strategy CONDITION 13 to ensure the appropriate mitigation is followed.

### *Biodiversity Net Gain*

- 14.6. Policy NE1 of the Local Plan sets out that development will be expected to deliver a net gain in biodiversity.
- 14.7. BIA calculations were provided and reviewed by WCC Ecology. The technical consultee view the site to offer a loss in biodiversity which is required to be offset under a section 106 agreement which the applicant has agreed further outlined in section 19 of this report.
- 14.8. As WCC Ecology take a stance of no objection subject to conditions and a S106 agreement the proposed is considered acceptable and in accordance with Policy NE1.

## **15. Highways**

- 15.1. Section 9 of the Framework and policies HS5, D1 and D2 of the Local Plan set out the need to prioritise sustainable modes of transport and ensure transport impacts are suitably mitigated. A safe and suitable access to the site is also necessary.
- 15.2. The submission for the proposal includes a travel plan, transport assessment and technical notes (including Stage 1 RSA).
- 15.3. During the consultation with WCC highways the access road into the site was altered to a more southern point within the site. Works are also agreed to the widening of a footway and the inclusion of a pedestrian refuge crossing for the A4071.
- 15.4. Warwickshire County Council Highways take a stance of no objection subject to CONDITION 7-10 that ensure the site is not occupied until the existing vehicular access to the site for vehicles, cyclists and pedestrians has been remodelled, and a pedestrian refuge constructed. As well as space provided within the site for pedestrian footways and the parking and loading/unloading of vehicles. Warwickshire County Council Highways also took a stance of no objection regarding the impact of the proposal on the capacity of the highway network for vehicular traffic, or with regard to the provision of parking on the site.
- 15.5. As Warwickshire County Council Highways take a stance of no objection the proposal can be considered acceptable on highways grounds.

## **16. Air Quality Noise and Contamination**

### *Air Quality and Noise*

- 16.1. Paragraph 186 and 187 of the Framework and policy HS5 of the Local Plan set out the need to consider the impact of the proposal on air quality and the need to ensure that the proposed development would not be adversely affected or contribute to noise.
- 16.2. An air quality assessment was submitted with the application which has been scrutinised in consultation with RBC Environmental Health. The technical consultee notes that the development passes stage 1 and stage 2 criteria for a full impact assessment which has been carried out. The consultee notes the report is acceptable with conclusions that the air quality objectives are unlikely to be exceeded with development. The mitigation measures identified for the construction phase and the operation phase identified within the report are considered necessary for air quality neutral and mitigation. The technical consultee further requests CONDITION 19 for a Noise Assessment to be carried out to protect existing dwellings and their external amenity spaces.

### *Contamination*

- 16.3. Paragraphs 174, 183 and 184 of the Framework sets out the need to ensure a site is suitable for its proposed use taking account of risks arising from contamination.

- 16.4. An earlier report issued 1-May-2020 includes both a ground investigation report and phase 1 site appraisal. Environmental Health agree with the findings of the report stating no specific remediation works are required and that there is made ground on site however no results identify contaminants of concern above the screening values, Water monitoring was undertaken with no results exceeding the screening values so concluding there is a negligible risk to Controlled Waters.
- 16.5. A latter report submitted 1-April-21 contains only a site appraisal in which RBC Environmental Health found to be acceptable and agree with the recommendations for further works to establish site conditions.
- 16.6. The technical consultee had no objection to the proposed subject to the addition of a further CONDITION 18 to safeguard the event of previously unidentified contamination being found.

## **17. Public Rights of Way (PROW)**

- 17.1. Policy HS1 states the potential for creating healthy, safe and inclusive communities will be taken into account when considering all development proposals. Support will be given to proposals which protect and enhance physical access, including public rights of way to open space. This is also support in the framework paragraph 100 which states Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 17.2. There are two PROW, which are lie in proximity to the site. RB5 is situated along the southern border of the site with RB5B running parallel to the eastern boundary and then crossing the site.

### *RB5B*

- 17.3. The current mapping for the PROW appears to predate the construction of the A4071 with the desire line for the path underneath the road (instead of up and over the road as currently mapped) before meeting the PROW further north outside of the site. In discussions with the WCC country paths this would require a legal diversion in which the applicant has made a commitment to carry out.
- 17.4. The land level changes proposed and the siting of the building would create a sense of enclosure for the users of the PROW. The cross-section plans show at the southern end of the site at width of 5.2 metres before the level change however, as the site moves north a narrowing of the Public Right of Way to 2 metres and a significant increase in height with a gradient of 31 degrees.

### *RB5*

- 17.5. The current mapping shows RB5 running across the southern border of the site. Initial concerns were raised with potential implications for conflict between vehicles and pedestrians for the PROW. The current mapping for the PROW ends at the A4071. A diversion would also need to be carried out which directs the users through the site and back onto the A4071.

A Zebra crossing has been included across the site access which will allow pedestrians to cross the site safely.

- 17.6. Subject to the diversion the Public Rights of Way team do take a stance of no objection to the proposal. However, there is an increased sense of enclosure to RB5B which would be considered harmful to the users of the PROW. This harm will need to be weighted in the Planning Balance.

## **18. Other Matters**

- 18.1. RBC's GIS system does show the application site to be within the Rugby Cement 500m cd and the 250 M buffer historic land fill site and therefore there has been a consultation with the environment agency who have returned a response. Environment agency state that the development site appears to have been the subject of past industrial activity which poses a risk of pollution to controlled waters. However, the consultee is unable to provide site-specific advice relating to land contamination due to revised priorities. It would therefore be the case that Environmental Health would provide the assessment for this aspect of the proposal.
- 18.2. Network Rail have also been consulted due to proximity to the railway network and have no objection to the proposal subject to CONDITION 16 and CONDITION 17.

## **19. Planning Obligations**

- 19.1. Paragraphs 55, 57 and 58 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.
- 19.2. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 19.3. If a requested planning obligation does not comply with all of these tests, then it is not possible for the Council to take this into account when determining the application. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below. It is considered that all of these requests meet the necessary tests and are therefore CIL compliant.

### *Heads of Terms*

- 19.4. In summary the contributions required for this proposal have been highlighted as per the table below:

| Obligations                                  | Requirement  | Trigger                        |
|--|--|--------------------------------|
| Warwickshire County Council Planning Ecology | Biodiversity Offsetting agreement for £61,672 to compensate for a biodiversity loss. | Upon the commencement of works |

19.5. Local planning authorities should ensure that the combined total impact of planning conditions, highway agreements and obligations does not threaten the viability of the sites and scale of development identified in the development plan.

19.6. A viability report was not submitted as part of the process of the application. However, the applicant accepted the Ecological findings and agreed to pursue the S106 agreement to offset the loss to biodiversity due to practical issues of delivering the net gain on site. It is therefore considered that due to the agreement that the contribution would not make the scheme unviable and therefore the proposal can be delivered with the required contributions.

19.7. If the committee resolves to approve the proposal, this will be subject to the completion of an agreement by way of a section 106 covering the aforementioned heads of terms.

19.8. In relation to any financial contributions or commuted sums sought through a s.106 agreement, the financial contributions or commuted sums set out in this report will be adjusted for inflation for the period from resolution to grant to completion of the s.106 agreement. In addition, any financial contributions or commuted sums sought through a s.106 agreement will be subject to indexation from the completion of the s.106 agreement until the date that financial contribution or commuted sum falls due. Interest will be payable on all overdue financial contributions and commuted sums.

19.9. Subject to the completion of a section 106 agreement the development would be in accordance with Policy D3 of the Local Plan.

**20. Planning Balance and Conclusion**

20.1. Policy GP1 of the Local Plan outlines that the Council will determine applications in accordance with the presumption of sustainable development set out in the Framework. Paragraph 11 of the Framework sets out that for decision-taking this has two parts. The first part (paragraph 11(c)) means “approving development proposals that accord with an up-to date development plan without delay”. The Local Plan was adopted in June 2019 and is considered to be an up-to-date development plan.

20.2. A balancing exercise must therefore be carried out to weigh up whether the identified harms caused by the proposed development would be outweighed by the benefits of this proposal. This should take account of the economic, social, and environmental objectives of the framework in order to achieve sustainable development.

*Economic*

20.3. In terms of economic benefits, the proposal would provide benefits for the short term during the construction phase and long term in its operational phase. The proposed

development represents an investment in the Borough providing new employment opportunities. In the short term the proposal would provide employment during its construction phase. The applicant has supplied a supporting statement which makes part of the application. The applicant consider difficulty in providing exact figures for the projected employment once in operation without a secured occupier. The applicant has used the Homes and Communities Agency Employment Density Guide 2015 to prescribe employees per square meter for a number of uses. In consideration of this if the unit were to be used as a regional distribution centre approximately 60 new jobs, a light industrial use of the warehouse would create more jobs at 99 jobs with a manufacturing warehouse creating the most jobs at 129. The applicant also projects further indirect impacts via the support of businesses who provide services to the facility. The developer also calculates a direct benefit to the Local Council through the generation of business rates. This in turn would have a significant, positive and direct impact on the local economy. Policy ED2 of the Local Plan sets out that new employment sites within the urban area boundary for B2/B8 use will be permitted. Furthermore, the development whilst not within an allocated site, would not disrupt the employment vs housing provision within the Borough and would contribute to meeting a need for this use class.

- 20.4. It is considered that the clear economic benefits outlined above should carry substantial weight in favour of the proposed development.

#### *Social*

- 20.5. From a social perspective, the proposed development of this site would consequently bring the land into active economic use and in turn provide to new jobs in the Borough. The provision of job security would further play a key role in helping improve and safeguard mental health and wellbeing.

- 20.6. It is considered that the clear social benefits outlined above should carry very substantial weight in favour of the proposed development.

#### *Environmental*

- 20.7. From an environmental perspective, the potential adverse impacts of the proposed development in relation to ecology, highway safety, traffic flows, flood risk, drainage,, air quality, noise, contamination, light and residential amenity have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, in other instances where potential adverse impacts are identified, it would be possible to mitigate against this impact through a number of different measures and strategies. This mitigation could be secured through conditions to ensure that this is delivered as well as a legal agreement to ensure that biodiversity net gain is met.

- 20.8. There are however harms both visually and through the means of a sense of enclosure to the PROW RB5. The harm would be due to a narrowing and change in land levels and sense of enclosure through the sloped land level change and the further height of the proposed building on top of the raised level. This would be felt by users of the public right of way for the entire length of the building until exiting either in a northern or southern point. The site

itself is finely balanced in relation to technical consultee response from highways and therefore amendment in terms of moving the building would disrupt the balance which has been struck. It is also considered the applicant will amend and divert the route for RB5 and has also provided safe passage through the site via zebra crossing. The LPA do recognise this harm and the applicant has agreed to mitigate where possible by using paladin fencing and planting which would somewhat alleviate the impacts. It is considered that in terms of the sense of enclosure the LPA would deem this to be detrimental to the PROW. However, as the WCC PROW team take a stance of no objection to the proposal the LPA deem the proposal only to lead to less than substantial harm.

### *Conclusion*

20.9. On balance, it is considered that the Social and Economic benefits of the proposed development by means investment into the Borough, job creation and support economic growth which in accordance with the framework attracts significant weight which would outweigh the environmental harm to the PROW.

20.10. In view of the above, the proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Indeed, the proposal would result in a number of positive economic, social benefits which outweigh the environmental harm. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal would comply with policy GP1.

20.11. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that the application should be approved subject to conditions and informatives section 106 agreement and legal diversion.

## **21. Recommendation**

21.1. Planning application R21/0631 be approved subject to:

- a. the conditions and informatives set out in the draft decision notice appended to this report; and
  - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
  - c. The completion of a PROW Legal diversion for RB5 & RB5B
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

## DRAFT DECISION

**REFERENCE NO:**  
R21/0631

**DATE APPLICATION VALID:**  
08-Jun-2021

**APPLICANT:**

Beeson, Total Developments U.K. Limited Total Developments U.K. Limited, 17 Alvaston Business Park, Middlewich Road, Nantwich, CW5 6PF

**AGENT:**

Nicholas Ryder C4 Projects, Quayside,, Wilderspool Business Park, Stockton Heath, Warrington, WA4 6HL

**ADDRESS OF DEVELOPMENT:**

LAND OFF PARKFIELD ROAD, PARKFIELD ROAD, RUGBY

**APPLICATION DESCRIPTION:**

Proposed industrial warehouse development suitable for B2/ B8 Use Classes with ancillary E(g)(i) Office space, including service yards, car parking, landscaping and associated access infrastructure.

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION 1**

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

**REASON:**

To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

**CONDITION 2**

The development shall be carried out in accordance with the plans and documents detailed below:

Report Received by Council June 2021

AAC, Newbold, Rugby Air Quality Assessment June 2021

Flood Risk Plans Received by Council 12-Aug-2022

Site Drainage layout\_parkfield Industrial Estate new development, Rugby\_5836-ADS-XX-00-DR-C-500\_T3

Section 1a:Roads, Footpaths and Verges\_parkfield Business Park Rugby,Rugby,CV21 1QJ\_270327291-2-1

Draintage Strategy\_Newbold, Rugby\_5836-ADS-XX-XX-RP-C-500 P4\_July 2022

Flood Risk Assessment\_Newbold, Rugby\_21043-PWA-00-XX-RP-C-1000\_P03

**Highways Plans**

18778-HYD-XX-XX-DR-TP-0001 revision P02 (Received by Council 8-June-2021)

20104-C4P-AV-XX-DR-A-0520 Rev P11 (Received by Council 27-Feb-2023)

**Landscaping Plans**

Landscape Strategy dwg No 658.01 G (Date April 2021)

Tree report - Land\_opposite\_parkfield\_road\_rugby\_-\_BS5837\_AIA\_2182.pdf (December 2022)

Visual impact - 20104-C4P-AV-XX-DR-A-6206 P1 (May 2023)

Site Plans

Lighting Plan D42679/RD/D Dated 19-May-2021

Electrical Plan 5540-KGA-XX-XX-DR-E-300 R3 Dated 29-March-2021

Proposed Site Plan 20104-C4P-AV-XX-DR-A-0520 P12 Dated April 2022

Proposed Plans Received April 2021

Proposed Floor Plans DWG No 20104-C4P-B1-ZZ-DR-A-2001 P1

Proposed Roof Plans DWG No 20104-C4P-B1-ZZ-DR-A-2002 P1

Proposed Elevation Plans DWG No 20104-C4P-B1-ZZ-DR-A-2101 P1

Proposed Section Plans DWG No 20104-C4P-B1-ZZ-DR-A-2201 P1

REASON:

For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION 3

No above ground development shall commence unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing bricks and roof tiles have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON

To ensure a satisfactory external appearance and in the interests of the visual amenities of the locality.

CONDITION 4

No above ground works shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place.

REASON:

To ensure the proper development of the site and in the interest of visual amenity.

CONDITION 5

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

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of

5.5l/s/ha for the site in line with the approved Site Drainage Layout (ref: 5836-ADS-XX-00-DR-C-500, revision T3, dated 11.08.22).

2. Provide confirmation of the right to alter and connect in to a 3rd party asset including the highway drain.
3. Provide plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
4. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
  - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
  - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
  - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
  - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing information provided to date. Such overland flow routing should:
  - a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
  - b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
  - c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

#### REASON

To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity;

#### CONDITION 6

No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

#### REASON

To ensure the future maintenance of the sustainable drainage structures.

#### CONDITION 7

The development shall not be occupied until the existing vehicular access to the site for vehicles, cyclists and pedestrians has been remodelled, and a pedestrian refuge constructed, in general accordance with drawing number 18778-HYD-XX-XX-DR-TP-0001 revision P02.

#### REASON

In the interests of highway Safety

#### CONDITION 8

The development shall not be occupied until space has been provided within the site for pedestrian footways and the parking and loading/unloading of vehicles in accordance with drawing number 20104-C4P-AV-XX-DR-A-0520 Rev P11

#### REASON

In the interests of highway safety

#### CONDITION 9

The applicant shall submit a Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:

- specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
- set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
- explain and justify the targets and measures by reference to the approved Transport Assessment and Framework Travel Plan;
- identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

#### REASON

In the Interests of Highway Safety

#### CONDITION 10

No construction shall be undertaken until a Construction Management Plan, which should contain details to prevent mud and debris on the public highway, and should identify suitable areas for the parking of contractors and visitors and the unloading and storage of materials, the control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase. The control of dust including arrangements to monitor dust emissions from the development site during the construction phase and measures to reduce mud deposition offsite from vehicles leaving the site is submitted to and approved by both the Planning and Highway Authorities.

#### REASON:

In the interests of highway safety and to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

#### CONDITION 11

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.
- j) Revised Biodiversity Impact Assessment calculation in accordance with the Warwickshire County Council metric version 19.1 metrics applied to the application site to demonstrate that no net loss to biodiversity will be achieved.
- k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

#### REASON:

To ensure that protected species are not harmed by the development

#### CONDITION 12

No development shall take place (including demolition, ground works and vegetation clearance) until a (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

**REASON:**

To ensure that protected species are not harmed by the development

**CONDITION 13**

The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the County Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the County Planning Authority expects lighting to be restricted on the eastern site boundary and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

Narrow spectrum lighting should be used to avoid the blue-white wavelengths

Lighting should be directed away from vegetated areas

Lighting should be shielded to avoid spillage onto vegetated areas

The brightness of lights should be as low as legally possible;

Lighting should be timed to provide some dark periods;

Connections to areas important for foraging should contain unlit stretches.

**REASON:**

In accordance with NPPF, ODPM Circular 2005/06

**CONDITION 14**

The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**REASON:**

In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

**CONDITION 15**

A method statement and risk assessment must be submitted to the council and Network Rail for review and agreement prior to works commencing on site.

**REASON:**

To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

**CONDITION 16**

Prior to occupation of the site the developer is to provide a suitable trespass proof fence adjacent to the boundary with the railway; the fencing details to be submitted to the council and Network Rail for agreement.

**REASON:**

To protect the adjacent railway from unauthorised access

#### CONDITION 17

No above ground works shall commence in any phase unless and until full details of finished floor levels of all buildings and ground levels of all access roads, parking areas and footways have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

#### REASON:

To ensure the proper development of the site.

#### CONDITION 18

When carry out work as part of this development hereby permitted, in the event that contamination is found it shall be reported in writing immediately to the local planning authority. Each of the following subsections a) to c) shall then be subject to approval in writing by the local planning authority.

- a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.
- b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.
- c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

#### REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

#### CONDITION 19

Prior to commencement of works a noise assessment shall be undertaken by a suitably qualified person and be submitted in writing to and approved by the Local Planning Authority. It shall assess the existing and predicted noise levels that could adversely affect existing noise sensitive receptors and consider nearby commercial receptors. Regard shall be had to noise from vehicular movements, air handling and extraction plant, reversing alarms etc. Regard may be had to BS8233:2014 and BS4142:2014+A1: 2019 and the World Health Organisation (WHO) Guidelines for Community Noise. The report shall include recommendations for any necessary acoustic mitigation works, to protect the existing residents both inside their dwellings and their external amenity spaces, having regard to current guidance. Any recommended works shall be completed prior to operation of the development and shall be maintained thereafter.

#### REASON:

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

#### INFORMATIVE:

Condition number 8 requires works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works.

In terms of design guidance this is carried out in conjunction with the County Road Construction Strategy 2022 on our website as referred to on the opening page. Please see below link:  
<https://api.warwickshire.gov.uk/documents/WCCC-770-261>

The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall Post Room, Warwick, CV34 4SX or by email to:  
[s38admin@warwickshire.gov.uk](mailto:s38admin@warwickshire.gov.uk)

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP or by email to:  
[streetworks@warwickshire.gov.uk](mailto:streetworks@warwickshire.gov.uk)

For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

#### INFORMATIVE:

advisory note drawing the applicant's attention to the need for the development to comply with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at;  
[www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning](http://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning)

#### INFORMATIVE:

The Environmental Agency request that the following advice is passed on the applicant and/or attached to any planning permission that may be issued:

The Environmental Agency recommend that developers should:

Follow the risk management framework provided in government guidance LCRM, on gov.uk, when dealing with land affected by contamination.

Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, such as human health.

Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

Refer to the contaminated land pages on GOV.UK for more information.

We would like to refer the applicant/enquirer to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heat pumps

## Drainage

### INFORMATIVE:

To reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -

Monday – Friday                      7.30 a.m. – 6.00 p.m.

Saturday                                8.30 a.m. – 1.00 p.m.

**NO WORK ON SUNDAYS & BANK HOLIDAYS.**

If work at other times is required permission should be obtained from the local planning authority

### INFORMATIVE:

If the proposed development is to incorporate piling in the foundation detail, the developer is to consult with Rugby Council Commercial Regulation Team to obtain guidance. This will reduce the chance of enforcement action should an unsuitable method of piling be chosen which causes nuisance by way of noise and/or vibration. Continuous Flight Auger or other methods shall be prioritised for use over driven piling methods.

DRAFT

**Reference: R23/0174**

**Site Address: DUNCHURCH METHODIST CHURCH, CAWSTON LANE, DUNCHURCH, RUGBY, CV22 6QE**

**Description: Change of use from Church to a Montessori Nursery, including alteration of 1 no. south-west windows to doors. Creation of external activity area and associated parking and bin storage.**

**Web link: <https://planning.agileapplications.co.uk/rugby/application-details/37460>**

**Recommendation**

1. Planning application R23/0174 be approved subject to:
  - a. the conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

**1.0 Introduction**

1.1 This application is being reported to Planning Committee for determination because 15 or more letters of objection have been received. The application was presented to Rugby Borough Council Planning Committee on 16 August 2023. The application was deferred for additional information in relation to traffic management as shown below:

- 1) Details of the management of the staggered drop-off and pick-up times, and how this will operate;
- 2) Provision of dedicated drop-off and pick-up parking spaces;
- 3) Proposals to monitor the use of the parking spaces within the application site;
- 4) Proposals to monitor on-street parking in the vicinity of the application site;
- 5) Potential use of traffic restrictions e.g. Traffic Regulation Order, double yellow lines etc
- 6) Proposals to reduce the numbers of cars to the site (eg: car share, walking buses)
- 7) Other options for parking within the village e.g. Duncow Public House

1.2 The applicant has provided information as shown as Appendix One. This has been subject to consultation with the Local Highway Authority, parish council and local residents. At the time of writing this report no responses had been received to this consultation. The consultation closes on 7th and any responses received between the writing of this report and the date of the Committee will be reported to Committee. The information is considered further in section 8.

**2.0 Description of site**

2.1 The application site is a triangular piece of land, occupied by Dunchurch Methodist Church with associated access, car parking area and grassed area. Dunchurch Methodist Church was constructed in the mid 1930's and is a single storey, pitched roof building with brown facing brick facades and dark blue/grey slate roof covering.

2.2 The building is set back from Cawston Road, with a grassed area to the front and a tarmac-surfaced parking area to the south-east. To the front (south-west) and sides (north-west and south-east) of the building are residential properties. A public footpath (R169e) lies to the rear (north-east) of the site, beyond the footpath are residential properties.

2.3 The application site lies outside but adjacent to Dunchurch Conservation Area.

### **3.0 Description of proposals**

3.1 The application is for the change of use of the Methodist Church to a nursery, with an external activity area for the nursery children, and associated parking and turning area. The current pedestrian and vehicular accesses are to be retained. A 1.8m high bow-top dark green powder coat steel fencing and laurel hedge is proposed around the activity area, with a 600mm high timber knee rail at the site boundary. Between the bow-top fencing and knee rail fence the applicants propose a landscaping strip approx. 1.5m wide. Landscaping continues along Cawston Lane (with the exception of the vehicular and pedestrian access points) around the proposed car parking area, and for approx. 19m along the site boundary with the Public Right of Way.

3.2 It is proposed to change one of the four windows on the Cawston Lane (south-west elevation) to a door to allow access from classrooms to the external activity area. The three remaining windows are not to be altered. No other external alterations to the building are proposed.

3.3 Parking is proposed to the centre and south-east of the site, with 2 parking spaces for staff and 4 parking spaces for visitors. A bin collection point is proposed within the site boundary, adjacent to Cawston Road, with a bin store proposed on the north-west elevation.

3.4 The nursery will have approximately 45 children, aged from 6 months to 4 years. It will be operated by a maximum of 10 staff at any one time.

3.5 Internal works which do not require planning permission are also proposed. Changes include sub-dividing the chapel area into two nursery rooms, with part of the chapel also being used as a corridor to access other rooms. The former vestry is to be used as a children's toilet area and the entrance lobby is being sub-divided to include an admin office. As planning permission is not required for these internal works they cannot be considered as part of the application but are included here for the sake of completeness.

### **Planning History**

No relevant planning history.

### **Relevant Planning Policies**

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011-2031. The relevant policies are outlined below.

Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

GP3: Previously Developed Land and Conversions

HS3: Protection and Provision of Local Shops, Community Facilities and Services

NE1: Protecting Designated Biodiversity and Geodiversity Assets

SDC1: Sustainable Design

SDC2: Landscaping

SDC3: Protecting and Enhancing the Historic Environment

SDC4: Sustainable Buildings

D1: Transport

D2: Parking

Supplementary Planning Documents

RBC Climate Change and Sustainable Design and Construction SPD – January 2023.

National Design Guide 2019.

**Technical consultation responses**

The scheme has been subjected to a number of negotiations and re-consultations and this report deals with the most recent consultation responses from each technical consultee.

|  |   |
|--|---|
| Rugby Borough Council: Environmental Health          | - No objection subject to Conditions requiring a noise assessment and Air quality neutral/mitigation, and Informatives.     |
| Warwickshire County Council: Local Highway Authority | - Initial objection due to a lack of information. On receipt of additional information, no objection subject to conditions. |
| Warwickshire County Council: Public Rights of Way    | - No objection subject to conditions and informatives.  |
| Warwickshire County Council: Early Years Team        | - Support application as Rugby Borough has a shortage of early years provision.   |

**Third party comments**

Ward councillors were notified and no comments were received.

Dunchurch Parish Council – object to the proposal on the following grounds:

- Understand the Village Hall Trustees have not been approached by the applicants and are unaware of any potential arrangements for staff parking at the Village Hall.
- Potential for 40-45 cars dropping off & picking up children, the staggered drop off/pick up times are in peak times, therefore vehicular traffic in the area will significantly increase.

- Parents rarely walk their children to school, even if they live in Dunchurch. Unlikely that the parents/carers of children attending a Montessori Nursery would catch the bus.
- Cars already park on the side of the road, which make turning in and out of the Rugby Road/Cawston Lane junction a significant challenge and lead to traffic backing up everywhere. The turning circle into the proposed car park spaces looks extremely tight if vehicles are coming from Rugby Road and turning into the school and it would be impossible with queues of traffic already present.
- Issues need to be addressed prior to determination and perhaps re-configured, particularly in view the Homestead Link Road and the Nursery location 100 yards away from the busy A426/A45 junction.

Close proximity neighbours were notified and 29 objections were received from 24 households objecting to the proposal on the following grounds:

- Site is dangerously close to busy Rugby Road and Cawston Lane junction, which is unsafe. The increase in traffic will increase risk;
- Cawston Lane is not wide enough to accommodate bidirectional traffic and parked cars, could cause problems for delivery and emergency vehicles;
- Cawston Lane is already a dangerous and busy road, additional houses and other development being built in Dunchurch will add to this;
- Cawston Lane only has a pavement on one side of the road, there are no plans for signage, road markings or crossings in the application;
- Will lead to significant number of additional vehicles using the surrounding highway network and potentially queuing back onto the main road and along Cawston Lane;
- The application admits there was a parking problem on Sunday mornings, this development would dramatically increase the issue to at least 5 days a week;
- Adkinson Avenue is already used as a cut through, children walking to school have near misses, this will increase with this proposal;
- Will increase pressure on on-street parking in the vicinity of the site;
- A condition of this approval should be that Cawston Lane is widened and has permanent traffic calming measures added to it (e.g., speed cameras, or speed bumps);
- The supporting road system is simply not fit to support this proposal;
- Homestead Link Road will not reduce traffic as the application assumes; modelling prior to changes at Dunchurch crossroads predicted the improvements would reduce congestion, but this has not been the case
- Most parents will drive to the nursery school due to high proportion of older residents in Dunchurch and limited public transport;
- Insufficient parking on site for staff and parents dropping off/picking up children;
- Staggered drop off operated unsuccessfully at other local nursery, leading to traffic problems;
- No provision for off-road delivery parking;
- Proposal does comply with other regulations and advice e.g.: Highway Code, Workplace Health and Safety and Welfare Regulations No17 para 1; Royal Society for Prevention of Accidents advice and case law: not segregating vehicles/pedestrians in the entrance way would put children in danger and parking or stopping near a school entrance:
- Plot is too small for a nursery, outside play area is too small and close to queuing traffic pumping out noxious pollution; does not meet Ofsted requirements for free-flow play

- Noise from children playing would be a nuisance;
- Sufficient childcare exists in the area; empty properties in Rugby should be re-used first;
- Improving air quality in the area through traffic reduction and limited idling time during queuing must be the priority rather than adding to the problem;
- Would support re-use of the site. e.g: it could be converted into multiple social housing apartments for local people which is clearly needed.
- Fire/safety - Outside area is very small with no fire evacuation point. Evacuation point would have to be outside the fenced area and by a main road. This is unsuitable for small children.
- Proposed fencing will have a negative impact on the aesthetics of the area;
- Play area will lead to loss of green space and the application contains no information to show how it will lead to an increase in Biodiversity on the site.

One letter has been received from a resident who does not object to the building being used as a nursery but has concerns regarding:

- parking and traffic generated;
- hope that preference would be given to local children.

One has been received supporting the proposal on the following grounds:

- Provision of a full- time Nursery in Dunchurch is of huge value to this growing area;
- The additional traffic and parking is staggered over several hours and could add to local parking provision at weekends and holidays;
- The benefits significantly outweigh other considerations.

A letter has been received from the Methodist Church – East Mercia Circuit. Its contents are summarised below:

- Methodist worship has been celebrated here from the 1920's until 2020 when declining membership meant that continuing Methodist public worship was no longer possible;
- Baptist Church joined with Methodist worship in the Church in 2019. The Baptists worshiped in the Methodist building until their building was completed in Spring 2022;
- Church has a long association with children and young people, e.g. the Girls' Brigade, scouts, brownies, guides, a school of dance and at one time classes from the village school;
- Therefore considered that a sale to the nursery was a suitable continuation of engagement with the youth of Dunchurch, and with the opening of the new Baptist Church the facilities for public worship within Dunchurch were not compromised.

#### **4.0 Assessment of proposals**

4.1 The key issues to assess in the determination of this application are:

5. Principle of development
6. Protection of Community Facilities

7. Design and Visual Impact
8. Access and Highway
9. Impact on neighbouring properties
10. Biodiversity
11. Climate Change and Sustainable Design
12. Other matters

## 5.0 Principle of development

5.1 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.

5.2 This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.

5.3 Paragraph 11 of the NPPF states that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.

5.4 The Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing. The latest Authority Monitoring Report (AMR) 2021 - 2022, confirms this position. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.

5.5 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy. Policy GP3 relates to previously developed land and conversions. It states that the Council will support proposals where they comply with the policies in the local plan, with particular consideration being given to the visual impact on the surrounding landscape and properties; the impact on existing services if an intensification is found and the impact on any heritage assets.

5.6 Dunchurch is classed as a Main Rural Settlement where development will be permitted within the existing settlement boundaries. The application site is located within the settlement boundary of Dunchurch as defined in Policy GP2 and as such there is a principle in favour of sustainable development, subject to all planning matters, including those listed in Policy GP3 being appropriately addressed.

## 6. Protection of Community Facilities

6.1 Policy HS3 of the Rugby Local Plan states that proposals resulting in the loss of a community facility will not be permitted except where the applicant demonstrates that: alternative provision of equivalent or better quality, that is accessible to that local community, is available within the settlement or will be provided and made available prior to commencement of

redevelopment. It is acknowledged that a nursery could be considered to be a community facility, however it is not the same type of community facility as a Church may be (i.e. open to a wide range of community groups) and as such evidence showing how any community groups that used the Church have been accommodated elsewhere in Dunchurch is required.

6.2 The Design and Access Statement accompanying the application states that the building is vacant due to the completion of the newly built Baptist Church on Coventry Road in 2022 and that this new church 'provides much enhanced facilities for the church and organisations who previously used the Methodist church'. The applicant was asked to provide further details of the community use of the building and how these uses have been accommodated elsewhere in Dunchurch.

6.3 The applicant stated that Methodist worship in the building ceased in 2020 and that from 2020 until Spring 2022 the church was used by the Dunchurch Baptist's on a temporary basis until their new Church on Coventry Road was completed. Use of the building during this time was for worship only and no other community groups used the building. The applicant has also stated that before 2020 the church may have been used by other groups, but this they have no details of this. It is suggested that there may have been occasional use by other groups but that these uses have ceased or relocated elsewhere. In summary since 2020 the only essential community use of the building has been for worship, which is now accommodated in new Baptist Church in Dunchurch.

6.4 The Local Planning Authority has no reason to doubt this information. Objections to the application from Local Residents do not refer to the loss of a community facility, which suggests that the building has not been used as such for some time.

6.5 A nursery can be considered to be community facility, although not the same type of community facility as a Church may be. It should be noted that objectors have made comments that sufficient childcare exists in the area however WCC Early Years Team have stated that Rugby Borough has a shortage of early years provision, and as a result they support the proposal. The Education Service have confirmed that they would welcome the additional places this application would bring.

6.6 As a result, it is considered that the previous community use of the building has been accommodated elsewhere in Dunchurch and the proposal would result in the provision of additional childcare places which are needed within the Borough. The proposal is therefore in compliance with Policy HS3 of Rugby Local Plan.

## 7. Design and Visual Impact

7.1 Policy GP3 of Rugby Local Plan relates to previously developed land and conversions and states that the Council will support proposals where they comply with the policies in the local plan, with particular consideration being given to the visual impact on the surrounding landscape and properties; the impact on existing services if an intensification is found and the impact on any heritage assets. Policy SDC1 requires development to be of a high quality, inclusive and sustainable design. Policy SDC2 requires all development to have a high standard of hard and soft landscaping.

7.2 Section 12 and 16 of the NPPF and Policy SDC3: Protecting and Enhancing the Historic Environment of the Rugby Local Plan require well designed development which respects the historic environment. The application site is adjacent to Dunchurch Conservation Area and

several listed buildings, No's 65 - 68 and 80 – 81 The Heath and can be seen in the same view as the listed buildings and the Conservation Area when travelling along Cawston Lane. The proposal will therefore have an impact on the setting of the Conservation Area and several listed buildings.

7.3 It is proposed to change one of the four windows on the Cawston Lane (south-west elevation) to a door to allow access from classrooms to the external activity area. The three remaining windows are not to be altered. The proposed change is relatively small scale in the overall design and appearance of the elevation, and provided the detail of the new door is in keeping with the windows (pane pattern and size etc) is unlikely to have a significant adverse impact on the overall appearance of the building or the wider street scene and adjacent heritage assets. Subject to a condition (**Condition 3**) requiring details of the new door to be submitted to and approved by the Local Planning Authority this aspect of the proposal is considered to be in accordance with Policy GP3, SDC1 and SDC3 of Rugby Local Plan and the NPPF.

7.4 The application proposes that the currently grassed area to the front of the building will be used as an external activity area for the nursery children. The initial plans showed a 2.0m high timber external activity area with a polycarbonate roof, a 1.8m high round-top vertical palisade fence to the activity enclosure with climber/trailing plants on green wired framework, and a 600mm high timber knee rail at the site boundary. Between the palisade fencing and knee rail fence the application proposed a landscaping strip approx. 1.7m wide. 1.2m high galvanised steel entrance gates were proposed to visitor and staff parking areas.

7.5 It was considered that the combined impact of these additions to the area to the front of the building would have an adverse impact on the street scene and result in harm to the setting of the adjacent Conservation Area and Listed Buildings. Amendments to the proposal were sought.

7.6 Amended plans have been received removing the external activity area from the scheme. The 1.8m high palisade fencing has been removed and the application now proposes 1.8m high bow-top dark green powder coat steel fencing and laurel hedging. Staff parking has moved from the north-western boundary to the centre of the site, and the galvanised steel entrance gate replaced with a pedestrian gate to match the bow-top dark green fencing. No gate is proposed to the revised parking area. The 600mm high timber knee rail at the site boundary is still proposed. Between the bow-top fencing and knee rail fence is a landscaping strip approx. 1.5m wide.

7.7 The removal of the covered external play area and galvanised steel entrance gates will help to reduce the visual impact of the proposal on the street scene and setting of heritage assets. Bow top fencing is a typical type of fence seen around community buildings such as schools and the style is therefore considered to be acceptable. To reduce the visual impact of the fencing the Local Planning Authority requested it be no higher than 1m, however the applicant has stated that for safeguarding reasons the proposed fencing must be 1.8m high. Whilst a lower fence would have a more limited impact on the street scene it is considered that in this instance, due to the distance of the application site from heritage assets, child safeguarding issues outweigh concerns over the visual impact of the proposal. It should also be noted that the laurel hedging and landscaping strip will further soften the visual impact of this aspect of the proposal. Subject to a condition (**Condition 4**) requiring further details of the fence and pedestrian gate, this aspect of the proposal is now considered to be acceptable and in accordance with Policy GP3, SDC1 and SDC3 of Rugby Local Plan and the NPPF.

7.8 In addition to the approx. 1.5m strip of landscaping and laurel hedge to the external play area, landscaping is also proposed along Cawston Lane (with the exception of the vehicular and pedestrian access points) around the proposed car parking area, and for approx.19m on the application site boundary with the Public Right of Way. This landscaping will help to screen the parking area, leading to some betterment, as this area is currently hard surfaced, with no soft landscaping around it. The exact details of the proposed landscaping have not been submitted, and a condition is proposed to ensure that these details are acceptable to the Local Planning Authority. Subject to the imposition of this condition (Condition 5) it is considered that the landscaping details of the proposal are acceptable and in accordance with Policy SDC2 of the Rugby Local Plan.

7.9 Bins will be stored by the north-western elevation and screened from view by the existing boundary treatment.

7.10 Subject to the conditions detailed above relating to i) door details; ii) boundary treatment and iii) landscaping the proposal is considered to have an acceptable in terms of its design and visual impact, including the impact on heritage assets and thus is in accordance with Policy GP3, SDC1 SDC2 and SDC3 of the Rugby Local Plan and the relevant sections of the NPPF.

## 8. Access and Highway Safety

8.1 Section 9 of the NPPF and Policy D1 of Rugby Local Plan requires development to mitigate transport impacts and achieve safe access. Policy D2 of Rugby Local Plan requires development to have sufficient parking in accordance with Appendix 5 of the Local Plan.

8.2 WCC Local Highway Authority initially objected to the proposal due to insufficient information about visibility splays for the proposed new access to staff parking, this element has been removed from the proposal. They also objected to the proposal as it was unclear from the submitted information if the existing access was to be altered, the Local Highway Authority considered that the existing access was acceptable and alterations were not needed. A revised Site Plan confirmed that no changes were proposed to the existing access, however more details relating to visibility splays for that access were required. The Local Highway Authority also stated that gates at the access would not be supported and need to be set back a minimum of 5.5m from the highway boundary. A third site plan was submitted showing visibility splays and no gates at the access. Subject to conditions relating to i) gates and means of enclosure ii) the parking and turning area; and iii) provision of pedestrian and vehicular visibility splays (Conditions 6, 7 and 8) the Local Highway Authority now has no objection to the proposal.

8.3 Objections have been received to the lack of on-site parking, and space for delivery vehicles.

8.4 Initially the applicant proposed the use of Dunchurch Sportsfield and Village Hall parking area for staff parking, but this has now been removed from the proposal and the only off-road parking available is as shown on the Site Plan. The parking standards in the Local Plan require day nurseries to have 1 car parking space per full-time member of staff (with visitor parking being included in this allocation), 1 cycle stand/6 full time staff, with a minimum of 2 stands per establishment. The application proposes 12 full-time equivalent and 2 part time members of staff, as a result this proposal requires 12-13 car parking spaces.

8.5 The site plan shows 6 car parking spaces, one of which will be a disabled parking space, a shortfall of 6 – 7 spaces. It is clear therefore that the proposal does not meet the requirements

set out in Appendix 5 of the Local Plan. This is however an application for a change of use and the buildings existing use as a place of worship must be taken into account. This could be resumed without the need for planning permission and with no restrictions on the hours of use, the number of services or associated community uses etc.

8.6 To fully assess the impact of the shortfall of parking, a comparison of the parking required by the existing and proposed uses is required. To accord with Rugby Borough Council parking standards, the previous use required 1 space per 10 sqm or 1 space per 5 fixed seats, equating to 34 car parking spaces (based on floor area) or 20 car parking spaces, assuming 5 people could sit in each pew. The application form states that 4 spaces are currently provided on site and although these are not marked out in the parking area, 4 spaces appears to be a reasonable amount for the existing hardstanding. This is significantly below the car parking spaces that the Local Plan requires for uses of this type of use and could potentially lead to up to 30 cars parking on the street (based on floor area) or 16 (based on 5 people sitting in each pew).

8.6 The Local Plan requires the proposed use to have 13 car parking spaces on site, this is based on the number of 12 full time staff and assuming the 2 part time staff are the equivalent of one full time member of staff. The provision of 6 car parking spaces results in a short fall of 7 car parking spaces and the potential for all of these vehicles parking on the street. Whilst not ideal, this situation results in some betterment due to the reduction in the amount of on-street car parking potentially created by the proposed nursery (7 spaces) when compared to the number that may have been created by the church at up to 30. It is accepted that the church may have operated over fewer days than the nursery however as stated above the church use could resume at any time, with nothing to prevent services taking place several times a day, including at the weekend and bank holidays.

8.7 In addition to the above WCC Local Highway Authority have reviewed the TRICS database (Trip Rate Information Computer System), an industry standard tool for quantifying trip generation values of new developments the UK and Ireland. Based on this data the Local Highway Authority state that the proposed nursery could generate around 13 movements in the am and pm peaks. With 6 parking spaces provided this could result in around 7 vehicles parking on-street to pick-up/drop-off children, which is the same as the calculations in paragraph 8.6 above.

12.8 The nursery will be 8.00am to 6.00pm Monday – Friday only, it will not open at the weekends or on Bank Holidays. Nursery school sessions will be staggered, with drop-off times being between 8.00am – 9.45am and pick-up time between 3.15pm – 6.00pm. These timings will result in the number of people arriving/departing the nursery being spread over a period of time, which will help to limit the number of vehicle movements to and from the site at any given time. Comments that this staggered approach has not worked elsewhere are noted, however there is nothing to suggest that it will not work here.

8.9 Objections have been made about the traffic that will be generated by the proposed use, and the impact that this will have on the highway and highway safety on Cawston Lane, Adkinson Avenue, Rugby Road, queuing traffic at the junction of Cawston Lane and Rugby Road (A462) and the impact on the wider highway network. Objectors have also commented that the Homestead link road will not reduce traffic on Cawston Road as suggested in the Design and Access Statement accompanying the application.

8.10 The Local Highway Authority have been consulted and, subject to the conditions referred to in paragraph 8.2 have not raised any concerns about the impact of the proposal on the named

roads or the wider highway network. It is therefore unlikely that a refusal of planning permission on these grounds would be sustained at appeal.

8.11 Objectors have suggested that some form of mitigation be provided e.g. road widening, road markings, signage or crossing. Any requested for mitigation would need to be supported with evidence showing this was needed and that it would indeed mitigate the issues identified. The Local Highway Authority have not requested any such works, and the TRIC's data also suggests that the proposal will also result in some betterment, which would negate the need for mitigation. It is therefore considered that it would not be reasonable to require any mitigation to be carried out.

8.12 It is acknowledged that the proposed use will have some impact on the amount of traffic and traffic movements in the area. Section 9 (Promoting Sustainable Transport) of the NPPF is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is unlikely that the parking of approximately 7 additional vehicles (as identified by the parking requirements and TRICS data) on the street at drop-off/pick up times can be considered to have an unacceptable impact on highway safety, or classes as having a 'severe' impact on cumulative impacts on the road network. It should also be noted that subject to conditions the Local Highway Authority have no objection to the proposal.

8.13 This application was deferred from the 16 August Committee for the applicant to provide information relating to traffic management. The applicant has provided information as shown in Appendix One. This has been subject to consultation with the Local Highway Authority, parish council and local residents. At the time of writing this report no responses have been received to this consultation. Any responses received after the writing of this report will be reported to Committee.

8.14 The response provides information about the management of staggered drop-off and pick up times at the applicant's nursery at Vicarage Road in Rugby. The Vicarage Road nursery has a capacity of 47. The information states that due to a number of siblings and staff children attending the nursery, in addition to children being ill or on holiday the numbers of drop off and pick up required are less than the number of children that can be accommodated in the nursery. It is reasonable to assume that a similar situation will occur here, however this cannot be guaranteed. On the week of the 20th March the following daily drop and collection numbers were:

|           |    |
|-----------|----|
| Monday    | 30 |
| Tuesday   | 30 |
| Wednesday | 31 |
| Thursday  | 21 |
| Friday    | 30 |

8.15 The numbers show that in this week, the maximum possible numbers of cars of 47 was never reached. Drop off and pick up times for the Wednesday (as the busiest day) have also been provided. These are shown in detail in Appendix One, but to summarise the busiest 5 minute drop off period is between 08:05 and 08:10 when 5 drop-offs took place. The bulk of the drop-offs (23) took place between 8:00 and 8:20. Pick up's took place between 13:20 (1 pick up) and the

remaining between 16:00 and 18:00. The busiest 5 minute period was between 17:50 and 18:00 when 4 picks up took place. The majority of the pick ups (24) took place between 17:00 and 18:00.

8.16 The figures show that drop-offs and pick ups are spread out over a period of time, although there are some peaks. There is nothing to suggest that similar patterns will not be followed at the proposed nursery. The figures show that whilst there are occasions when there may be some on-street parking this will not be significant. It is unlikely that a refusal of planning permission on these grounds would be sustained at appeal.

8.17 The information provided also confirms that the Nursery will designate all six spaces within the car park to be drop off and pick up spaces and visitor parking only. **Condition 12** is proposed to ensure that the parking spaces will be clearly marked as drop off and pick up only etc. They confirm that the Nursery Secretary will monitor the drop off/pick up in the car park using CCTV to ensure the parking spaces are being used for this purpose as efficiently as possible. **Condition 13** will require the applicant to undertake this monitoring and make the information available to the Local Planning Authority if required.

8.18 The applicant also states that on-street parking will be monitored and parents requested and encouraged to be considerate and safe if parking off-site. The applicant states that parents and staff will be made aware of the bus stop on Rugby Road, and staff will be made aware of the cycle route which passes close by the nursery. The applicant also states that some children will arrive by means other than the private car. As on-street parking takes place outside the application site it is not possible for the Local Planning Authority to add a condition requiring the applicant to monitor parking, however an informative has been added recommending that the applicant do this and that parents be requested and encouraged to be considerate and safe if parking off-site. No suggestions on the promotion of car sharing or walking buses have been made.

8.19 The applicant has stated that the potential use of traffic restrictions is out of their control. Given that traffic is an issue for local residents and of concern to members it is unfortunate that the applicant has not engaged positively with the Local Highway Authority to investigate the potential for Traffic Regulation Orders but is not a reason to refuse the application.

8.20 The applicant has not given options for other parking within the village due to the requirements needed for this to be given weight in the planning balance e.g. assurances that the parking will be available for the lifetime of the use.

8.21 In light of the betterment provided in terms of parking, the additional information supplied and no objection from the Local Highway Authority, it is considered that the application, subject to the conditions detailed above, is acceptable in relation to the impact it will have on highway safety and that it accords with Policy D1 and D2 of the Local Plan and Section 9 of the NPPF.

## 9. Impact on neighbouring properties

9.1 Policy SDC1 of the Local Plan seeks to safeguard the living conditions of existing and future neighbouring occupiers. Section 12 of the National Planning Policy Framework states that planning should always seek a high standard of amenity for existing and future users of developments.

9.2 The main impact of this proposal on residential amenity is the external play area which is 1m from the boundary with No.2 Cawston Lane. The staff parking area shown on the original site

plan has been moved further away from the boundary, thus reducing the likely impact it may have on neighbouring properties.

9.3 Environmental Health have been consulted on the proposal. They comment that the weekday opening, with daytime hours will reduce the potential for the external play area to have an adverse impact into the evening and weekend, however there may be some potential for a play area to be noisy and require a condition necessitating a noise assessment to be carried out to assess the possible noise from the proposed play area and, if required, detail any mitigation measures that will be required. It is considered that this condition (Condition 9) is reasonable, and its addition to the decision is required to ensure the proposal is in accordance with Policy SDC1 of the Rugby Local Plan and Section 12 of the NPPF. As Environmental Health's assessment has been based on the opening hours detailed in the application (8.00am to 6.00pm Monday – Friday only) it is considered that it is reasonable to add a condition (Condition 10) limiting the opening hours of the nursery to those detailed.

9.4 Subject to the conditions detailed above it is considered that the application is acceptable in relation to the impact it will have on residential amenity and that it accords with Policy SDC1 and D2 of the Local Plan and Section 12 of the NPPF.

## 10. Biodiversity

10.1 Policy NE1 of the Rugby Local Plan and Section 15 of the NPPF requires all development to deliver a net gain in biodiversity.

10.2 WCC Ecology have been consulted and consider that the proposed landscaping could, if suitable species are used, lead to a net gain in biodiversity on the site. A condition (Condition 5) requiring the submission of a combined ecological and landscaping scheme is recommended to ensure that the potential biodiversity net gain is realised. It is therefore considered that subject to the requested condition, the proposal is acceptable and in accordance with Policy NE1 of the Rugby Local Plan.

## 11 Climate Change and Sustainable Design

The Council has declared a 'Climate Emergency' pledging to take local action to contribute to national carbon neutrality targets; including recognising steps to reduce its causes and make plans to respond to its effects at a local level.

11.1 Local Plan Policy SDC4 requires all non- residential development of over 1000sqm to aim to achieve as a minimum BREEM standard 'very good'. As the total area of the site is 837sq m this application falls below the size requirements set out in Policy SDC4. That said, the acceptable re-use of an existing building is considered to be more sustainable than the construction of a new building. It is therefore considered that the proposal complies with Policy SDC4 of the Rugby Local Plan.

## 12. Other

12.1 Public Right of Way R169e, runs along the north-eastern boundary of the application site. The view of the building facing the Public Right of Way will remain unchanged, and additional landscaping is proposed along at least part of the boundary with the Right of Way, thereby potentially improving users experience. WCC Rights of Way Team have no objection to the proposal subject to conditions and informatives. The proposed conditions and informatives have

been reviewed and it is considered that the requested conditions would be better placed as Informatives, as the issues are covered by highway and rights of way legislation. It is therefore considered that the proposal is acceptable.

12.2 Environmental Health have requested a condition requiring a scheme detailing on-site measures to be incorporated within the scheme to meet air quality neutral standards or to provide suitable mitigation in accordance with Policy HS5. The application site does fall within the Air Quality Management Area as defined by Policy HS5, but as it creates no new floor space, it falls below the threshold where mitigation is required. It is not possible therefore, to impose the condition requested by Environmental Health.

12.3 References have been made to other legislation such as the Highway Code, Workplace Health and Safety and Welfare Regulations, Fire Regulations and Ofsted. These comments are noted, however the planning regime cannot consider issues which are covered by other legislation.

### 13.0 Planning Balance and Conclusion

13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

13.2 Paragraph 10 of the NPPF states that sustainable development should be pursued in a positive way and that the NPPF contains a presumption in favour of sustainable development. The question as to whether a particular proposal constitutes sustainable development is not simply a matter of location. Paragraph 8 of the NPPF refers to three overarching objectives of sustainability which are interdependent. These are the economic, social and environmental objectives.

13.3 From an economic perspective, the proposed development represents investment in the Borough at a time of economic uncertainty. It would provide employment opportunities as part of the conversion works and in its ongoing use. The proposal would have a positive impact on the local economy.

13.4 In relation to the social objective the proposed change of use from a church to a nursery will not have a significant adverse impact on residents. The proposal has the potential to result in a betterment in relation to highway safety, due to the possible reduction in cars parking on the road. It does not result in the loss of a community facility and would create nursery places which are needed in the area.

13.5 In relation to the environmental objective the proposal will not have an adverse impact on biodiversity and will result in additional landscaping. Limited changes are made to the external appearance of the building, and this coupled with the proposed boundary treatment and landscaping means the proposal will not have an adverse impact on visual amenity. The acceptable re-use of an existing building is considered to be more sustainable than the construction of a new building.

13.6 The above are considered to be positive economic, social and environmental benefits that should be afforded weight in favour of the proposal. It is therefore concluded that the benefits of

the proposed development outweigh the factors against the proposals. The proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved.

**14.0 Recommendation**

1. Planning application R23/0174 be approved subject to:
  - a. the conditions and informatives set out in the draft decision notice appended to this report; and
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

via email 22.08.23

Christina Riley  
Principal Planning Officer  
Planning Services  
Rugby Borough Council

Dear Christina,

**RE: Conversion of Former Methodist Hall to a Montessori Nursery School, Cawston Lane, Dunchurch - Application Ref. R23/0174**

Following the Planning Committee Meeting on 16<sup>th</sup> August and your subsequent email dated 17<sup>th</sup> August requesting additional information on the operation of the Nursery, we respond as follows:-

**1. Details of the management of the staggered drop-off and pick-up times, and how this will operate;**

The opening hours of the Nursery are 8am to 6pm and there are no restrictions on parents in timing of drop offs and pick-ups - this helps to manage the flow of children coming to and from the nursery. **Nursery staff children also attend** (3 staff members at Rugby site currently) which reduces drop offs. There are also **siblings/Twins and at the moment we have 10 pairs of siblings** attending which reduces the drop offs further so for **20 children attending there are only 10 cars dropping off**, there is normally a certain level of **absent children** due to minor illness or holidays, as there is no statutory or contractual obligation to attend.

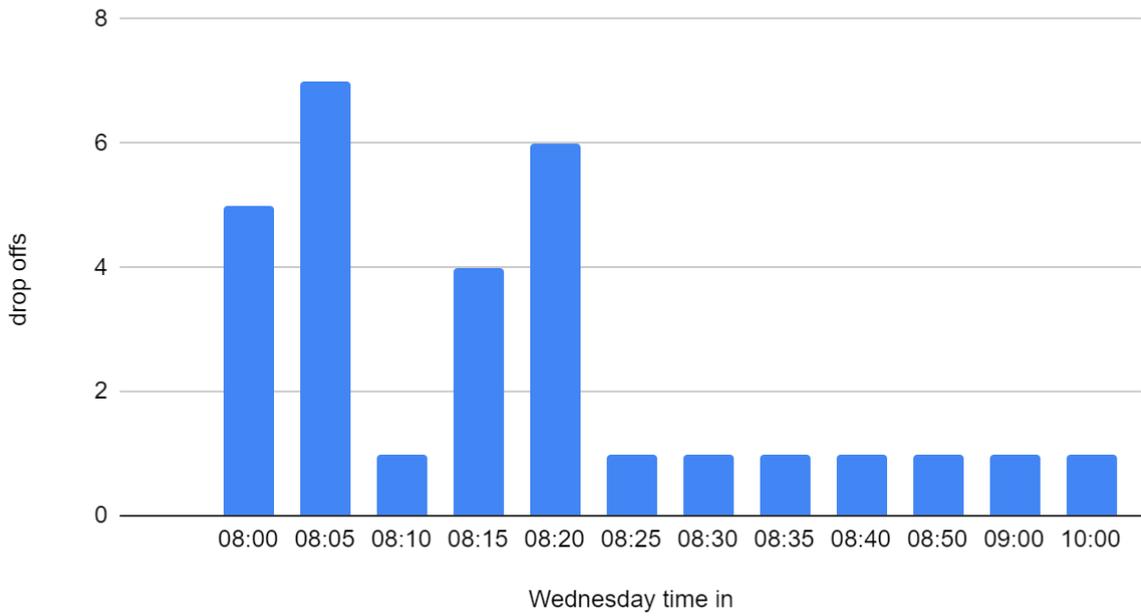
A survey of the drop off and pick up times in our nursery at Vicarage Road in Rugby during a randomly selected week commencing 20th March 2023 demonstrated the following:

The number of daily drop off and collections were:

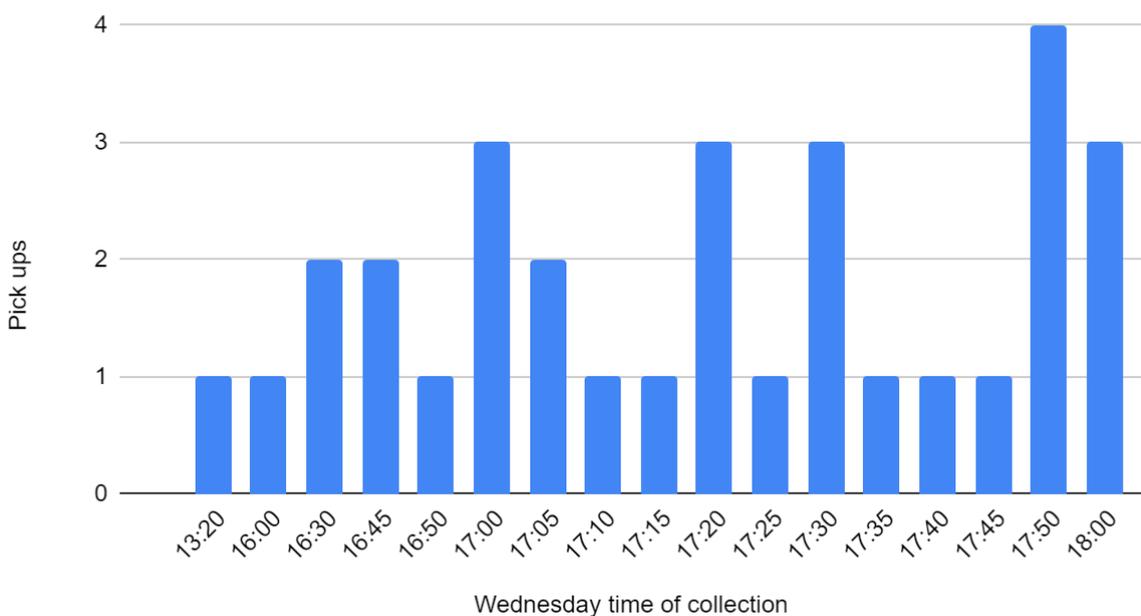
| Monday | Tuesday | Wednesday | Thursday | Friday |
|--------|---------|-----------|----------|--------|
| 30     | 30      | 31        | 21       | 30     |

The distribution of drop off and pick up for **Wednesday 22nd March**, the busiest day of the week, is shown in the charts below and is a typical daily pattern

drop offs vs Wednesday time in



Pick ups vs Wednesday time of collection



Although the Nursery at Vicarage Road has a capacity of 47 children allocated by Ofsted, the actual level of attendance will in practice, due to parental choice and the other factors mentioned above, be lower and actual daily movements will be lower still as demonstrated by the statistics.

There is therefore a considerable spread of drop off and pick up times as shown.

## **2. Provision of dedicated drop-off and pick-up parking spaces**

We will designate the spaces shown on the plans for drop offs and pick-ups and visitors parking only. This is what we do at Vicarage Road and it works very well.

## **3. Proposals to monitor the use of the parking spaces within the application site;**

The Nursery Secretary will monitor the drop off in the car park using CCTV to ensure the parking spaces are being used for this purpose as efficiently as possible.

## **4. Proposals to monitor on-street parking in the vicinity of the application site;**

The Nursery Secretary will monitor on-street parking in the vicinity of the application site and will request and encourage parents of children to be considerate and safe if parking off-site. This will also be stated in the Parents Handbook and can also be reinforced through Parents newsletters and correspondence.

## **5. Potential use of traffic restrictions e.g. Traffic Regulation Order, double yellow lines etc**

We are unable to comment on this as it is out of our control.

## **6. Proposals to reduce the numbers of cars to the site (eg: car share, walking buses)**

Parents and staff will be made aware of the close proximity of the bus stop on Rugby Road in the Prospectus and Parents Handbook. It is anticipated that some children attending the Nursery will arrive by walking, cycling or using the bus. Staff will also be made aware of the availability of buses and the cycle route which passes close by the Nursery in the Staff Handbook.

## **7. Other options for parking within the village e.g. Dun Cow Public House (please note that for these to be given weight in the process the information requested in relation to the proposed parking at the Village Hall would be required)**

We are unable to give options for parking within the village under the conditions required previously in relation to the Village Hall. After previous careful consideration as part of our assessment of the site we do not envisage staff parking as an issue due to existing public parking availability and initial indications of securing private parking if required. As pointed out by the RBC legal officer at the recent meeting we are not under any legal obligation to provide parking for our staff.

I trust that this information is satisfactory as conclusive evidence that the application should now be approved by the Planning Committee and as supported in your Committee Report.

Yours sincerely

Craig Beech – HB Architects

## DRAFT DECISION

**REFERENCE NO:**  
R23/0174

**DATE APPLICATION VALID:**  
10-Mar-2023

**APPLICANT:**

Simon Kember DUNCHURCH METHODIST CHURCH, CAWSTON LANE, DUNCHURCH, RUGBY, CV22 6QE

**AGENT:**

Craig Beech, HB Architects HB Architects, The Old Telephone Exchange, Albert Street, Rugby, CV21 2SA

**ADDRESS OF DEVELOPMENT:**

DUNCHURCH METHODIST CHURCH, CAWSTON LANE, DUNCHURCH, RUGBY, CV22 6QE

**APPLICATION DESCRIPTION:**

Change of use from Church to a Montessori Nursery, including alteration of 1 no. south-west windows to doors. Creation of external activity area and associated parking and bin storage.

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION 1:**

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

**REASON:**

To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

**CONDITION 2:**

The development shall be carried out in accordance with the plans and documents detailed below:

074-22-LOC\_Site Location Plan  
074-22-P02\_Rev D Proposed Site Plan  
074-22-P04\_Rev D Proposed Elevations

**REASON:**

For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

**CONDITION 3:**

Prior to first occupation full working drawings of the proposed new door shall be submitted to and approved in writing by the Local Planning Authority. These should be at a scale of not less than 1:20 and should specify the materials of construction, pattern of glazing, and cross-sections of the glazing bars and transoms of all windows. Development shall not be carried out other than in accordance with the approved details.

**REASON:**

In the interest of visual amenity in accordance with Policy GP3, Policy SDC1, SDC2 and SCD3 of the Rugby Borough Council Local Plan.

**CONDITION 4:**

Prior to first occupation details of all proposed fences and gates, including elevations, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

**REASON:**

In the interest of visual amenity in accordance with Policy GP3, Policy SDC1, SDC2 and SCD3 of the Rugby Borough Council Local Plan.

**CONDITION 5:**

Prior to first occupation a combined ecological and landscaping scheme shall be submitted and agreed by the Local Planning Authority. The scheme must include all aspects of; landscaping including details of any other habitat creation and an implementation schedule. The development shall be carried out and subsequently managed in accordance with the scheme (or any variation) so approved.

**REASON:**

In accordance with Policy NE1 and SDC2 of the Rugby Local Plan and ODPM Circular 2005.

**CONDITION 6:**

The development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes.

**REASON:**

In the interests of highway safety in accordance with Policy D2 of the Rugby Borough Local Plan.

**CONDITION 7:**

The development shall not be occupied until pedestrian visibility splays of at least 2.4 meters x 2.4 meters have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 meters in height above the level of the public highway footway.

**REASON:**

In the interests of highway safety in accordance with Policy D2 of the Rugby Borough Local Plan.

**CONDITION 8:**

The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

**REASON:**

In the interests of highway safety in accordance with Policy D2 of the Rugby Borough Local Plan.

**CONDITION 9:**

Prior to first occupation a noise assessment shall be undertaken by a suitably qualified person and be submitted in writing to and approved by the Local Planning Authority. It shall assess the existing and predicted noise levels that could adversely affect existing noise sensitive receptors and consider nearby commercial receptors. Regard shall be had to noise from the childrens play area at the front of the building Regard may be had to BS8233:2014 and BS4142:2014+A1: 2019 and the World Health Organisation (WHO) Guidelines for Community Noise and the ProPG: Planning & Noise guidance May 2017. The report shall include recommendations for any necessary acoustic mitigation works, to protect the existing residents both inside their dwellings and their external amenity spaces, having regard to current guidance. Any recommended works shall be completed prior to operation of the development and shall be maintained thereafter.

**REASON:**

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority in accordance with Policy SDC1 of the Rugby Borough Local Plan.

**CONDITION 10:**

The premises shall not be opened for business other than between the hours of 08:00 - 18:00 Monday to Friday and not at all on Sundays or Bank Holidays.

**REASON:**

To protect the amenity of nearby properties in accordance with Policy SDC1 of the Rugby Borough Council Local Plan.

**CONDITION 11:**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, no additional wall, fence, gate or other means of enclosure shall be erected, constructed or placed on or around the application site without the prior written permission of the Local Planning Authority.

**REASON:**

In the interest of visual amenity and highway safety in accordance with Policy GP3, Policy SDC1, SDC2, SCD3 and D2 of the Rugby Borough Council Local Plan..

**CONDITION 12:**

Prior to the development hereby approved being first brought into use, the car park shall be marked out such that all pick up and drop off parking spaces and visitor spaces are clearly identified and recognisable.

**REASON:**

In the interests of highway safety in accordance with Policy D2 of the Rugby Borough Local Plan.

**CONDITION: 13**

The applicant is required to keep a logbook monitoring the use of the parking spaces within the site including entry and departure time. This logbook must be made available to the Local Planning Authority for inspection upon request.

**REASON:**

In the interest of amenity in accordance with Policy SDC1 of the Rugby Borough Local Plan.

This planning permission is subject to pre-occupation conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before first occupation may lawfully commence. Any development commenced in breach of these pre-commencement conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

**INFORMATIVE 1:**

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -

Monday - Friday - 7.30 a.m. - 18.00 p.m.,

Saturday - 8.30 a.m. - 13.00 p.m.

No work on Sundays & Bank Holidays.

**INFORMATIVE 2:**

The grant of planning permission does not preclude action begin administered by Rugby Borough Council or a third party by way of relevant legislation, Attention is drawn to the workplace ( Health, safety and welfare) regulations which require at least 2 toilets for 10 members of staff.

**INFORMATIVE 3:**

Prior to any demolition, redevelopment or refurbishment works taking place an appropriate Asbestos Survey should be undertaken by an asbestos licensed/authorised company/person and any recommendations implemented. For pre-demolition assessment the asbestos survey is fully intrusive and will involve a destructive inspection, as necessary, to gain access to all areas. Where presence of asbestos is suspected the Health and Safety Executive (HSE) and Environment Agency must be notified and special waste regulations complied with; asbestos removal activities fall under the remit of the HSE.

**INFORMATIVE 4:**

Please note the following in relation to the adjacent Public Right of Way R169e: -

- No site security fencing may be erected on or within 1m of public footpath R169e (unless closed by legal order).
- Prior to commencement of any works involving disturbance of the surface of public footpath R169e the developer must contact Warwickshire County Council's Rights of Way team as Highway Authority to obtain any necessary consents and make any necessary arrangements for the protection of the public footpath and its users.
- The applicant must carry out remedial works to make good any damage or address any flooding on the surface of public footpath R169e caused by the development and any remedial works must be completed to the satisfaction of the Highway Authority prior to completion of the development.

- Public footpath R169e must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.
- Any disturbance or alteration to the surface of public footpath R169e requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.

#### INFORMATIVE 5:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and roosts are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000, and The Conservation of Habitat and Species Regulations 2017 (as amended). It is a criminal offence to disturb, obstruct or destroy a bat roost, even if the roost is only occasionally used. Where a bat roost is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

#### INFORMATIVE 6:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

#### INFORMATIVE 7:

The applicant is advised to monitor on street parking associated with the development. The applicant is further advised to include information on considerate and safe off site parking in the Parents Handbook.

#### INFORMATIVE 8:

The log book required under Condition 13 should record arrival and departure time of the car, where the car is parked and the car registration.