

24<sup>th</sup> March 2014

## **PLANNING COMMITTEE - 2<sup>ND</sup> APRIL 2014**

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 2<sup>nd</sup> April 2014 in the Council Chamber, Town Hall, Rugby.

Andrew Gabbitas  
Executive Director

***Note: Members are reminded that, when declaring interests, they should declare the existence and nature of their interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest, the Member must withdraw from the room unless one of the exceptions applies.***

***Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.***

## **A G E N D A**

### **PART 1 – PUBLIC BUSINESS**

1. Minutes.  
To confirm the minutes of the meeting held on 12<sup>th</sup> March 2014.
2. Apologies.  
To receive apologies for absence from the meeting.
3. Declarations of Interest.  
To receive declarations of –
  - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
  - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications - no advance notice of site visits has been received.
6. Delegated Decisions – 31<sup>st</sup> January 2014 – 20<sup>th</sup> February 2014.
7. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972

To consider passing the following resolution: -

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of information defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act and that in all of the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

## **PART 2 – EXEMPT INFORMATION**

1. Enforcement.

***Any additional papers for this meeting can be accessed via the website.***

The Reports of Officers (Ref. PLN 2013/14 – 17) are attached.

### **Membership of the Committee:-**

Councillors Ms Robbins (Chairman), Mrs Avis, Butlin, Cranham, G Francis, M Francis, Mrs New, Pacey-Day, Sandison, Srivastava, Helen Walton and M Walton.

***If you have any general queries with regard to this agenda please contact Claire Waleczek, Senior Democratic and Scrutiny Services Officer (01788 533524 or e-mail [claire.waleczek@rugby.gov.uk](mailto:claire.waleczek@rugby.gov.uk)). Any specific queries concerning reports should be directed to the listed contact officer.***

*If you wish to attend the meeting and have any special requirements for access please contact the Democratic and Scrutiny Services Officer named above.*

*The Council operates a public speaking procedure at Planning Committee. Details of the procedure, including how to register to speak, can be found on the Council's website ([www.rugby.gov.uk/speakingatplanning](http://www.rugby.gov.uk/speakingatplanning)).*

**Planning Committee – 2<sup>nd</sup> April 2014**  
**Report of the Head of Planning and Culture**  
**Applications for Consideration**

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

- Applications recommended for refusal with the reason(s) for refusal (pink pages)
- Applications recommended for approval with suggested conditions (yellow pages)

**Recommendation**

The applications be considered and determined.

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## APPLICATIONS FOR CONSIDERATION – INDEX

### Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R13/2084	American Amusements, Unit 7, Junction One Retail and Leisure Park, Rugby Change of use from Leisure (Use Class D2) to Retail (Use Class A1) and associated external alterations.	4
2	R14/0250	Land adjacent to 2 Colledge Close, Brinklow Erection of 1 bedroom dwelling (re-submission of R13/1673).	13
3	R14/0288	Rugby Town Junior Football Club, Kilsby Lane, Rugby Use of land for purposes not associated with the use of football pitches by Rugby Town Junior FC, to include the use for the holding of car boots for 14 days per calendar year, and the use for outdoor sports not in connection with Rugby Town Junior FC for 14 days per calendar year.	17

### Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
4	R14/0108	Rugby Town Junior Football Club, Kilsby Lane, Rugby Installation of an all-weather sports pitch and provision of floodlights and mesh fencing, together with the creation of two grass pitches with associated ground works.	25
5	R14/0109	Rugby Town Junior Football Club, Kilsby Lane, Rugby Installation of 3 no. all weather sports pitches and provision of floodlights (removal of conditions 6 & 7 of planning permission R09/0799/PLN dated 04/01/2010 as amended by planning permission R11/0535 dated 13/05/2011 to allow the facility to be used by all age groups and members of the general public not associated with the club or nominated members/groups as outlined within condition 6).	33
6	R14/0275	Bilton High School, Lawford Lane, Rugby, CV22 7JT Variation of condition 2 of R13/0236 (Construction of new sports hall and sports hall facilities building, parking facilities and associated works) to make amendments to siting and design of approved sports hall and facilities building.	40

7	R13/1547	Impact Dance, Mill Road, Rugby Retrospective permission for the change of use of part of building from a warehouse (Use Class B8) to a dance studio, fitness studio, hairdressers and beauticians with 2 associated offices and WCs (sui generis).	50
8	R13/0951	Former Citroen Garage, Victoria House, 50 Albert Street, Rugby Demolition of existing buildings and erection of 9 one-bed flats, 6 2-bed flats and 10 2-bed houses with access, parking and associated works.	54
9	R13/2074	Land at Junction One Retail Park, Leicester Road, Rugby The erection of a terrace of 5 units providing 5,670sqm non-food Class A1 retail floor space together with car parking, landscaping and associated works.	67
10	R13/1612	Land North of Technology Drive, Technology Drive, Rugby Outline planning application with means of access for consideration (all other matters reserved for subsequent approval) for up to 9,964sq.m (gross internal area) including mezzanines of non-food, bulky goods retail with associated car parking, service areas and landscaping.	83
11	R14/0183	10 Staverton Leys, Rugby Proposed first floor extension and infill extension to the ground floor.	103
12	R14/0314	35 Church Road, Shilton Change of use of church meeting rooms to a residential dwelling.	108
13	R14/0260	Greenbanks Caravan Park, Oxford Road, Ryton on Dunsmore, CV8 3JY Variation of Condition 1 of application 772 from temporary to permanent planning permission for applicant and family to use of land as a gypsy site for the siting of two static caravans and two touring caravans and associated ancillary development.	113

**Reference number: R13/2084**

**Site address: American Amusements, Unit 7, Junction One Retail and Leisure Park, Rugby**

**Description: Change of use from Leisure (Use Class D2) to Retail (Use Class A1) and associated external alterations**

**Case Officer Name & Number: Owain Williams – 01788 533789**

This application has been brought to committee due to its status as a major application and due to the significant community interest

### **Site Description**

Junction One Retail Park is an established out of centre shopping destination located off the Leicester Road approximately half a mile to the north of Rugby town centre.

The existing retail and leisure park comprises 14 A1 and A3 units (currently occupied by Laura Ashley, Carphone Warehouse, Dreams, Maplin, Currys, The Range, Sports Direct, Boots, O2, McDonalds, KFC, Frankie and Benny's and Subway), 3 leisure units (currently occupied by Virgin Active, American Amusements and Cineworld) and 896 car parking spaces.

The River Avon bounds the retail and leisure park to the north and east and beyond the river to the north is a large Tesco Supermarket and Elliott's Field Retail Park both which are accessed from the roundabout on the Leicester Road. The Leicester Road connects Rugby town centre and Junction 1 of the M6 motorway and is situated directly to the east of the site.

The land to the west and south of the site comprises a large development site in the ownership of St Modwens which has been allocated as residential and employment land to which phases have already been complete and are currently under construction

Unit 7 is located in the corner of the retail park adjoined either side by the Cinema and Virgin Active.

### **Proposal Description**

The proposals seek the change of use of an existing bowling alley to an open A1 non-food retail unit for occupation by Matalan. The proposals will also include alterations to the elevations of the building. The proposed change of use will include the introduction of a mezzanine to the retail unit however this is dealt with through the application ref R13/2214.

There will be some alterations to the elevations of the unit however this will consist mainly to the side and rear with the introduction of new doors and windows. There will no alterations to the façade of the building expect the obvious change of the signage.

### **Relevant Planning History**

R94/0718/19723/OP – Use of land for the erection of buildings to be used for A1 (non-food) retail, B1 business, A3 to be used as a hot food takeaway, a car showroom and for leisure purposes – Approved 7<sup>th</sup> November 1994

R01/0881/19723/P – Erection of 2 retail units and use for purposes within Class A1 – non-food retail of the Town and Country Planning (Use Class) Order 1987 – Approved 7<sup>th</sup> March 2002

R02/0738/19723/P – Erection of an additional non-food unit – Approved 2<sup>nd</sup> October 2002



E2E 691 – Erection of A1 Retail Unit, Car Park alterations and associated works – Approved 26<sup>th</sup> January 2010

E2E 125 – Erection of three flexible-use A3/A5 units (restaurants and cafes/hot food takeaways), car parking alterations and associated works – Refused 29<sup>th</sup> January 2010 but allowed at Appeal on the 20<sup>th</sup> September 2010

R12/0820 - Change of use from Class A3/A5 use to a Flexible Class A1/A3 and A5 use – Approved on 4<sup>th</sup> July 2012

### **Technical Consultation Responses**

Environmental Protection – No objections

WCC Highways – No objections

Rugby Bid – Object

- The unit will be open A1 which means it would compete directly with the Town Centre for comparison goods
- Both central government and Rugby Borough Council have a policy of Town Centre First
- This could be easily be accommodated within the CBRE development
- Would there be sufficient car parking capacity to accommodate all these extra units

Stagecoach – Object

- The site is not directly or conveniently able to be served by existing or credibly sustainable future bus services, being much more distant from existing bus stops.
- Do not accept that walking routes from Tesco stop or Technology Drive stops would allow convenient access to proposal.
- Would not want to divert any bus service around the Junction One Retail and Leisure Park, as to do so would add considerably to journey time and reduce the efficiency, attractiveness and utility of current and future services.

### **Third Party Responses**

Local Residents – Objection

- There are very few other leisure facilities in Rugby
- The bowling centre offers a vital service to many people on a regular basis as well as to many others on a more casual basis
- There are regular bowling leagues and regional competitions which use the centre bringing people from outside the town into the town.
- There are also many youth groups and children's parties which use the facilities
- The proposal would be have significant detriment to Rugby, how does this proposal fit in with the commitment to the 2012 Olympic legacy and sport for all?
- Have centred our league at Rugby for the last 4 seasons having originally been based in Coventry and Nuneaton and have currently 17 members
- Ten pin bowling is an activity openly accessible to all children and meets the needs of a significant clientele with varying disabilities and nearly half of the YBC league members are specifically on the autistic spectrum.
- J1 is a retail and leisure park by increasing the retail elements and withdrawing the leisure elements the balance between retail and leisure is one sided.
- This will not serve the diverse needs of the local residents, nor will it attract customers from other localities.

- Loss of a facility that has been a source of vital support for many families with children who cannot access other sports activities due to their very different and diverse needs.
- There is a structured league programme at Rugby Superbowl and the bowl's closure will affect hundreds of local residents
- Given the units proximity to the local cinema, it makes a strong hub of the area of the Retail Park for those not wishing to travel to do both.
- The Rugby Bowl over the last year played host to several national tournaments and this brought a lot of people into Rugby who filled the local hotels and boosted sales at restaurants and shops. It is also earmarked to be the future home of the English Open – a prestigious and flagship event run by the British Tenpin Bowling Association.
- The loss of the bowling alley will have a negative impact on the local population and also impact the other sites on the retail park that will lose trade that comes their way from the visitors to the bowling alley.
- If this closes the closest bowling hall would be Coventry or Leamington and this is too far to travel especially for elderly groups.
- The proposal will undermine adopted Local Plan Policy and is contrary to the 'town centre first' approach to retail development.
- The cumulative impact of the proposed scheme alongside the others recently granted planning permission would have a significant negative impact on Rugby Town Centre, jeopardising the vitality and viability of the centre.
- The proposal would have on going negative effects on investment in Rugby Town Centre
- An impact assessment as required by the Framework has not been satisfied
- The proposal does not satisfy the requirements of the sequential test.

## **Relevant Planning Policies and Guidance**

### Core Strategy

CS1 – Development Strategy	Conflicts
CS6 – Development in Rugby Town Centre	For Information
CS7 – Retail Frontages	For Information
CS8 – Town Centre Retail Allocations	For Information
CS11 – Transport and New Developments	Complies
CS13 – Local Services and Community Facilities	Complies
CS16 – Sustainable Design	Complies

### Saved Local Plan Policies

T5 – Parking Facilities	Complies
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### Supplementary Planning Documents

Planning Obligations SPD	Complies
Sustainable Design and Construction SPD	Complies

## National Policy

National Planning Policy Framework (NPPF)

Conflicts

### **Assessment of Proposals**

The determining issues to take into account in this case would be the principle of the change of use from D2 to A1 in this out of town location including the impact upon the vitality and viability of the town centre, the impact upon the character and appearance of the building and surrounding area and the impact upon the highway network.

### The Principle of Development

The converted bowling alley to a new retail unit is located on an existing retail park outside of the town centre. Policy CS1, Development Strategy, of the Rugby Borough Core Strategy 2011 defines the settlement hierarchy for the Borough with Rugby Town centre stated as the preferable location for facilities and services. Paragraph 2.4.1 of the supporting text to Policy CS1 states: "Proposals for new services and facilities that aim to serve more than a local community of neighbourhood must demonstrate that they cannot be located within or on the edge of the town centre before alternative locations will be considered." This has introduced the basic concept of the sequential test for such development as proposed. Beyond this, however, the core strategy has nothing to say about the sequential approach or about the assessment of the likely impacts of proposed out of centre development on the economic health of the town centre. Therefore it is necessary at this point to refer to the content of the NPPF and newly released National Planning Policy Guidance when considering this application.

There are many parts of the NPPF that are relevant to the deciding of this planning application. Of most significance are the sections that relate to ensuring the vitality and viability of town centres.

Paragraph 23 of the NPPF states the need for planning policies to be positive and promote competitive town centre environments. It also sets out policies for the management and growth of centres over the Plan period and states the importance of meeting retail need in full without being compromised by limited site availability.

Paragraph 24 requires a sequential impact assessment for proposals that are not located in a town centre and not in accordance with an up to date development plan. The overall principles of the sequential impact assessment have continued from the previous Planning Policy Statement 4; this includes the need for both applicants and developers to demonstrate a flexible approach.

Paragraph 26 specifies the circumstances in which an impact assessment must be submitted. Applications for retail, leisure and office development outside of town centres which are not in accordance with an up to date development plan must be supported by an impact assessment where the development is over a default threshold of 2,500 sqm (this is in the absence of a locally set threshold). This should include the assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made – for major schemes where the full impact will not be realised in five years, the impact should be assessed up to ten years from the time the application is made.

Paragraph 27 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

These proposals are clearly above this threshold and both a sequential and impact assessment are therefore required to support the application.

Whilst policies ensuring the vitality of town centres are the most relevant to this application there are other parts of the NPPF that must also be considered. Paragraphs 6 and 7 emphasise the Government's commitment to sustainable development by stating that the achievement of this is the purpose of the planning system. The three stated dimensions of sustainable development are economic, social and environmental. The building of a strong and competitive economy is also an important part of the NPPF. Paragraph 19 states that planning should act to encourage growth and not act as an impediment. Significant weight should therefore be attributed to the need to support economic growth in the planning system when deciding planning applications. Paragraph 70 also states "...decisions should ensure that shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community".

The National Planning Practice Guidance (NPPG) sets out further guidance on the sequential test, providing a checklist for how the sequential approach should be considered in plan making and how the sequential test should be used in decision taking.

### Sequential Assessment

The checklist within the NPPG provides two considerations in determining whether a proposal complies with the sequential test. The first consideration is with due regard to the requirement to demonstrate flexibility and consider the suitability of more central sites to accommodate the proposal. Where the proposal is located in an out of centre location, preference should be given to accessible sites that are well connected to the town centre. The second is to consider the scope for flexibility in the format and/or scale of the proposal. The guidance states that it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed but rather to consider what contributions more central sites are able to make individually to accommodate the proposal. Should there be no suitable sequentially preferable locations then the sequential test is passed.

The guidance also sets out that locational requirements can be considered in the sequential test, with certain main town centre uses having particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case.

The applicant's sequential test assessed 10 sites in terms of the availability, suitability and viability making reference to the Planning for Town centres Practice guidance on need, impact and the sequential approach 2009 which has subsequently been cancelled following the publication of the NPPG. It should be noted that the NPPG states that viability of a site should be considered in the plan making process whilst in the decision making section it states that local planning authorities need to be realistic and flexible in terms of their expectations of promoting new development on town centre locations which can be more expensive and complicated than building elsewhere.

The applicant has stated that there is no suitable available site to meet the immediate need of the retailer. The applicant specifically dismissed the Evreux Way site as being not available, suitable or viable within a reasonable period of time. The site which is allocated through Core Strategy policy CS8 has outline permission for a 5,667sqm anchor store, 6,949sqm floorspace for additional retail units and a 6 screen cinema (circa 2,611 GIA) and

4,171sqm of office space. The sizes of the units are flexible with the permission being with all matters reserved.

The applicant states that the timescale are not reasonable for any retailer with an immediate need to wait for to fulfil their requirement. The applicant also states that the proposal is in accordance with NPPF paragraph 23 by helping the authority meet its full retail need.

Core Strategy policy CS8 sets out that the comparison need for Rugby Town centre as being 20,100 sqm with two allocations being made to meet the need. The applicant highlights that there is capacity for additional comparison goods floorspace as demonstrated by the Rugby Borough Council Retail and Leisure Study (RBCRLS), whilst acknowledging that the study is 6 years old. The applicant also highlights that the NEMS household survey identifies that there is a significant leakage of expenditure and therefore there is an urgent need to claw back the expenditure.

Paragraph 6.57 of the RBCRLS identifies that the level of comparison floorspace need for Rugby Town centre as being 492 m2 net by 2014, 9,233 m2 net by 2020; and 20,100 m2 net by 2026. Whilst the RBCRLS is over 6 years old its content still holds weight particularly in terms of the urgency of need. The level of need identified within policy CS8 was based on a larger study area thus having a greater available expenditure. It should also be noted that when comparing the applicant's catchment area (agreed with by officers) with the corresponding areas within the RBCRLS the population figures are higher however the total available expenditure at 2018 is lower by £59.36m. The RBCRLS higher available expenditure figures can be explained as the study was undertaken prior to the recession.

The permissions at the Evreux Way site and Elliott's Field Retail Park (EFRP) go beyond the identified need within the Core strategy. The EFRP scheme which will provide 14,035m2 comparison goods floorspace is anticipated to be trading by 2015 it was approved to help address the current level of expenditure leakage and help attract new retailers that are currently not trading within the Town. Therefore the EFRP scheme will help meet the short-medium term need. It is therefore considered that the Evreux Way site is suitable with being capable of accommodating the proposal and available within an appropriate timeframe helping to meet the authority's full retail need as required by NPPF paragraph 23.

### Impact Assessment

The applicant has also undertaken an impacts test in accordance with NPPF Paragraph 26, which is explained above.

With regard to the proposed scheme impact on planned investment within the town centre the applicant states that Evreux Way would not come forward within a reasonable timeframe to provide suitable premises for the development in the required timeframe. The applicant states that it is unlikely that the Evreux Way scheme will provide a large format unit and in the absence of permitted scheme, they do not consider that the proposal will divert any investment from the site therefore the town centre will not suffer any significant adverse impact. Since the applicant submitted its proposal the Evreux Way site now benefits from a planning permission, the applicant has not commented upon the impact of its proposal on the investor confidence of the Evreux Way site.

The applicants impact assessment was undertaken with the assumption that EFRP has been redeveloped, which would result in retailers currently trading there being displaced forcing Rugby shoppers to visit other towns and retail parks to access the shops they have been used to. The assessment at paragraph 2.35 states that "by accommodating these retailers, the proposal will divert shoppers from these other destinations to JORLP. Thus, the bulk of the proposal's turnover (56% or £2.06m) will be derived from this 'clawed back' expenditure. The remainder will be drawn from competition with the existing retailers at

JORLP (2% or £0.07m), EFRP (30% or £1.11m) and from pass-by trade originating from outside the study area (10% or £0.69m). ” The applicant continues to state that the assessment was undertaken on a like for like basis and as the Town centre offer goes beyond retail it will not be affected as much as retail park who's offer is large format retailers that cannot be located in the town centre.

The assessment therefore implies that all of the existing retailers at EFRP will not be trading within Rugby or will be accommodated at JORLP. This is strictly not correct as Next and TK Max will be remaining at EFRP with only Brantano and Carpet Right being accommodated at JORLP. It is also understood that three remaining retailers at EFRP will be accommodated at Land North at Technology Drive. The claw back trade draw assumption is therefore overstated. With regard to the like for like assumptions applied within the assessment, NPPG states that it may not be appropriate to compare the impact of an out of centre DIY store with small scale town centre store as they would normally not compete directly. Whilst Matalan are being accommodated in a large unit, it will still compete with a number of retailers with its range of goods being to retailers within the Town centre such as Marks and Spencers, Burtons, Peacocks and Monsoon. These discrepancies within the applicant's impact assessment casts doubt over the level of expenditure which will be drawn from the town centre to the proposal (1%) and its impact on the centre (less than 1%) with the figures likely to be understated.

With regard to the proposals impact on the town centre's vitality and viability the applicant has stated that the proposal will benefit Rugby by helping stem the flow of expenditure out of the Borough. Advice received by Deloitte for the EFRP planning application highlighted that the health of the centre to be at a tipping point, driven by the closure of stores and the declining quality in the overall comparison offer, particularly in the fashion sector. Deloitte expressed concern regarding the ability to withstand a further decrease in market share as a result of improved out of centre provision such as that proposed at EFRP. With this advice in mind it was still considered appropriate to approve the EFRP scheme with the benefits amongst others being the retention of leaked expenditure and the scheme introducing a large department store with the likelihood of further new retailers being attracted to the town. It was envisaged that new retailers such as Matalan would be accommodated at EFRP taking into consideration this is the only open A1 comparison good out of town retail park, (JORLP being a bulky good and leisure park) and not to allow for further out of centre comparison retail floorspace to be approved to the detriment of the town centre by decreasing its market share. It is important to note that the approved EFRP scheme comparison floorspace (29,675sqm) is similar to that of the Town Centre comparison floorspace (32,470sqm). Furthermore there are other retail applications out of centre locations under consideration beyond this proposal which would increase the out of centre floorspace provision beyond that of the total town centre floorspace for all uses which is 61,621 sqm. The other applications submitted were as a result of existing bulky good retailers and Brantano being displaced from the EFRP scheme thus enabling the retailers to remain trading in Rugby. The cumulative effect of these proposals would result in out of town locations having a greater retail offer than that of town centre.

In conclusion it is acknowledged that the proposal would allow for a new retailer to be present within Rugby which would increase consumer choice however it is considered that there is a suitable and available site to accommodate the proposal within the town centre. The approval of additional comparison floorspace in an out of centre location would result in a significant adverse impact by further reducing the market share of the town centre and effecting investor confidence of the Evreux Way site which would make a significant contribution to the town centre when developed. The proposal therefore fails to satisfy the sequential test and will result in a significant adverse impact on the town centre therefore as stated in paragraph 27 of the NPPF the application should be refused.

### Other policy considerations - Principle of Change of Use

The NPPF refers to the role of the planning system in providing strong communities with accessible local facilities. This goes on to state that authorities should promote the retention of local services and community facilities and that local authorities should guard against the unnecessary loss of valued facilities and services particularly if this would reduce the communities ability to meet day to day needs.

Policy CS13 also refers to local services and community facilities and states these should be retained unless it can be demonstrated that:

- there is no realistic prospect of the existing use continuing,
- the site has been actively marketed of a similar or alternative type of community use, and
- the service can be provided in a different manner or on a different site in the area
- 

Both of the above policies look for retention of local services and community services which in the spirit of the policies is guided towards the facilities that form the hub of a community i.e. a public house, a social club, a sports club, or local superstore etc. that meet the day to day needs of that community/local area. The bowling alley is large commercial outfit on a retail park that has a larger catchment area and does not meet the day to day needs so this should not be accounted for as a local service or community facility and assessed against these policies.

However if you were to consider the bowling alley as a local service or community facility the change of use to a retail unit would not conflict with policy CS13 as a shop is also noted as a local service and as they would be of the same large scale it would be a straight swap which further highlights the fact that the bowling alley and retail unit would not be classed as a community facility or local service for the purposes of policy CS13.

### Character and Appearance

As set out in the NPPF, the Government attaches great importance to the design of the built environment. One of the core planning principles within paragraph 17 states that planning should “always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings”. Paragraph 56 of the NPPF indicates that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to make places better for people.

The emphasis put on good design by the Framework has been highlighted and picked up on within the Core Strategy 2011. Policy CS16, Sustainable Design, states that “all development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated”.

The proposed change of use will result in little or no change to the front elevation therefore not impacting upon its appearance with the overall aspect of the retail park. There will be small alterations in respect of the elevations and rear elevations with some windows removed and new fire doors installed. This again would have little impact on the visual aspects of the building and wider retail park as they will not be viewed in the public domain. The proposed change of use will therefore comply with policy CS16 of the Core Strategy 2011.

## Parking and Highway Safety

With regards to the parking allocation the change of use from the Bowling Alley to Matalan would differ as the parking standards are judged upon lanes for the bowling alley but floor space for the retail unit leading to approximately 40 more parking spaces being required by for the retail unit. Although there is a specified increase in the parking standards between the two uses the parking standards are maximum standards and therefore a judgement has to be made to whether extra parking standards have to be provided. As this is a change of use of an existing unit and the car park of the retail park as a whole provides adequate parking provision and has sufficient spare capacity it would be unreasonable to request further additional parking spaces from this change of use.

The transport assessment submitted with the application concluded that the proposed change of use from leisure to retail will result in marginally more total trips to the site during the weekday PM peak. However this is considered to be well within the daily fluctuation of traffic flows already passing the site on the A426. The report concludes that the overall net impact is within acceptable levels and that there would not be an unacceptable impact on the local highway and transport network. The County Council Highways department have assessed the transport assessment for the proposed change of use and have no objections to the scheme.

### **Recommendation**

Refuse Permission

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R13/2084

### **DATE VALID**

06/11/2013

### **ADDRESS OF DEVELOPMENT**

UNIT 7 JUNCTION ONE  
LEICESTER ROAD  
RUGBY  
CV21 1RW

### **APPLICANT/AGENT**

Mr Stephen Rose  
Indigo Planning  
Swan Court  
Worple Road  
Wimbledon  
SW19 4JS  
On behalf of , St James's Place UK Plc c/o  
Orchard Street Investment Management

### **APPLICATION DESCRIPTION**

Change of use from Leisure (Use Class D2) to Retail (Use Class A1) and associated external alterations

### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

#### **REASON FOR REFUSAL:**

This proposal for out of centre comparison retail floorspace has failed to satisfy the sequential test and will result in a significantly adverse impact on Rugby Town Centre reducing the market share of the town centre and effecting investor confidence of the Evreux Way site which would make a significant contribution when developed contrary to policy CS1 of the Core Strategy 2011 and the National Planning Policy Framework 2012.



**Reference number: R14/0250**

**Site address: Land adjacent to 2 Colledge Close, Brinklow**

**Description: Erection of 1 bedroom dwelling (re-submission of R13/1673)**

**Case Officer Name & Number: Richard Redford, extension 3625**

**The Proposal;**

Planning permission is sought for the erection of a one-bed dwelling contained within a dormer bungalow. The submitted plans detail 1 bedroom provided in the roof space with kitchen, dining room, lounge, WC and study (of a size capable of use as a 2<sup>nd</sup> bedroom) on the ground floor. Access will be off Heath Lane via a 3m wide drive with 2 parking spaces being provided of which 1 ½ will be located within the application site. The upper floor, contained within the roof space, will be served by 3 dormer windows in the form of 2 in the front roof slope (bedroom and bathroom) and 1 in the rear elevation (stairwell). The plans are annotated to show the rear dormer window being fitted with obscure glazing and permanently fixed shut whilst also indicating it will be constructed of red / brown bricks to match the neighbouring house and use Roman profiled interlocking concrete roof tiles. The dwelling will be cut into the ground by 1m at its greatest point.

This is a resubmission of the previously refused scheme.

**Site History;**

Erection of a residential dormer bungalow (R13/1673) 31.12.2014	Refused
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**Consultee Correspondence;**

RBC Environmental Health	No objection	Request informatives
WCC Highway Authority	No objection	Request conditions and informatives
WCC Ecology	No objection	Request informatives

**Third Party Correspondence;**

Neighbours (5)	Object	On the grounds of loss of established, mature landscaping; detrimental impact on view; proximity; adverse ecological impact on the area detrimental to wildlife and local habitat; detrimental impact on the character of the area through the building and loss of hedgerow; consider parking should be based on a two-bed unit as the study is the size of a second bedroom with consent not needing to be required for its change should permission be granted; too close to Heath Lane; over-development of the site; highway safety concerns due to the provision of an additional site access so close to the junction of Heath Lane and Colledge Close; increase noise levels;
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conflicts with adopted policy; loss of privacy; detrimental impact on the character of the area; the proposal is still 'shoe-horned' into the restricted site creating a cramped character and appearance detracting from the area; removal of the hedge would set a precedent in the area; reference to another site on Colledge Close is not a valid comparison as it was developed at the lower end of the garden and didn't wrap around the existing dwelling; and details re neighbouring addresses in the Design & Access Statement being incorrect.

**Other Relevant Information;**

Cllr Gillias has requested the application be determined by the Planning Committee.

Located within the defined settlement boundaries for Brinklow – a main rural settlement – the site currently forms part of the garden area for 2 Colledge Close which is a detached bungalow with integral garage and parking to the front for a further 4 vehicles. Ground levels fall from the site to both Colledge Close and Heath Lane by approximately 1.2m. Surrounded by detached and semi-detached bungalows and houses, the current site boundaries comprise a mixture of fencing (1m and 2m in height) along with landscaping at varying levels of maturity.

The previous application was refused on the grounds that the design, appearance, size, footprint, scale, massing and bulk of the dwelling proposed, when taken into account with the on-site parking provision and limited amenity space, represents a cramped, over-development of the site out of keeping with the character and appearance of the streetscene whilst being over-bearing on neighbouring sites to the detriment of their amenity contrary to the requirements of Rugby Borough Core Strategy Policy CS16 and provisions of the NPPF.

**Relevant Policies;**

RBCS Policy CS1	Complies	Development Strategy
RBCS Policy CS16	Conflicts	Sustainable Development

Planning Obligations SPD

**Consideration;**

The main issues for consideration relate to the principle of the development then subsequently matters relating to design, appearance, scale, amenity and parking.

Policy CS1 provides details on the development strategy within the Borough indicating that development should be direct to certain areas in a certain order. The site is located within the settlement boundaries for Brinklow, a main rural settlement, which is the 3<sup>rd</sup> priority location for development after the Rugby town centre and the Rugby Urban Area. In relation to the main rural settlements the policy details that development is permitted within the settlement boundaries with local needs housing prioritised over open market dwellings, however the provision of open market dwellings within the defined settlement boundaries is

acceptable. On this basis the development of the site is, in principle, an acceptable form of development with the overall acceptability or otherwise as detailed in the follow.

The house has been designed and arranged in a manner based on the shape and location of the site as well as drawing on the other dwellings (bungalows, dormer bungalow and 2-storey houses) in the area. The use of these existing features serves to provide a dormer bungalow that has elements within its design that enables it to fit in with the area however, despite the alterations made between the previous refusal and this application a number of concerns exist in relation to the dwelling itself. Previous concerns over variation in the ridge and eaves height levels of the proposal have generally been addressed in a satisfactory manner however the provision of the flat roof element appears odd within the context of the immediate and wider area. Additionally, whilst there is greater uniformity in the roof element of the scheme the roof height from eaves to ridge seems unduly great and out of keeping with the area especially when considered in the context of the unit being set 1m below existing ground level. The removal of the east facing dormer window has removed concerns in relation to the neighbour on Heath Lane. The rear dormer window, serving the stairs, will continue to look onto the hipped roof of the donor property that whilst not ideal is on balance acceptable given the plans indicate it will be obscure glazed and permanently fixed shut.

Within the site it is still considered that the layout is one of a cramped, over-developed arrangement out of keeping with the character and appearance of the area. The provision of the 1 ½ parking spaces required on-site along with the buildings footprint, height, scale and bulk, a low level of amenity space are such that when assessed in relation to the size of the site and compared against neighbouring sites, it continues to create an impression of there being too much on the site in a form that is out of keeping with the character and appearance of the area.

With regards to parking provision, the plans indicate it is a one-bed unit although the room marked as a study is of a size capable of use as a second bedroom. The Planning Obligations SPD provides details on high and low access parking standards across the Borough and in this instance the site is located in a low access area. On the basis of either a one-bed or two-bed unit, depending on the use of the study, the standards require 1.5 spaces be provided on-site. Whilst this required level of parking has been provided on the application site, as indicated above it contributes toward the cramped, over-developed character and appearance of the site within the locality.

Consultees have no objections to the proposal subject to appropriate conditions and informatives being attached to any approval.

Overall therefore the proposal conflicts with the provisions of policy CS16.

**Recommendation;**

Recommend refusal for the following reason.

Report prepared by: Richard Redford

7<sup>th</sup> March 2014

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R14/0250

### **DATE VALID**

27/01/2014

### **ADDRESS OF DEVELOPMENT**

Land adjacent to  
2 Colledge Close  
Brinklow  
Rugby  
CV23 0NT

### **APPLICANT/AGENT**

Mr Rod Gerber  
R.A.G. Architects Ltd.  
54 Randall Road  
Kenilworth  
Warwickshire  
CV8 1JY  
On behalf of Mr & Mrs Robert and Jo McNestry

### **APPLICATION DESCRIPTION**

Erection of 1 bedroom dwelling (re-submission of R13/1673)

### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

#### REASON FOR REFUSAL;

The size, footprint, scale, massing and bulk of the proposed dwelling when taken into account with on-site parking provision and limited amenity space represents a cramped, over-development of the site out of keeping with the character and appearance of the streetscene whilst being over-bearing on neighbouring sites to the detriment of their amenity contrary to the requirements of Rugby Borough Core Strategy policy CS16 and provisions of the NPPF.

#### STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

**Reference number: R14/0288**

**Site address: Rugby Town Junior Football Club, Kilsby Lane, Rugby**

**Description: Use of land for purposes not associated with the use of football pitches by Rugby Town Junior FC, to include the use for the holding of car boots for 14 days per calendar year, and the use for outdoor sports not in connection with Rugby Town Junior FC for 14 days per calendar year.**

**Case Officer Name & Number: Nathan Lowde 01788 533725**

### **Description of Site**

The application site is located on the edge of the Rugby Urban Area within the open countryside. The site has an established use as a sports facility in connection with Rugby Town Junior Football Club.

The site consists of an area approximately 13 hectares and currently comprises-

- 16 outdoor football pitches (2 full size) (one of which is floodlit), 2 intermediate size and 12 mini-size pitches)
- Three all-weather pitches
- A clubhouse including changing facilities
- Groundsman Store
- A 114 space car parking area and a 40 space over-spill car parking area,

### **The Proposed Development:**

This application seeks the use of land for purposes not associated with the use of football pitches by Rugby Town Junior FC, to include the use for the holding of car boots for 14 days per calendar year, and the use for outdoor sports not in connection with Rugby Town Junior FC for 14 days per calendar year. Car boots are proposed to be held between May-September.

The proposed car boot stalls would be located to the north of the existing pavilion along the internal access road leading towards the pavilion. The number of proposed stalls/pitches will be 20.

The car boots will be on a Sunday afternoon

Stall Holders will set up at 1pm

Visitors/customers will be allowed in from 2pm

Car boot will finish all and clear away at 5pm

There will be Marshalls on site from 1pm to 5pm.

In respect to the outdoor sports, a list of the type of sports has been provided by the applicant and listed below:

- Football
- Cricket
- Rounders
- Softball
- Handball
- Fitness

- Athletics
- Badminton
- Tag Rugby
- Rugby

The Town & Country Planning (General Permitted Development) Order 1995, as amended does allow the temporary use of land for a variety of purposes, including markets (car boots sales), subject to restrictions. One such restriction is that the land in question should not be a building or within the curtilage of a building. It is considered that the area where the proposed car boots are to be held is within the curtilage of the pavilion building and planning permission is required to hold any markets on the site.

### Relevant planning history

R02/0487/5742/P	Construction and use of playing pitches, erection and use of pavilion and groundsman store and formation of new access road and car park	Approved 15.10.2004
R08/0855/VARI	Variation of Condition 7 of R02/0487/05742/P to allow landscaping to be phased over additional planting seasons (extend time to complete scheme until March 2010)	Approved 24.07.2008
R09/0799/PLN	Installation of 3 no. all weather sports pitches and provision of floodlights.	Approved 04.01.2010
R11/0582	Retention of existing metal storage container to accommodate grounds maintenance equipment.	Approved 20.04.2011
R11/0535	Application to amend Conditions 6 and 7 of Planning Permission R09/0799/PLN dated 4th January 2010 (which restricts the use of the playing facilities to people up to the age of 18 years and bone-fide members of Rugby Town JFC) to permit the following; to allow the astroturf pitch to be used by nominated school groups and who are not bone fide members of Rugby Town Junior FC, members of Rugby Town Junior FC Under 21 Team, and to use the artificial pitches for officially accredited Football Association coach training, referee training and sports development training.	Approved 13.05.2011
R11/0267	Application to amend Condition 30 of Planning Permission R02/0487/05742 dated 15th October 2004 (which restricts the use of the playing facilities to people up to the age of 18 years) to permit the following; to allow the main football pitch to be used by members of Rugby Town Junior FC and members of Rugby Town Ladies FC to play official league fixtures, and to allow the use of the artificial pitches for official Football Association accredited coach training, referee training and sports development training by people over the age of 18.	Approved 13.05.11
R11/2381	Outline planning permission for the extension of the site curtilage and the erection of a covered sports facility and associated works (appearance and landscaping matters reserved).	Approved 15.08.12

R13/0602	Outline planning permission for the extension of the site curtilage and erection of a covered sports facility and associated works (Approval of Reserved Matters (appearance and landscaping in relation to planning permission R11/2381)	Approved 04.09.13
R14/0108	Installation of an all weather sports pitch and provision of floodlights and mesh fencing, together with the creation of two grass pitches with associated ground works.	On-going
R14/0109	Installation of 3 no. all weather sports pitches and provision of floodlights (removal of conditions 6 & 7 of planning permission R09/0799/PLN dated 04/01/2010 as amended by planning permission R11/0535 dated 13/05/2011 to allow the facility to be used by all age groups and members of the general public not associated with the club or nominated members/groups as outlined within condition 6)	On-going

### **Planning policy and guidance**

#### Rugby Borough Council Core Strategy 2011:

CS1 Development Strategy complies

CS16 Sustainable Design conflicts

#### Saved Local Plan Policies

T5 Parking facilities complies

RBC Planning Obligations SPD Appendix 2

### **National Planning Policy Guidance**

#### National Planning Policy Framework 2012 :-

Since the submission of the application the National Planning Policy Framework has been published

#### **Technical Consultations:**

WCC Highways: no objection subject to a temporary permission of one year and subject to conditions relating to number of pitches, and days and hours of operation and conditions relating to the re-surfacing of the pedestrian link into the site off the Kilworth Road

RBC Environmental Services no objection subject to a temporary two year permission, subject to conditions relating to number of pitches, and days and hours of operation

### **Third Party Comments**

Standard letter received signed by 342 individuals in support of the application

- A £1.5 million facility stands empty for 4 months
- The club needs sustainability
- No Traffic Issues
- Fully Monitored

- Offer summer play schemes for children
- No noise problems

Neighbours (22 household objections)

- Increase in traffic
- Increase in pollution and litter
- Vehicle numbers quoted are conservative
- Impact upon pedestrian safety
- Impact upon rural landscape
- Increase in noise and disturbance
- Insufficient car parking and users parking along the access road and not using the designated car parking spaces
- Loss of character to the area
- Non-compliance with approved planning policies
- Loss of privacy
- Planning Creep
- Currently tournaments are held at the end of the season
- No details on the type of sports proposed, ages
- Potential lack of control and management
- This commercial proposition which is not envisaged by the original consent
- No footpath along Kilsby Lane
- Permission cannot be granted without defining the outdoor sports
- The peace and quiet that residents currently enjoy outside of the football season would be lost

Cllr Kathryn Lawrence

This application seeks to change the use from a sporting facility for youngsters under the age of 18 to a commercial trading facility and should be refused. The proposed 14 car boot sales mean that Hillmorton residents could be faced with a weekly car-boot sale throughout the summer months. This is contrary to the intended aims of the original planning permission R02/0487/05742/P. This could impact on those residents whose properties are adjacent to RTJFC. It would also increase the volume of traffic on a busy junction. The recommendations from the original lease regarding highways and footpaths would appear not have been met and, therefore, the access to the facility is potentially dangerous. As the use of this facility appears to be increasing and larger numbers of people are using the facility, the conditions that were stated in the original lease need to be revisited in the interests of the health and safety of pedestrians and vehicles using Crick Road and Kilsby Lane.

The agreement between Rugby Borough Council and Rugby Town Junior Football Club and Warwickshire County Council dated 15<sup>th</sup> October 2004 refers in the third Schedule to:-

Highways and Footpaths

*1(a) a new footpath (including appropriate highway lighting) from the Kilsby Lane entrance of the Property to Crick Road.*

*(b) traffic calming and speed reduction measures along Kilsby Lane to include:-*

*(i) advance warning signs indicating types of junction access.*

*(ii) an appropriate interactive sign triggered by approaching vehicles.*

*(iii) brown signs referring to the Rugby Town Junior Football Club.*



*(iv) appropriate road surface colouring showing printed "SLOW" signs.*

*2(a) the sum of £15,000 to be held in WCC bank account as the "Kilsby Lane" account and applied by the County towards the provision of a pedestrian/cyclists crossing on Crick Road.*

The increased usage of the sporting facility and the application to trade commercially bring into question why the above terms and conditions would appear not to have been met. Application R14/0288 is not related to sporting activities but would appear to attempt to introduce commercial and business usage in what is a sporting facility and should, therefore, not be allowed.

Cllr Jerry Roodhouse

- Concerns over highway matters and control of pedestrians
- Kilsby lane needs a footpath

### **Assessment of proposal**

#### Principal of Development.

Core Strategy Policy CS1 sets a settlement hierarchy for locations within the Borough and seeks to locate development sustainably within this hierarchy based on a sequential preference. CS1 states "It must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy." The proposed location is in the penultimate tier of the hierarchy and therefore there are two key considerations.

Whilst ordinarily market uses should be focused more towards a town centre location, given the limited times that these car boot sales are to be held, the use of the land for the holding of car boot sales for 14 days would not impact upon the vitality and viability of the town centre in accordance with policy CS1.

In respect to the use of the land for outdoor sports not in connection with RTJFC for 14 days a year, the site is an existing recreational use benefitting from a planning permission originally granted in 2004 and subject to various planning conditions. The proposed uses per-se would therefore fall within the existing land use designation of the site and thus complies with Core Strategy Policy CS1

#### Visual Impact

In respect to the car boot element, although the proposed car boots are to be undertaken on land sited close the areas which are currently used as a car park in association with the authorised use of the site it is considered that its use to hold car boot sales would have an increased impact on the area in terms of visual amenity. There would be increased levels of activity within the area as well as the introduction of a wide range of stalls and vehicles. However, given that the car boot sales will be limited to 14 days per year it is not considered that its impact would be so adverse to have a harmful impact upon the visual amenity of the area. As such from a visual amenity perspective the proposal would not conflict with policy CS16.

It is considered that the use of the grass pitches for outdoor sports not in connection with RTJFC would not have an adverse impact upon the visual amenity of the area.

#### Residential amenity.

The application seeks to hold car boot sales for 14 days a year from May through to September which equates to about one every Sunday. The car boots will be hold outside of the footballing season when the pitches are not in use.

There are neighbouring properties that back onto this site. Environmental Services have made comments on the application and have no objection to a temporary permission subject to the addition of conditions, including an hour's restriction and number of pitches.

At present residents within neighbouring dwellings enjoy a period of time through the year from May to September when the level of activities such as traffic movement, noise and other disturbance associated with the use of the application site are significantly less as this is outside of the footballing season. Within this period May-September residents are able to enjoy their garden space more as a result of longer daylight hours and warmer weather, with limited disturbance from the activities of this site. Whilst there is nothing in the way of planning conditions to prevent the applicant from using the pitches during this period, the very nature of the sport means that the football pitches are used less frequently than not during this period. The large number of supporting letters received is testament that from May through to September the level of activity from the site is significantly reduced to a point where it stands empty.

There is a distinct difference in traffic movement, noise and other disturbance emulating from the holding of car boot sales in comparison to the use of the pitches for training purposes or holding of a competitive football match. The noise and disturbance associated with the holding of a car boot sale derives from the arrival of traders and the setting up of their sales pitches, and the continued comings and goings of customer's vehicles and holding of the event itself.

It is considered that by permitting the holding of car boot sales on the site at a period of time when the site is used less frequently than other times of the year would result in increased activity on the site all year round and as a result the respite that the residents currently enjoy within this period of the year would be intruded upon with the activities associated with the holding of a car boot sale.

As such the cumulative impact of footballing activities for 8 months throughout the year and the running of car boots for 4 months would have an adverse impact on the amenity of the neighbouring residents in terms of increased activity which could lead to increased traffic movements, noise, and other disturbance contrary to policy CS16. Even if limited by conditions to set times and days, considerable noise and disturbance as identified above would be caused to the nearby occupiers of the neighbouring residential properties.

It could be argued that if the proposed sports building is built this will be used on Sundays all year round and as such from May-September there will be disturbance in terms of traffic movement from the use of this facility. However, the proposed building is to be sited at a distance of some 330m away from residential properties and the activities are contained within the building. Furthermore, if this sports building is built the cumulative impact of the comings and goings of users of this building on a Sunday together with the comings and goings of customers from the car boot sales and the holding of the event itself would also have an adverse impact upon the amenities of neighbouring properties.

It is therefore considered that the holding of car boots as proposed would have a detrimental impact upon the amenities of neighbouring properties for the reason set out above contrary to policy CS16. The Council considered on balance that a reduced number of days in which the car boots are to be held to 8 which would result in car boot sales being held every other weekend would afford some respite for neighbouring residents. However, the applicant does not wish to reduce the proposed number of days from 14 to 8.

Consideration has been given to the granting of a temporary permission to allow the Local Planning Authority to assess the use in light of operational experience. However, it is considered that the use would have an adverse impact upon neighbouring properties as identified above and would also have a significant impact even on a temporary basis. In

additional to this a temporary permission would not allow the LPA an opportunity to assess the impact of the use against the use of the proposed sports building.

It is considered that the use of the grass pitches for outdoor sports not in connection with RTJFC would not have an adverse impact upon amenities of nearby residential properties.

### Parking

Whilst are present it would be considered that the existing car parking is capable of supporting the activities of a car boot, when the new sports building for which outline permission was granted in 2012 is constructed this would add further demand for parking. However, it could be conditioned that the pitches shall not be used when the car boots are being held and that no car parking is permitted outside of the designated car parking spaces, this will ensure that sufficient car parking is available to support the car booting and the car parking is contained to areas away from the neighbouring dwellings.

### Highways

Following consultation with Warwickshire County Council, given the application is for 20 pitches only no objection has been raised with regards to highway safety subject to conditions relating to the use being for a temporary period of 1 year and restricting the number of pitches permitted.

### **Recommendation**

Refusal

#### **APPLICATION NUMBER**

R14/0288

#### **DATE VALID**

07/02/2014

#### **ADDRESS OF DEVELOPMENT**

Rugby Town Junior Football Club  
Kilsby Lane  
Rugby  
CV21 4PN

#### **APPLICANT/AGENT**

Mr Brian Crinigan  
Rugby Town Jfc  
13 Percival Road  
Rugby  
Warwickshire  
CV22 5JS

### **APPLICATION DESCRIPTION**

Use of land for purposes not associated with the use of football pitches by Rugby Town Junior FC, to include the use for the holding of car boots for 14 days per calendar year, and the use for outdoor sports not in connection with Rugby Town Junior FC for 14 days per calendar year.

### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

#### **RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Rugby Borough Council Core Strategy 2011: CS1 and CS16

Saved Local Plan Policies: T5

RBC Planning Obligations SPD Appendix 2

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site [www.rugby.gov.uk](http://www.rugby.gov.uk) or at the Council Offices.

**REASON FOR REFUSAL:**

It is the opinion of the Local Planning Authority that the proposed use of the land for the holding of car boot sales for 14 days per calendar year would have an adverse impact upon the amenities of neighbouring residential properties by virtue of noise and disturbance associated with this activity contrary to Core Strategy Policy CS16.

**STATEMENT OF POSITIVE ENGAGEMENT:**

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF, however, given the impact of the proposed development upon the amenities of neighbouring residential properties it has not been possible to support such an application.

**Reference number: R14/0108**

**Site address: Rugby Town Junior Football Club, Kilsby Lane, Rugby**

**Description: Installation of an all-weather sports pitch and provision of floodlights and mesh fencing, together with the creation of two grass pitches with associated ground works.**

**Case Officer Name & Number: Nathan Lowde 01788 533725**

### **Description of Site**

The application site is located on the edge of the Rugby Urban Area within the open countryside. The site has an established use as a sports facility in connection with Rugby Town Junior Football Club.

The site consists of an area approximately 13 hectares and currently comprises-

- 16 outdoor football pitches (2 full size) (one of which is floodlit), 2 intermediate size and 12 mini-size pitches)
- Three all-weather pitches
- A clubhouse including changing facilities
- Groundsman Store
- A 114 space car parking area and a 40 space over-spill car parking area,

### **The Proposed Development:**

This application seeks the installation of an all-weather pitch together with the provision of floodlighting and mesh fencing. The proposed all-weather pitch will be sited to the west of the existing pavilion and north-west of the existing all-weather pitches on site. In total eight floodlights are proposed at a height of 15 metres. The pitch will be enclosed by a 4.2m high mesh fencing. It is intended that it will be used unrestricted for all members of the community to utilise. A 3m wide tarmac footpath will be constructed linking the all-weather pitch to the car parking area.

Details relating to the floodlighting have been amended to include the installation of back lovers to further reduce light spill levels.

The application also seeks the creation of two grass pitches together with associated ground works. These two pitches will be located along the western boundary of the site (on the west site of the bridlepath that runs through the site).

The proposed development is to be determined by members of the planning committee at the request of Cllr Kathryn Lawrence.

### **Relevant planning history**

R02/0487/5742/P	Construction and use of playing pitches, erection and use of pavilion and groundsman store and formation of new access road and car park	Approved 15.10.2004
R08/0855/VARI	Variation of Condition 7 of R02/0487/05742/P to allow landscaping to be phased over additional planting seasons (extend time to complete scheme until March 2010)	Approved 24.07.2008

R09/0799/PLN	Installation of 3 no. all weather sports pitches and provision of floodlights.	Approved 04.01.2010
R11/0582	Retention of existing metal storage container to accommodate grounds maintenance equipment.	Approved 20.04.2011
R11/0535	Application to amend Conditions 6 and 7 of Planning Permission R09/0799/PLN dated 4th January 2010 (which restricts the use of the playing facilities to people up to the age of 18 years and bone-fide members of Rugby Town JFC) to permit the following; to allow the astroturf pitch to be used by nominated school groups and who are not bone fide members of Rugby Town Junior FC, members of Rugby Town Junior FC Under 21 Team, and to use the artificial pitches for officially accredited Football Association coach training, referee training and sports development training.	Approved 13.05.2011
R11/0267	Application to amend Condition 30 of Planning Permission R02/0487/05742 dated 15th October 2004 (which restricts the use of the playing facilities to people up to the age of 18 years) to permit the following; to allow the main football pitch to be used by members of Rugby Town Junior FC and members of Rugby Town Ladies FC to play official league fixtures, and to allow the use of the artificial pitches for official Football Association accredited coach training, referee training and sports development training by people over the age of 18.	Approved 13.05.11
R11/2381	Outline planning permission for the extension of the site curtilage and the erection of a covered sports facility and associated works (appearance and landscaping matters reserved).	Approved 15.08.12
R13/0602	Outline planning permission for the extension of the site curtilage and erection of a covered sports facility and associated works (Approval of Reserved Matters (appearance and landscaping in relation to planning permission R11/2381)	Approved 04.09.13
R14/0109	Installation of 3 no. all weather sports pitches and provision of floodlights (removal of conditions 6 & 7 of planning permission R09/0799/PLN dated 04/01/2010 as amended by planning permission R11/0535 dated 13/05/2011 to allow the facility to be used by all age groups and members of the general public not associated with the club or nominated members/groups as outlined within condition 6)	On-going
R14/0288	Use of land for purposes not associated with the use of football pitches by Rugby Town Junior FC, to include the use for the holding of car boots for 14 days per calendar year, and the use for outdoor sports not in connection with Rugby Town Junior FC for 14 days per calendar year.	Ongoing

## **Planning policy and guidance**

### Rugby Borough Council Core Strategy 2011:

CS1 Development Strategy complies

CS16 Sustainable Design complies

### Saved Local Plan Policies

T5 Parking Facilities complies

## **National Planning Policy Guidance**

National Planning Policy Framework 2012

### Technical Consultations:

WCC Highways: No objection subject to conditions relating to the re-surfacing of the pedestrian link into the site off the Kilworth Road.

RBC Environmental Services No objection subject to conditions relating to the hours in which the floodlights are used for.

WCC Footpath Team No objection

Sport England No objection

WCC Ecology no objection subject to informative

### Third Parties

Standard letter received signed by 342 individuals in support of the application

- Proposed pitch is in the best location next to the main pitch
- Lighting spill is limited with light on the playing area
- Traffic – no accidents on the site or outside since construction in 2006
- The proposed pitch will blend in with the surrounding area
- No impact to the surrounding area, every 3g astro has mesh around it
- No noise problems since opened

Neighbours (21 household objections)

- Increase in traffic
- Impact upon rural landscape
- Increase in noise and disturbance
- Insufficient car parking and users parking along the access road and not using the designated car parking spaces
- Loss of character to the area
- Non-compliance with approved planning policies
- Loss of privacy
- The fencing and floodlighting would look like prison exercise yard
- The grass pitches would be constructed over the compensation wildlife meadow site
- Planning Creep
- More noise in the evening from users of the all-weather pitches, physical sound of balls hitting the fencing

- Light pollution, further flood lighting would make the existing situation worse for the nearest neighbours
- Consideration should be given to acoustic shielding to lessen the impact upon noise and disturbance either by mature planting, acoustic earth mounds, acoustic fencing
- Hours of operations should be reviewed and should not to be used on public bank holidays, a number of weekends, during the summer holiday, after 7:00pm in evening on weekdays or similar.
- Rugby Town Junior football will gradually evolve into a Senior football team.
- Mesh fencing would be unsightly and impact upon the rural area
- The grass pitches are to be located in an area currently used as overspill car parking
- Carte blanche use of the pitches - no longer Junior football
- Potential lack of management and control by extending the use

Cllr Kathryn Lawrence

- Highly visible for the top of the field and the neighbouring properties
- Visual impact would detract from current views and aspects of the grounds
- The difference with the existing all-weather pitch is that it is located to the rear and side of the clubhouse and as such does not have the same visual impact.
- No objection to the all-weather but the fencing is not in keeping with area
- The grass pitches are located close to the bridle path and balls are likely to stray and endanger horse and walkers using the bridle path.

Cllr Jerry Roodhouse

- Concerns over highway matters and control of pedestrians
- Kilsby lane needs a footpath

### **Assessment of proposal**

#### Principal of Development.

Core Strategy Policy CS1 sets a settlement hierarchy for locations within the Borough and seeks to locate development sustainably within this hierarchy based on a sequential preference. CS1 states "It must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy." The proposed location is in the penultimate tier of the hierarchy and therefore there are two key considerations.

The site is an existing recreational use benefitting from a planning permission originally granted in 2004 and subject to various planning conditions. The proposed development would therefore fall within the existing land use designation of the site and thus complies with Core Strategy Policy CS1. In particular the application seek to promote social and community cohesion with well-planned and good quality sports and recreational facilities, to improve people's sense of wellbeing as well as helping to promote healthy living through sporting activities and interaction with others.

Whilst the proposed all-weather pitch will not be restricted to Junior Football and other nominated groups relating to RTJFC, this is not in itself a reason for refusal. In planning policy terms it would be difficult to fully resist the use of this artificial pitch by persons over the age of 18 unless there are compelling reasons in terms of impact on amenity or other material planning reasons. As such the main consideration is therefore the impact upon the amenities of the locality.



## Visual Impact

Taking into consideration the all-weather pitches currently on site and that this proposed development seeks to replicate the design of these existing all-weather pitches, it is not considered that the proposed development would have an adverse impact upon the character and appearance of the area. Whilst this proposed all-weather pitch would be more visually prominent than the existing all-weather pitches, landscaping has recently been planted in front of where the proposed all-weather pitch is to be sited, which will in time reduce the visual impact of the proposed development. The type and design of fencing proposed will reduce the solidity of the fencing, allowing views of the countryside beyond to be retained. The need for the fencing is for ball control to ensure that straying balls are contained within the 3G pitch area, users would not be allowed to transfer between the 3G surface and the surrounding grass pitches/areas as this will increase the risk of mud and dirt transfer onto the 3G surface, which would affect the performance of the surface. In addition to this the FA recommends all new and existing 3G pitches are fenced to their full perimeter.

Given the existing grass pitches on site the creation of two additional grass pitches would not have an adverse impact upon the character and appearance of the area.

It is therefore considered that the proposed development would not have an adverse impact upon the visual amenity of the area in accordance with policy CS16.

## Residential amenity.

Following consultation with the Council's Environmental Service it is considered subject to conditions relating to the hours that the floodlights are used for, the proposed development would not have an adverse impact upon the amenities of nearby residential properties in accordance with policy CS16. In addition to this the applicant has amended the floodlighting details to install back louvers to reduce light spill. A further condition will also be imposed to ensure that the use of the all-weather pitches ends at 2130 hours (9.30pm).

## Right of Way Matters

WCC Footpath Team was consulted as part of the application given the close proximity of the grass pitches to the existing bridlepath RB28 that runs through the site. It is considered that the recently planted hedgerow along the bridlepath together with the fencing will provide some protection to equestrians using the public bridlepath, particularly as the hedge matures.

## Biodiversity

The proposed grass pitches are immediately adjacent to the wildlife meadow approved as part of the outline permission ref: R11/2381 and subsequent reserved matters ref: R13/0602. However, the proposed grass pitches are not within this proposed meadow area, and the applicants have confirmed that the hedge along the bridlepath has been planted and that a 3m grass margin and be created as a buffer zone.

The applicants have amended the floodlighting proposed to incorporate back louvers to reduce light spill levels to reduce the impact of lighting on foraging and commuting bats using the existing mature hedgerows.

It is therefore considered that the proposed development would not impact upon protected species and habitats.

### Parking

Given the level of car parking that exists currently on site, it is considered that sufficient designed car parking existing to accommodate this development. Given its location towards the lower part of the site, users would be more inclined to park in the designed spaces as oppose to along the access road into the site, which is of concern to the local residents.

### Access

Following consultation with WCC Highways authority it is considered that subject to conditions that the proposed development would not have a detrimental impact upon the highway network.

### **Recommendation**

Approval subject to conditions

#### **APPLICATION NUMBER**

R14/0108

#### **DATE VALID**

03/02/2014

#### **ADDRESS OF DEVELOPMENT**

RUGBY TOWN JUNIOR FOOTBALL CLUB  
KILSBY LANE  
HILLMORTON  
RUGBY  
CV21 4PN

#### **APPLICANT/AGENT**

Brian Crinigan  
13 Percival Road  
Rugby  
Warwickshire  
CV22 5JS

### **APPLICATION DESCRIPTION**

Installation of an all weather sports pitch and provision of floodlights and mesh fencing, together with the creation of two grass pitches with associated ground works.

### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

#### **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 51 of the Planning and Compulsory Purchase Act, 2004.

#### **CONDITION: 2**

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

- Application forms dated 02/02/2014
- Design and Access Statement
- Location Plan NSRTFC002
- Long Section Plan dwg. No. 4
- Cross Sections Sheet 1 dwg. No. 2

- Cross Sections Sheet 1 dwg. No. 3
- Drawing GS/Rugby/001
- Amended Proposed Site Layout date drawn 21/02/2014 received by the LPA on the 10th March 2014
- RTJFC 3G Ptich Development drawing date drawn 31/01/2014
- Amended proposed floodlighting dwg No. E01 received by the Local Planning Authority on the 7th March 2014

**REASON:**

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

**CONDITION: 3**

The grass pitches hereby approved shall not be used by people over the age of 18, without the prior written approval of the Borough Council, except for the following:

- officially accredited fixtures played by Rugby Town Junior Under 21 Football Team and Rugby Town Ladies Football Club
- officially accredited Football Association training courses for referees, coaches and player development attended by people over the age of 18 taking place on the artificial pitches.

**REASON:**

In the interests of the amenities of the locality.

**CONDITION: 4**

The all-weather pitches hereby permitted shall only be used between the hours of 8.00am and 9.30pm daily and the floodlights shall be turned off no later than 9.45 pm.

**REASON**

In the interests of the amenities of the locality.

**CONDITION: 5**

The proposed design, height and appearance of the floodlighting columns hereby approved, shall be the same as the existing floodlighting columns on the existing all-weather pitches on site.

**REASON:**

In the interest of visual amenity

**CONDITION: 6**

Levels of illuminance from the proposed floodlights shall not exceed that indicated on the submitted drawing number E01 received by the Local Planning Authority on the 7th March 2014.

**REASON**

In the interest of the amenities of the locality.

**CONDITION: 7**

The development hereby permitted shall not be used until the existing footpath link from the Kilworth Road approved under planning permission ref: R02/0487/5742/P dated 15.10/2004 has been re-surfaced with a suitable bound material to a width of 3 metres and brought into use prior to the development hereby permitted being brought into use.

**REASON**

To improve pedestrian access to the site.

**INFORMATIVE 1:**

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

**INFORMATIVE: 2**

The applicant is advised that if additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants. WCC Ecological Services would be happy to provide further advice (01926 418060).

**INFORMATIVE: 3**

In view of the nearby ponds, care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England is contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010.

Work should avoid disturbance to nesting birds. Birds can nest in many places including grassland/arable (ground-nesting species such as skylark), buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, 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.

**STATEMENT OF POSITIVE ENGAGEMENT:**

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

**Reference number: R14/0109**

**Site address: Rugby Town Junior Football Club, Kilsby Lane, Rugby**

**Description: Installation of 3 no. all weather sports pitches and provision of floodlights (removal of conditions 6 & 7 of planning permission R09/0799/PLN dated 04/01/2010 as amended by planning permission R11/0535 dated 13/05/2011 to allow the facility to be used by all age groups and members of the general public not associated with the club or nominated members/groups as outlined within condition 6).**

**Case Officer Name & Number: Nathan Lowde 01788 533725**

### **Description of Site**

The application site is located on the edge of the Rugby Urban Area within the open countryside. The site has an established use as a sports facility in connection with Rugby Town Junior Football Club.

The site consists of an area approximately 13 hectares and currently comprises-

- 16 outdoor football pitches (2 full size) (one of which is floodlit), 2 intermediate size and 12 mini-size pitches)
- Three all-weather pitches
- A clubhouse including changing facilities
- Groundsman Store
- A 114 space car parking area and a 40 space over-spill car parking area,

### **The Proposed Development:**

The application seeks the removal of condition 6 and 7 associated with planning permission granted in 2010 and amended in 2011 to allow the use of the astro turf to be un-restricted.

Conditions 6 and 7 of planning permission R11/0535 state as follows:

#### **Condition 6:**

*the all-weather pitches shall not be used by persons over the age of 18 years except those attending officially accredited Football Association training courses for referees, coaches and player development or members of Rugby Town JFC Under 21 Team, and shall not be used for any other purposes unless otherwise agreed in writing by the Local Planning Authority before that use commences*

#### **Condition 7:**

*the playing facilities shall not be used by people over the age of 18 without the prior written approval of the Borough Council, except for the following:*

- *officially accredited fixtures played by Rugby Town Junior Under 21 Football Team and Rugby town Ladies Football Club*
- *officially accredited Football Association training courses for referees, coaches and player development attended by people over the age of 18 years taking place on the artificial pitches*

The proposed development is to be determined by members of the planning committee at the request of Cllr Kathryn Lawrence

## Relevant planning history

R02/0487/5742/P	Construction and use of playing pitches, erection and use of pavilion and groundsman store and formation of new access road and car park	Approved 15.10.2004
R08/0855/VARI	Variation of Condition 7 of R02/0487/05742/P to allow landscaping to be phased over additional planting seasons (extend time to complete scheme until March 2010)	Approved 24.07.2008
R09/0799/PLN	Installation of 3 no. all weather sports pitches and provision of floodlights.	Approved 04.01.2010
R11/0582	Retention of existing metal storage container to accommodate grounds maintenance equipment.	Approved 20.04.2011
R11/0535	Application to amend Conditions 6 and 7 of Planning Permission R09/0799/PLN dated 4th January 2010 (which restricts the use of the playing facilities to people up to the age of 18 years and bone-fide members of Rugby Town JFC) to permit the following; to allow the astroturf pitch to be used by nominated school groups and who are not bone fide members of Rugby Town Junior FC, members of Rugby Town Junior FC Under 21 Team, and to use the artificial pitches for officially accredited Football Association coach training, referee training and sports development training.	Approved 13.05.2011
R11/0267	Application to amend Condition 30 of Planning Permission R02/0487/05742 dated 15th October 2004 (which restricts the use of the playing facilities to people up to the age of 18 years) to permit the following; to allow the main football pitch to be used by members of Rugby Town Junior FC and members of Rugby Town Ladies FC to play official league fixtures, and to allow the use of the artificial pitches for official Football Association accredited coach training, referee training and sports development training by people over the age of 18.	Approved 13.05.11
R11/2381	Outline planning permission for the extension of the site curtilage and the erection of a covered sports facility and associated works (appearance and landscaping matters reserved).	Approved 15.08.12
R13/0602	Outline planning permission for the extension of the site curtilage and erection of a covered sports facility and associated works (Approval of Reserved Matters (appearance and landscaping in relation to planning permission R11/2381)	Approved 04.09.13
R14/0108	Installation of an all weather sports pitch and provision of floodlights and mesh fencing, together with the creation of two grass pitches with associated ground works	On-going
R1/0288	Use of land for purposes not associated with the use of football pitches by Rugby Town Junior FC, to include the use for the holding of car boots for 14 days per calendar year, and the use for outdoor sports not in connection with Rugby Town Junior FC for 14 days per calendar year.	On-going

### **Third Party Comments**

Standard letter received signed by 342 individuals in support of the application

- No other sports club has these restrictions placed upon it
- The facility needs sustainability for the club to survive
- The facility is empty for 4 months a year
- No traffic accidents or noise problems

Neighbours (22 household objections)

- Increase in traffic
- Impact upon rural landscape
- Increase in noise and disturbance
- Insufficient car parking and users parking along the access road and not using the designated car parking spaces
- Loss of character to the area
- Non-compliance with approved planning policies
- Loss of privacy
- Planning Creep
- More noise in the evening from users of the all-weather pitches, physical sound of balls hitting the fencing
- Light pollution, further flood lighting would make the existing situation worse for the nearest neighbours
- Consideration should be given to acoustic shielding to lessen the impact upon noise and disturbance either by mature planting, acoustic earth mounds, acoustic fencing
- Hours of operations should be reviewed and should not to be used on public bank holidays, a number of weekends, during the summer holiday, after 7:00pm in evening on weekdays or similar.
- Rugby Town Junior football will gradual evolve into a Senior football team.
- No longer a club for young, local footballers but instead a commercial sports facility which has been built up on the basis of creep through the planning process

Cllr Kathryn Lawrence

- The facility is designated as a facility for "Junior Football"
- The two variations of conditions R11/0535 and R11/0267 cover the use of the sporting facility by those who are over 18 and this is after all a Junior Football Club.

Cllr Jerry Roodhouse

- Concerns over highway matters and control of pedestrians
- Kilsby lane needs a footpath

### **Planning policy and guidance**

#### Rugby Borough Council Core Strategy 2011:

CS1	Development Strategy	complies
CS16	Sustainable Design	complies

#### Saved Local Plan Policies

T5	Parking Facilities	complies
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### **Technical Consultations:**

WCC Highways:	No objection	subject to conditions relating to the re-surfacing of the pedestrian link into the site off the Kilworth Road.
RBC Environmental Services	no comment to make on this application	

### **Third Parties**

#### **Assessment of proposal**

The site is an existing recreational use benefitting from a planning permission originally granted in 2004 and subject to various planning conditions. The proposal itself refers to part of the site occupied by the artificial pitches – the south-east corner of the site adjacent to the clubhouse. The proposed uses per-se would therefore fall within the existing land use designation of the site and thus complies with Core Strategy Policy CS1. In particular the application seek to promote social and community cohesion with well-planned and good quality sports and recreational facilities, to improve people's sense of wellbeing as well as helping to promote healthy living through sporting activities and interaction with others.

Significant local objection was made when this proposal was first considered in 2004, in particular that it would eventually become an adult facility, hence the reason for restricting the use of the site to Under 18s only via a planning condition. It is noted that over the years since this original approval a number of application have been submitted with reference to planning permission R11/0267 which allowed the allow the main football pitch to be used by members of Rugby Town Junior FC and members of Rugby Town Ladies FC to play official league fixtures, and to allow the use of the artificial pitches for official Football Association accredited coach training, referee training and sports development training by people over the age of 18.

Indeed the artificial pitches which this application relates to for which permission was granted in 2009 was subsequently amended in 2011 to allow them to be used by nominated school groups and who are not bone fide members of Rugby Town Junior FC, members of Rugby Town Junior FC Under 21 Team, and to use the artificial pitches for officially accredited Football Association coach training, referee training and sports development training.

However, within the realm the facilities are still being used for junior football purposes as envisaged – the majority of the pitches on the upper levels of the ground are terraced and thus the level areas are only suitable for smaller age groups. The only areas suitable for adult pitches are the main pitch adjacent to the clubhouse and the grass pitch to the west of the main pitch.

As part of this application a significant number of third party objections have been received objecting to the proposed removal of these conditions as it would erode what the facility was established for which was for Junior Football. The fact that the club wish to allow the use of the existing all-weather pitches unrestricted is not in itself a reason for refusal. In planning policy terms it would be difficult to fully resist the use of these artificial pitches by persons over the age of 18 unless there are compelling reasons in terms of impact on amenity or other material planning reasons. Indeed the reason for the original conditions 6 & 7 of planning permission R09/0799/PLN dated 04/01/2010 as amended by planning permission R11/0535 dated 13/05/2011 were imposed 'in the interest of the amenities of the locality'.



As such the main consideration is therefore the impact upon the amenities of the locality.

### Residential Amenity.

Environmental Services were consulted as part of this application and have raised no objection.

When the application ref: R11/0535 was considered to relax the original conditions it was stated within the officers report that.

*'The use of the facilities by adults (the club wish to hire out the artificial pitches on two evenings per week), could potentially result in a slightly different impact on residential amenities, if the clubhouse is available after sessions have finished, with potential comings and goings later on into the evening compared to use by under 18s. It is therefore considered that a permanent relaxation of the conditions to allow this cannot yet be justified. The revised wording of the condition would allow some short-term casual hire to adults and junior players and for open days/tournaments to take place, but only with the prior written approval of the Council. This will allow the situation to be kept under review and if problems become evident than this approval can easily be refused when a renewal is sought.'*

It is evident within third part comments received that noise from people using the clubhouse in evenings is of a concern to neighbouring properties. However, a number of key points need to be considered,

- 1) the premises license for the clubhouse allow the opening hours of the premises until the following hours:-  
  
Sunday to Thursday from 09.00am to 23.30pm;  
  
Friday and Saturday from 09.00am to 00.30am the following morning.  
  
Non-standard timings – New Year's Eve – 09.00am to 24.00hrs. New Year's Day from 00.00am to 23.00hrs.
- 2) the applicant is willing to accept a condition ensuring that the pitches are not used past 2130 hours
- 3) No formal noise complaint has been reported to the Environmental Protection Team since 2009
- 4) The recent application for the indoor sports building is not conditioned relating to its opening hours

With all these factors taken into consideration collectively it is considered that the proposed development is acceptable and would not have an adverse impact upon the amenities of the nearby neighbouring properties. The proposal therefore complies with policy CS16.

### Parking

Given the level of car parking that exists currently on site, it is considered that sufficient designed car parking existing to accommodate this development. Given its location towards the lower part of the site, users would be more inclined to park in the designed spaces as oppose to along the access road into the site, which is of concern to the local residents.

Access

Following consultation with WCC Highways authority it is considered that subject to conditions that the proposed development would not have a detrimental impact upon the highway network.

**Recommendation**

Approval subject to conditions

**APPLICATION NUMBER**

R14/0109

**DATE VALID**

06/02/2014

**ADDRESS OF DEVELOPMENT**

RUGBY TOWN JUNIOR FOOTBALL CLUB  
KILSBY LANE  
HILLMORTON  
RUGBY  
CV21 4PN

**APPLICANT/AGENT**

Brian Crinigan  
13 Percival Road  
Rugby  
Warwickshire  
CV22 5JS

**APPLICATION DESCRIPTION**

Installation of 3 no. all weather sports pitches and provision of floodlights (removal of conditions 6 & 7 of planning permission R09/0799/PLN dated 04/01/2010 as amended by planning permission R11/0535 dated 13/05/2011 to allow the facility to be used by all age groups and members of the general public not associated with the club or nominated members/groups as outlined within condition 6)

**CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

**CONDITION: 1**

This permission shall be deemed to have taken effect on 2nd April 2014.

**REASON:**

To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

**CONDITION: 2**

The trees and shrubs so planted in accordance with comprehensive landscaping scheme approved in accordance with planning permission R09/0799/PLN dated 04/01/2010, shall be properly maintained up to 2020 and any failures being replaced during the following planting season.

**REASON**

In the interests of the amenities of the locality

**CONDITION: 3**

The all-weather pitches hereby permitted shall only be used between the hours of 8.00am and 9.30pm daily and the floodlights shall be turned off no later than 9.45 pm.

**REASON**

In the interests of the amenities of the locality.

**CONDITION: 4**

Levels of illuminance from the proposed floodlights shall not exceed that indicated on the submitted drawing numbers UKS6077 & UKS6077/1, submitted as part of planning permission R09/0799/PLN dated 04/01/2010.

**REASON**

In the interest of the amenities of the locality.

**CONDITION: 5**

The unrestricted use of the all weather sports pitches hereby permitted shall not commence until the existing footpath link from the Kilworth Road approved under planning permission ref: R02/0487/5742/P dated 15.10/2004 has been re-surfaced with a suitable bound material to a width of 3 metres and brought into use.

**REASON**

To improve pedestrian access to the site.

**CONDITION 6**

The amended means of access (details of which were approved in accordance with planning permission R09/0799/PLN, dated 04/01/2010) from the application site to the off-site habitat park immediately to the south which is retained in the ownership of the Local Authority is means of access shall be kept free of any obstruction and maintained as such in perpetuity.

**REASON.**

To ensure that proper access to the off-site habitat park is retained.

**INFORMATIVE 1:**

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

**STATEMENT OF POSITIVE ENGAGEMENT:**

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

**Reference number: R14/0275**

**Site address: Bilton High School, Lawford Lane, Rugby, CV22 7JT**

**Description: Variation of condition 2 of R13/0236 (Construction of new sports hall and sports hall facilities building, parking facilities and associated works) to make amendments to siting and design of approved sports hall and facilities building.**

**Case Officer Name & Number: Karen McCulloch, 01788 533623**

### **Relevant planning history**

R13/0236 - Construction of new sports hall and sports hall facilities building, parking facilities and associated works – Approved 14<sup>th</sup> August 2013

The school also has an extensive planning history relating to various works and buildings erected in the past. However, this is not directly relevant to the proposals.

### **Background**

In 2009 guidance and changes to legislation were issued which allow greater flexibility when dealing with planning permissions. This includes dealing with “minor material amendments” to existing permissions and advises that these should be dealt with as applications to amend conditions listing plans on the original planning permission.

Although no statutory definition of a minor material amendment has been provided the guidance states this is a change “whose nature and scale results in a development which is not substantially different from the one that has been approved.”

The guidance goes on to state that authorities have the discretion to decide which statutory consultees should be consulted and advises that a proportionate approach should be adopted when consulting third parties.

In relation to issuing decisions it is advised that an approval would, in effect, be a new permission and that a new decision notice, including all relevant conditions should be issued, although time limit to commence development should not be extended.

### **Description of proposals**

This application is to make amendments to the sports hall and sports facilities building that were previously approved.

These changes include reducing the height of the sports hall building from 11.5m to 10m, omitting the perforated and glazed parts of the sports hall and omitting a glazed section which provided a link between the 2 buildings, this results in the sports hall moving further north.

As with the approved application the replacement sports hall and replacement sports facilities building will include changing facilities, gym and dance studio.

The main sports hall building will be located further south than the existing sports hall which is to be removed and will be set at 90 degrees to this. The facilities building will replace the existing changing area and will infill an open area between this and other school buildings.

The site of the existing sports hall and basketball court area will be used to provide 47 additional car parking spaces. This is less than the 56 previously approved and increases the parking on site from 78 to 125 spaces.

The main sports hall building will be around 10m high, this includes a parapet wall around the roof which will screen any plant and equipment required. As with the previously approved building this will be built of coloured cladding panels.

The facilities building will be white render. Facing the car park coloured panels between windows will reflect the colours of the main sports hall building.

In relation to the previous application the applicants have advised that outside of school hours the buildings will be available for use by the general public.

### **Third party comments**

None received

### **Technical consultation responses**

Sport England            No objection

WCC Ecology            No objection    Previous request for informatives applies

As the application is to amend the design of the approved building no other technical consultations were considered necessary.

### **Relevant policies and guidance**

#### Rugby Borough Core Strategy 2011

- |      |          |   |
|------|----------|---|
| CS1  | Complies | Development Strategy                    |
| CS11 | Complies | Transport and New Development           |
| CS13 | Complies | Local Services and Community Facilities |
| CS16 | Complies | Sustainable Design                      |
| CS17 | Complies | Reducing Carbon Emissions               |

#### Rugby Borough Local Plan 2006 – Saved Policies

- |     |          |                    |
|-----|----------|--------------------|
| GP2 | Complies | Landscaping        |
| E6  | Complies | Biodiversity       |
| T5  | Complies | Parking Facilities |

Sustainable Design and Construction SPD, 2012

Planning Obligations SPD, 2012

National Planning Policy Framework, 2012

## **Assessment of proposals**

The issue to assess in relation to this application is whether the amendments to the siting and design of the building would have an adverse impact on the neighbouring properties or the character of the area.

Other issues, such as the principle of the development, highway safety, sustainability and environmental health matters were considered in relation to the previous application and were considered acceptable subject to conditions.

The impact of the amended proposal on the visual amenity of the area must be assessed.

Although the proposals amend the design of the approved building the general style and materials used do not alter. The alterations include the reduction in height of the sports hall, the removal of glazed and perforated elements, and the removal of a glazed area linking the buildings, this results in the sports hall element moving further north.

The sports hall building is, by necessity, a large boxy building that will be constructed of cladding and blockwork. To break up the large elevations, reduce maintenance and to give the building a modern and innovative design it is proposed to use a range of different coloured cladding panels. The cladding panels are proposed as a mix of 2 greens, pink, purple and white which reflect the school colours. These give a modern and striking appearance and provide a contrast between the new and old buildings on the site.

The sports facilities part of the building will be a lower level and will be predominantly constructed of white render. This will have dark grey aluminium windows with coloured panels between which will reflect the colours used on the sports hall building.

The proposed building, and that previously approved, is a fairly unusual design. However, it will be sited within the existing school grounds and will not be overly prominent or intrusive in the street scene. The building will also be visible from the footpath in Cawston Grange to the other side of the playing fields. From this area the building will be seen in association with the existing school buildings and from a significant distance away.

It is considered that the proposed building will have a distinct identity, reflecting its use as part of the school. Although it is an unusual design, due to the siting it is considered that the development will not create an incongruous or inappropriate feature within the street scene and the relevant part of CS16 is complied with.

This policy also states that development should not have an adverse impact on neighbouring residents. The proposed building will be closer to neighbouring dwellings than that previously approved. However, at its closest point the building will be around 50m from neighbouring dwellings. Given this level of separation it is not considered there will be an adverse impact on neighbouring properties in terms of loss of light or sense of enclosure.

The proposals will provide additional car parking resulting in an increase of 47 spaces, 9 less than previously approved. Based on the increased size of the sports hall and the addition of the gym and dance studio the Council's parking standards, contained within the Planning Obligations SPD would require an additional 21 spaces. The proposals clearly exceed this requirement and will also provide additional parking for the school. Cycle parking is already provided on-site in a purpose built shelter and this is considered acceptable. Saved policy T5 is therefore complied with.

The applicant advised that the proposed alterations were required due to budget constraints. However, these would not change the sports that could be carried out in the hall which is proposed to be used for badminton, basketball, cricket (6 a side), football (5 a side), hockey and netball. The only change resulting from the reduction in height is that the hall will only be

suitable for club level badminton not national or international level. Sport England commented on the proposals and raised no objection.

WCC Ecology commented on the application and requested the informatives attached to the previous approval be replicated on this application.

The Government guidance related to minor material amendments advises that an approval would, in effect, be a new permission and that a new decision notice, including all relevant conditions should be issued. Therefore the conditions on the original approval should be replicated in relation to this application.

### **Recommendation**

Approval

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R14/0275

#### **DATE VALID**

07/02/2014

#### **ADDRESS OF DEVELOPMENT**

BILTON HIGH SCHOOL  
LAWFORD LANE  
RUGBY  
CV22 7JT

#### **APPLICANT/AGENT**

Mr Alex Collins  
Bailey Garner LLP  
55 Charlotte Street  
Birmingham  
B3 1PX  
On behalf of Ms Sue Miller, Bilton High School

### **APPLICATION DESCRIPTION**

Variation of condition 2 of R13/0236 (Construction of new sports hall and sports hall facilities building, parking facilities and associated works) to make amendments to siting and design of approved sports hall and facilities building.

### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

#### CONDITION: 1

The development to which this permission relates must not be begun later than 14th August 2016.

#### REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

#### CONDITION: 2

The development shall not be carried out other than in accordance with the Site Plan - 26101/PL102 received by the Local Planning Authority on 6th February 2014 and the North & South Elevations - 26101/PL103/A, East & West Elevations - 26101/PL104/A, Ground Floor Plan - 26101/PL100/A, First Floor Plan - 26101/PL101/A and GA Section 26101/PL106/A received by the Local Planning Authority on 7th February 2014.

REASON:

For the avoidance of doubt.

CONDITION: 3

Unless otherwise agreed in writing by the Local Planning Authority the metal coloured panels to be used in the proposed development shall be Reynobond/Reynolux panels as received by the Local Planning Authority on 5th July 2013.

No development shall commence unless and until details of the proposed render and fairface blockwork, including samples, 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 for the avoidance of doubt.

CONDITION: 4

No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

REASON:

To ensure the preservation of important archaeological remains and that any archaeological history of the site is recorded.

CONDITION: 5

No external lighting shall be erected unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected 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: 6

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

REASON:

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.



CONDITION: 7

Unless otherwise agreed in writing by the Local Planning Authority the building hereby permitted shall be constructed to achieve a minimum water efficiency standard equivalent to BREEAM very good.

REASON:

In order to ensure water efficiency through sustainable design and construction.

CONDITION: 8

Prior to the first occupation of the building, details of the equipment and technology to be incorporated to achieve carbon emission reductions shall be submitted to the Local Planning Authority in writing and include the submission of an Energy Performance Certificate. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented prior to the first occupation of the building in accordance with this approval and shall be retained in working order in perpetuity.

REASON:

To ensure energy efficiency is achieved through sustainable design and construction.

CONDITION: 9

All tree protection measures and tree removal works identified within the arboricultural report/tree protection plan relating to the approved design details (including the erection of protective fencing as per BS5837:2012 - Trees in relation to design, demolition and construction: recommendations) shall be implemented prior to the construction phase. Protective measures shall remain in place until completion of all construction works. Root protection areas shall be treated as sacrosanct with no building activity, ground disturbance or storage of building materials taking place within them. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.

REASON:

To protect all retained trees during the construction phase.

CONDITION: 10

No development, including demolition, shall commence unless and until an Asbestos Survey of the existing buildings has 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:

In the interests of health and safety.

CONDITION: 11

No development shall commence unless and until details of Dust Mitigation Measures 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:

In the interest of health and safety.

CONDITION: 12

Demolition, construction work (excluding work inside of the proposed building) and deliveries shall 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.

REASON:

In the interest of residential amenity.

CONDITION: 13

Full details of any refrigeration or airhandling plant, flues or other equipment to be located externally to the building, to include proposed measures for acoustically treating such equipment, shall be submitted to and approved by the Local Planning Authority prior to such plant being installed. Equipment shall not be installed other than in accordance with the approved details.

REASON:

In the interests of the amenities of neighbouring properties.

CONDITION: 14

No development shall commence unless and until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Local Planning Authority.

The building shall not be first occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

Such areas shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON:

In the interest of highway safety.

CONDITION: 15

No development shall commence until full details of the proposed construction traffic arrangements have been submitted to and approved in writing by the Local Planning Authority.

These details shall include details of the proposed routing of construction traffic, construction access and egress, any works required to form or improve the access and egress and reinstatement after use, construction traffic car parking, manoeuvring, turning and service areas, including surfacing, drainage and levels, hours of deliveries and any fences or gates proposed.

The development shall not be carried out other than in accordance with the approved details with the approved areas retained for the parking and manoeuvring of vehicles during construction.

**REASON:**

In the interest of highway safety.

**CONDITION: 16**

During the construction period, adequate measures shall be taken to prevent deleterious matter being carried onto all nearby highways.

**REASON:**

In the interest of highway safety.

**STATEMENT OF POSITIVE ENGAGEMENT:**

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

**INFORMATIVE: 1**

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works.

Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523 . If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

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 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, 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 for their presence immediately before work starts, especially if during the breeding season.

**INFORMATIVE: 2**

The applicant is respectfully advised that if additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants. WCC Ecological Services would be happy to provide further advice if required (Tel: 01926 418060).

#### INFORMATIVE: 3

The value and usefulness of the asbestos survey can be seriously undermined where either the client or the surveyor imposes restrictions on the survey scope or on the techniques/methods used by the surveyor. Information on the location of all Asbestos Containing Materials (ACMs), as far as reasonably practicable, is crucial to the risk assessment and management. Any restrictions placed on the survey scope will reduce the extent to which ACMs are located and identified, incur delays and consequently make managing asbestos more complex, expensive and potentially less effective.

It should be noted that demolition contractors are required to inspect a site. Where the presence of asbestos is suspected then the Health and Safety Executive (HSE) and Environment Agency has to be notified and special waste regulations must be complied with. Asbestos contaminated waste is required to be removed to a designated waste management site licensed to take asbestos. A consignment note for the national inspectorate is required for each load and a paper trail of movements of such waste is kept.

#### INFORMATIVE: 4

The dust mitigation measures should detail how dust will be managed, abated and prevented from migrating off the development site and impacting on local surrounding receptors and the road network. It is the expectation of Rugby Borough Council that screening boards are utilised on site before development commences to help prevent dust from migrating off site. These also have the benefit of screening and improving security of the site as well potentially reducing noise travel.

#### INFORMATIVE: 5

Demolition is not recommended during school term periods when pupils are present.

#### INFORMATIVE: 6

The applicant is advised to give due regard to the advice contained in BS5228:2008 Noise and vibration control on construction and open sites.

This Authority also wishes to draw your attention to the Considerate Constructors Scheme. This is a voluntary Code of Practice, driven by the construction industry, which seeks to:-

- Minimise any disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood
- Eradicate offensive behaviour and language from construction sites
- Recognise and reward the contractor's commitment to raise standards of site management, safety and environmental awareness beyond statutory duties

For further information contact:-

Considerate Constructors Scheme, PO Box 75, Ware. SG12 9LN Tel 0800 783 1423

[www.considerateconstructors.co.uk](http://www.considerateconstructors.co.uk)

Further to the above the applicant is advised that compliance with planning conditions does not necessarily prevent action from being taken by the Local Authority or members of the public to secure the abatement, restriction or prohibition of statutory nuisance's actionable under the Environmental Protection Act 1990 or any other statutory provisions.

INFORMATIVE: 7

The applicant shall demonstrate that such lighting conforms to the Institute of Lighting Engineers document 'Guidance Notes for the Reduction of Obtrusive Light' in order to protect residential amenity and minimise the likelihood of light nuisance complaints.

Any external lighting shall be designed in such a manner that it will not cause light nuisance to nearby residential properties.

INFORMATIVE: 8

In relation to the construction details required by condition 15:

- any works to the highway required for construction should be reinstated within 1 month of the buildings first use:
- if the swept path of the largest vehicle to visit the site is within 500mm of a lamp column this will need to be relocated at the applicants' expense;
- no gates shall open within 6.0m of the near edge of the public highway carriageway.

INFORMATIVE: 9

Prior to any works commencing on site, the applicant shall enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980 to ensure any damage to the public highway as a result of construction traffic using the proposed access is repaired at the cost of the applicant.

The applicant / developer will be required to survey the existing condition of the local highway / carriageway with the Area Team, due to the construction period significantly increasing movements of large vehicles in and around the site. The Area Team may be contacted by telephone: (01926) 412515.

INFORMATIVE: 10

Condition 15 may require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. 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. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. 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.

**Reference number:** R13/1547

**Site address:** Impact Dance, Mill Road, Rugby

**Description:** Retrospective permission for the change of use of part of building from a warehouse (Use Class B8) to a dance studio, fitness studio, hair dressers and beauticians with 2 associated offices and WCs (sui generis)

**Case Officer Name & Number:** Richard Redford, (01788) 533 625

**The Proposal;**

Retrospective planning permission is sought for the change of use of part of building from a warehouse (Use Class B8) to a mixed use comprising dance studio, fitness studio, hair dressers and beauticians with 2 associated offices and WCs (sui generis). The application forms detail it will be open between the hours of 0930 and 1200 then 1600 and 2100 Monday to Friday, 0900 to 1300 hours on Saturdays and 1200 to 1400 on Sundays.

An additional letter from the agent confirm that the only marketing done in respect of the site is in the form of a banner sign attached to the side of the building by the applicant since January 2012.

A further letter from the agent has advised that if a permanent permission is not appropriate they are willing to accept a temporary permission for a period of up to 5 years.

**Site History;**

The site has an extensive history however none are relevant to this submission.

**Consultee Correspondence;**

Environmental Health	No objection	Request a condition regarding details being provided in respect of noise insulation to prevent noise transference between various elements of the proposal
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WCC Highway Authority	No objection
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**Third Party Correspondence;**

No third party correspondence has been received.

**Other Relevant Information;**

Located within the Rugby Urban Area, the site is occupied by a single storey building with an authorised use for storage within Use Class B8, part of the building has been converted without planning permission to a sui generis use. From the site visit it was noted that a significant area of the building appears to have at some point been demolished thus providing a substantial area capable of use for parking in association with the use of the site. Within the application site, the ground is in the main level although there is a fall in ground levels between it and the adjacent car park that is set approx. 2m below the application site and there are sections of sloping ground levels where 2 vehicular access points exist from one to the other. Ground levels also increase along the access road from the access roads junction with Mill Road to the application site.

**Relevant Policies;**

RBCS Policy CS1	Complies	Development Strategy
RBCS Policy CS16	Complies	Sustainable Design
Saved Local Plan Policy ED6	Complies	Retention of Other Employment Land

Planning Obligations SPD

NPPF

**Consideration;**

The issues for consideration relate to the acceptability or otherwise for the re-use of part of an industrial building with an authorised storage and distribution (Use Class B8) use for purposes to which this submission relates, design, amenity, parking and other matters.

Located within the Rugby Urban Area the provisions of policy CS1 seeks to direct development to appropriate locations with the application site falling within the second most preferred location, situated after the Rugby Town Centre. The application site is within the Rugby Urban Area and immediately adjacent to an area designated in the Core Strategy as an Employment Allocation, however the site lies outside of this later designation. On this basis the proposed change of use is, subject to other relevant criteria, acceptable in principle.

Within Saved Local Plan Policy ED6, it is detailed that the development or redevelopment for non-employment uses will only be allowed where it has been demonstrated there is no reasonable prospect of the employment use continuing, resuming or being attracted, or where continued employment use would cause demonstrable harm to the environment or local amenity. In this instance the building, as a whole, had been vacant for a period of time prior to the applicant moving into the former office element of the building and whilst the former office element of the building is being used for the proposal, the remainder of the building is still vacant.

In respect of information relating to the building no longer being able to be used for employment purposes, this is normally evidenced in the form of a report following a period of marketing – generally 12 months - by a professional company. Discussions with the agent in respect of marketing have indicated that the owner of the site has marketed the site themselves through a banner on the side of the building since January 2012 which exceeds the normal time period required for marketing, however, given that the marketing has taken place in a very limited scope on site only as opposed to through various different means it is considered that on balance a permanent permission on this basis would conflict with policy requirements. However, as the proposal only occupies a relatively limited portion of the building and would not prohibit or prevent the remainder of the building being used for employment purposes it is considered reasonable that a temporary permission could be capable of support in order to allow the building be used whilst a full marketing survey be undertaken. It is also important to note that whilst the authorised use of the building is for employment, the site is located outside of a designated employment allocation which when taken into account with the aforementioned arguments are considered acceptable to justify a temporary permission. Neither the use proposed nor the authorised use would, based on the information available, have or cause demonstrable harm on the environment or local amenity.

No external or internal alterations have been made to the element of the building within which the development is located meaning there is no alteration to the visual appearance of the building (in whole or part) or any adverse impacts upon the character and appearance of the area. Furthermore, the omission of any alterations means that, if approved, the element of the building occupied could be reverted back to offices in association with the larger remainder of the building unused as part of this scheme.

The positioning of the proposal in relation to the remainder of the building – to remain in storage and distribution use – as well as neighbouring and surrounding sites is such that it would not result in any adverse or detrimental impact on amenities.

The amended plans provided show the provision of 25 on-site parking spaces for use by users of the proposal. These are in addition to the numerous other spaces available on the application site as well as the adjacent car parks. The spaces provided are in-line with required levels with additional spaces available such that it complies with standards.

Overall therefore the proposal is, on-balance, considered to be an acceptable form of development for a limited period of time.

**Recommendation;**

Recommend temporary approval subject to conditions.

Report prepared by: Richard Redford 17<sup>th</sup> March 2014

**DRAFT DECISION**

**APPLICATION NUMBER**

R13/1547

**DATE VALID**

07/11/2013

**ADDRESS OF DEVELOPMENT**

IMPACT DANCE  
MILL ROAD  
RUGBY  
CV21 1BA

**APPLICANT/AGENT**

Roger Goddard  
16 Gainsborough Crescent  
Hillmorton  
Rugby  
Warwickshire  
CV21 4DQ  
On behalf of Mrs H James

**APPLICATION DESCRIPTION**

Retrospective permission for the change of use of part of building from a warehouse (Use Class B8) to a dance studio, fitness studio, hair dressers and beauticians with 2 associated offices and WCs (sui generis)

**CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

CONDITION 1:

This permission shall be for a limited period expiring on June 2016 on or before which date the building shall be returned to its former use unless the further permission has been obtained in relation to the building.



REASON:

The use of the building for the temporary period hereby approved is not considered to be acceptable on a permanent basis.

CONDITION 2;

The development hereby granted temporary permission shall not be used for purposes other than those specified in the submitted documents including plans.

REASON;

For the avoidance of doubt.

CONDITION 3;

The parking spaces shown on the submitted plans shall be provided and subsequently retained for use by users of the approved development.

REASON;

To ensure sufficient parking is provided and subsequently retained for the life of the permission.

CONDITION 4;

Within 2 months of the date of this permission, full details of a scheme to control noise transference between the approved uses within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full within 2 months of the date they are agreed.

REASON;

In the interests of amenities.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

**Reference number: R13/0951**

**Site address: Former Citroen Garage, Victoria House, 50 Albert Street, Rugby**

**Description: Demolition of existing buildings and erection of 9 one-bed flats, 6 2-bed flats and 10 2-bed houses with access, parking and associated works.**

**Case Officer Name & Number: Richard Redford**

**The Proposal;**

Planning permission is sought for the demolition of the existing buildings on-site and the subsequent erection of 25 dwellings comprising 9 one-bed flats, 6 two-bed flats and 10 two-bed houses for socially rented occupation with access, parking and associated works. Vehicular access to the site is via Albert Street with a three-storey block containing 9 dwellings (6 x two-bed flats and 3 x one-bed flats) as well as a 2 and 3-storey block containing 10 units (4 x two-bed houses and 6 x one-bed flats) fronting onto Albert Street separated by the access road. To the rear of the site there will be a further 2 blocks of 2-storey dwellings providing the remaining 6 two-bed houses with their flank walls running parallel with Albert Square. A total of 19 parking spaces will be provided with 17 of these being within the site access off Albert Road and the other 2 being accessed off Albert Square. 2 large bin stores as well as 2 cycle stores are proposed within the site.

Submitted as part of the application were a number of documents including Design & Access Statement, Air Quality Assessment, Noise Assessment, Environmental Policy and Sustainability Statement. Additionally, a letter from Waterloo Housing Group detailing all 25 units will be 100% affordable rent managed by Waterloo Housing Association.

Additional information provided by the agent has confirmed the flats will be constructed of Ibstock Ardley mixture bricks with Russel Grampian Anthracite roof tiles whilst the houses will be constructed of Ibstock Grampian Red bricks with Russel Grampian Slate Grey roof tiles.

Further plans have been provided showing site boundary treatments along with a further amended site location plan having been provided addressing points raised by a consultee. Private and confidential documents relating to the viability of the scheme have been put forward responding to request for financial contributions for open space and education.

The agent has confirmed the applicants willingness to enter a Section 106 legal agreement to ensure the units are used for socially rented houses.

**Site History;**

The site has an extensive site history with the following 2 applications being the only ones relevant to the current submission and related to the hard surfaced part of the site;

Erection of 33 sheltered flats (R88/0991/3103/OP)	Withdrawn
Erection of 33 sheltered flats (R88/2114/3103/OP)	Refused 08.03.1989

**Consultee Correspondence;**

RBC Housing	Support
RBC Environmental Health	No objections Request conditions and informatives

RBC Strategic Development No objections Recommend a Section 106 Agreement to ensure the proposal, as 100% affordable, be retained in perpetuity

RBC Parks & Gardens No objections Request contribution toward open space provision and maintenance

RBC Tree Officer No objection Request planting condition

RBC Work Services No objection

Severn Trent Water No objection Request condition

Warwickshire Fire & Rescue No objection

Police Liaison No objections

WCC Ecology No objections Request informatives

WCC Highways Authority No objections Request conditions and informatives

WCC Planning No objections Request contribution toward education provision

National Grid No objection

WCC Archaeology No comments received

Western Power Distribution No comments received

### **Third Party Correspondence;**

Neighbours (5) Object The proposal will obstruct views from neighbouring residential units; unacceptable increase in vehicle levels; increased vehicles numbers resulting in parking problems to the detriment of local businesses; parking already crowded in the area with the proposal only adding to and exacerbating it; too few parking spaces proposed for the number of dwellings proposed; wondering if the spaces proposed will be available to local residents; removal of trees on the site; removal of the tree on the adjacent site having taken place; over-development of the site due to the 25 units proposed with 17 parking spaces provided; and unacceptable increased in noise and pollution levels.

### **Other Relevant Information;**

The site, located within the defined Town Centre boundary, is occupied by a three-storey building with single storey rear projection and a standalone single storey building last used for car sales purposes with the remainder of the site comprising hard standing. Surrounded by a mixture of uses including residential, offices, public house and motor garage, the built form in the immediate locality varies between single and 4 stories in height as well as in respect of the materials used in the construction of these surrounding buildings. Ground levels fall approximately 3m along the immediate site frontage whilst also falling from within the site in 3 directions toward Albert Street and Albert Square, however there is a greater fall in ground level along Albert Street as a whole. The Bilton Road, Warwick Street and Town

Centre Conservation Area boundary runs adjacent to part of the site whilst there is a Grade II listed building in close proximity to the site on the corner of Albert Street and Albert Square.

**Relevant Policies;**

Rugby Borough Core Strategy:

RBCS Policy CS1	Development Strategy
RBCS Policy CS6	Development In Rugby Town Centre
RBCS Policy CS7	Retail Frontages
RBCS Policy CS16	Sustainable Design
RBCS Policy CS17	Reducing Carbon Emissions
RBCS Policy CS19	Affordable Housing

Rugby Borough Saved Local Plan Policies:

GP2	Landscaping
H11	Open Space Provisions In Residential Developments In The Urban Area
LR1	Open Space Standards

Supplementary Planning Documents:

- Planning Obligations SPD
- Housing Needs SPD
- Sustainable Design & Construction SPD

National Policy:

NPPF

**Consideration;**

The issues for consideration include the principle of the development, affordable housing, design and appearance, amenity and open space. In order to ensure all elements requiring consideration are addressed, they will be assessed under appropriate headings.

Principle of Development:

The site is located within the Rugby Urban Area as well as within the Town Centre Boundary meaning the provisions of the Core Strategy policies CS1, CS6 and CS7 are relevant in the consideration as to whether or not the principle of the proposed development is acceptable or not.

Whilst the provisions of policy CS1, detailing the preferred locations for development of sites within the Town Centre being the most preferred, support the principle of the development there is a need to assess the proposal against policies CS6 and CS7 relating to development in the Rugby town centre as well as retail frontages respectively.

Policy CS6 on development within the town centre, details that where redevelopment is proposed within the town centre it will be required to be to a high quality design that compliments and enhances the existing environment and townscape. Given that this policy requires new development be of a high quality design complimentary to and enhancing the existing environment, it can be seen that the principle of redevelopment in this location is compliant with the provisions of this policy.

Within policy CS7 it states that the redevelopment of sites within the town centre for a variety of uses including for residential purposes will be permitted where they will not harm the retail function and character of the primary shopping area, will not impact on the vitality or viability of the primary shopping area and demonstrate no suitable alternative sites are available where retail is proposed outside of the primary shopping area but within the town centre. In this particular instance, part of the site is occupied by a vacant car showroom with vacant offices associated with the car sales on the upper floors with the remainder of the site comprising hard standing. It is considered that redevelopment of the site to provide 25 residential units for affordable rent will neither impact on the retail function and character of the primary shopping area nor its vitality and viability. Furthermore, as no retail is proposed as part of this application the last point is not relevant to this assessment. It can therefore be seen that the proposal complies with the provisions and requirements of this policy.

In respect of the principle of the re-development of the site for residential purposes it can be seen that the proposal complies with the requirements and provisions of the relevant policies and is therefore acceptable.

#### *Layout, Design & Appearance:*

The proposed dwellings have been arranged to be provided in 4 blocks with 2 fronting Albert Street either side of the proposed access point, with the remaining 2 blocks toward the rear of the site and their flank walls running parallel to the roadway on Albert Square. Between the 2 blocks of houses (toward the rear of the site) will be a number of parking spaces either side of the internal road with more parking spaces being provided to the rear of the larger block fronting Albert Street. This layout arrangement serves to provide the internal access road with the bulk of the parking spaces in a relatively limited area thus affording all 10 of the houses as well as 6 of the one-bed flats with what are considered to be good sized rear gardens in this locality. Within the site, the buildings have been sited so as to ensure good distances between them and both the adjacent public house and vehicular tyre change building in order to ensure appropriate relationships. 2 parking spaces along with a bin store have been sited between these 2 neighbouring uses where there would be no detrimental impacts. This layout of the site as a whole allows a positive street frontage on Albert Street to be provided whilst allowing views and linkages through the site in all 4 directions contributing to the enhancement of the character and appearance of the area.

There are a mixture of building designs, heights and materials within the immediate and wider area from which the proposed buildings have drawn on in the buildings designs. Both the variation of building heights along Albert Street and the falling ground levels along Albert Street when travelling toward Railway Terrace have been utilised to enable the blocks facing onto Albert Street to be 2 and 3 stories in height. This variation in height on these 2 blocks will fit in with the existing streetscene, allowing the existing visual appearance to be continued through the entirety of the sites Albert Street frontage to the benefit of the street and area. In respect of Blocks C and D to the rear of the site, their 2-storey height with pitched roof above serves to provide a gradual, appropriate and respectful height increased from the main parking area to the flats on Albert Square to the rear of the site. Furthermore their scale, massing, proportions and orientation are such that they will fit in with both the site and the area whilst providing good visual links within and through the site to the benefit and enhancement of the scheme.

Visually the scale, massing, bulk and proportions of all of the buildings proposed are reflective of other buildings in the immediate area allowing them to fit in with the character and appearance of the area without being out of keeping or detrimental to the area. One of the submitted plans details the intended materials to be used and whilst the majority of the materials detailed are acceptable, full details on brick work and roof tiles will be required.

The plans also detail the intended site boundary treatments where applicable in the form of stained 1.8 / 2m high timber fence which is acceptable within the area as are the intended roadway, parking and footway materials comprising tarmac, brick pavers and concrete slabs. Whilst the plans show general garden and landscaping details with a number of trees indicated, no full details have been provided and should be submitted for approval as well as implemented prior to first occupation.

The most recent amended site location plan shows all hard landscaping details that are acceptable whilst also showing some elements of soft landscaping, although an annotation on the plan indicates full soft landscaping details are to be confirmed in due course. A condition requiring these details to be provided and implemented prior to occupation should be attached to any approval.

#### *Amenity & Carbon Emissions:*

The buildings have been arranged within the site in a manner so as to ensure the amenities of existing and proposed residents are protected. Within the site the blocks of buildings have been configured so that rear gardens for the houses are a minimum of 9.5m adjacent to The Seven Stars pub and greater elsewhere so ensuring occupants have good private amenity areas whilst the 2 blocks of flats have access to reasonably sized grassed areas. Where units face each other there is a minimum distance of 18m between windows thus affording a good outlook for existing and proposed occupiers. The site arrangements in relationship to neighbouring sites are such that there are 2 neighbouring dwellings and up to 3 flats that will face toward rear gardens of 2 of the houses however the separation distance and heights are such that there will be no over-looking, inter-looking, loss of privacy or loss of light.

The buildings that form the development are all being constructed to Level 3 of the Code for Sustainable Homes and when taken into account with other elements of the development result in a reduction in carbon emissions.

Overall therefore the proposal complies with the provisions of policies CS16 and CS17.

#### *Affordable Housing:*

Policy CS19 of the Rugby Borough Core Strategy relates to the provision of affordable housing requiring 33.3% affordable housing be provided on sites between 0.5ha and 1ha or capable of 15 units or more whilst on sites in excess of 1ha 40% affordable housing should be sought.

In this particular instance, the proposal to provide 25 units would see them all provided as socially rented accommodation taken over and operated by Waterloo Housing Group as confirmed in their letter submitted as part of the application. As such 100% of the units provided would be affordable far exceeding the required levels to the benefit of Rugby, the town centre and the urban area in an area with parking provision in-line with standards as well as within a very sustainable location. The applicant has confirmed their willingness to enter into a Section 106 Legal Agreement with regards to all of the units being provided as socially rented dwellings.

### Contributions:

As part of the consultation process financial contributions have been requested by WCC Education and RBC Parks & Gardens. The education contribution requested is based on current and forecast surplus/deficit and relates to the provision of 2 spaces for primary age pupils and 2 spaces for secondary aged children. With regards to open space contribution sought, the amount is based on the provision / enhancement of open space at the Whitehall Rec for parks and gardens and its subsequent maintenance.

Following these contributions having been put to and requested from the agent in the form of their entering into a Section 106 in respect of its provision, a viability appraisal has been provided and assessed. The appraisal indicates that the provision of the scheme as 100% affordable rent through a housing provider, as is proposed in this instance, results in the scheme not being able to provide for any contributions for other areas such as education and open space as are being sought here. On the basis of this appraisal addressing viability and given that the scheme will provide 25 units all for affordable rent, it is considered on balance that the proposal will bring such benefits that in this particular case outweigh the provision of other contributions.

### Relationship with Conservation Area and Listed Building:

The site itself is situated within the town centre boundary. It is outside of but immediately adjacent to the Bilton Road, Warwick Street and Town Centre Conservation Area to the sites west with a Grade 2 listed building being situated to the sites east.

The current site arrangements in the form of a 3-storey office building, small outbuildings and parking area are not considered to contribute to the character, appearance or historic setting of either the adjacent conservation or listed building. As proposed, re-development of the site will provide a comprehensive development of the site with attractive street frontages in-keeping with close by sites in a way that will serve to enhance the entrance to the conservation area as well as the setting of the listed building and as such is considered to be acceptable in this respect.

### Access & Parking:

With regards to parking, the site is situated within the High Access Parking Area resulting in there being a requirement for 19 on-site parking spaces. All of these spaces have been provided with appropriate turning, manoeuvring and visibility splays with the plans also indicating the spaces will be clearly demarked on the site through the use of different surface treatment from the road and pedestrian routes within the site. It is considered that a condition requiring these be provided before occupation and permanently retained thereafter is appropriate. The amended site location plans provided have shown a slightly increased area for turning and manoeuvring so ensuring satisfactory arrangement.

The Highway Authority has assessed the proposal indicating that they have no objections subject to a number of conditions and informatives being attached to any approval. Work Services has also reviewed the scheme and are satisfied that there are adequate arrangements for refuse storage and collection including manoeuvring space for collection vehicles.

Overall therefore the proposal complies with the requirements of the Planning Obligations SPD as well as policy CS16 with regards to access, parking, highway and pedestrian matters.

Objections:

5 letters of objection have been received raising a number of concerns with regards to the proposed development on which the following comments are made. In respect of views, although there is no right of a view across the site it is not considered that the proposal would result in any impact on neighbouring sites with regards to outlook, privacy or light to a level that would justify a refusal being issued. Furthermore, sufficient on-site parking spaces are provided in-line with the standards set out in the Planning Obligations SPD whilst the site is situated within the Rugby Town Centre – a sustainable location well served by public transport – and there is no evidence that the scheme would adversely impact on parking situations within the area. Whilst the trees on the application site, along with one on a neighbouring site, have been removed they were not covered by any protection orders and consent was not therefore required for their removal with replacements being able to be provided through an appropriate landscaping scheme. It is not considered that the proposal represents an over-development of the site and whilst there will be an increase in noise and dust levels during the implementation, it will be limited to this period and is less than could be encountered through the current authorised use of the site for car sales.

Conclusion:

Overall therefore the principle of the development is acceptable due to the sites location and provisions of the relevant policies whilst also being of a good design, appearance and scale appropriate to the area generally as well as adjacent Conservation Area and listed building that would not result in any adverse or detrimental impact. Whilst no financial contribution will be made toward either education or parks and gardens, the scheme all of the units within the scheme will be affordable units rent that far exceeds the required level and will result in the re-development of the site that is in a sustainable location to the benefit of the area as a whole. As such the proposal is acceptable and therefore recommended for approval subject to conditions and the applicants entering into a Section 106 Legal Agreement for the provision of all the units for affordable rent.

**Recommendation;**

Recommend approval subject to conditions and the applicants entering into a Section 106 Legal Agreement.

Report prepared by: Richard Redford                      21<sup>st</sup> March 2014

**DRAFT DECISION**

<b><u>APPLICATION NUMBER</u></b> R13/0951	<b><u>DATE VALID</u></b> 28/01/2014
<b><u>ADDRESS OF DEVELOPMENT</u></b> VICTORIA HOUSE 50 ALBERT STREET RUGBY CV21 2RH	<b><u>APPLICANT/AGENT</u></b> Mr G Bott Stephen Geore & Partners 170 London Road Leicester Leicestershire LE2 1ND On behalf of , William Davis Ltd



## **APPLICATION DESCRIPTION**

Demolition of existing buildings and erection of 9 one-bed flats, 6 2-bed flats and 10 2-bed houses with access, parking and associated works.

## **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

### 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 51 of the Planning and Compulsory Purchase Act 2004.

### CONDITION 2:

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Application form, Design & Access Statement dated January 2014, WYG Air Quality Assessment dated December 2013, WYG Noise Assessment dated January 2014, William Davis Environmental Policy Reviewed January 2014, Sustainability Statement (undated), Waterloo Housing Group letter dated 15th January 2014, Initial Bat Survey Report numbered RT-MME115808 dated November 2013, Shelter Solutions quote for 2 secure cycle shelters dated 5th February 2014, drawing numbered A003 dated 28 January 2014, drawing A002 Rev A dated 9 January 2014, drawing B001 Rev A dated 7 January 2014, drawing B006 dated 27 January 2014, drawing B003 Rev A dated 27 January 2014, and drawing B005 dated 27 January 2014 all submitted to and received by the Local Planning Authority on 28th January 2014; and

Party walls detail plan drawing numbered C1835-001 Rev P4 dated 27 February 2014 submitted to and received by the Local Planning Authority on 6 March 2014;

The WYG Air Quality Assessment dated March 2014 submitted to and received by the Local Planning Authority on 18th March 2014; and

Asbestos Demolition Survey report numbered 275550 printed 11 February 2014, Amended drawing numbered A001 Rev G dated 19 March 2014, drawing A004 Rev A dated 7 March 2014, drawing L67 dated August 1997, drawing L59 Rev A dated 8 May 2000, drawing L56 Rev A dated 16 July 2007 and drawing L44 Rev A dated 16 July 2007 all submitted to and received by the Local Planning Authority on 19th March 2014

### REASON:

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

### CONDITION 3:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting those orders, on the residential dwellings marked B on drawing A001 Rev G dated 19 March 2014 submitted to and received by the Local Planning Authority on 19 March 2014, no development shall be carried out which comes within Classes A, B, C, D, E and F

of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION 4:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no wall, fence, gate or other means of enclosure shall be erected, constructed or placed in front of the dwellings without the prior written permission of the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION 5;

The cycle and bin stores indicated on the approved plan numbered A001 Rev G dated 19 March 2014 shall be provided prior to the first occupation of any of the dwellings approved and shall be retained permanently thereafter.

REASON;

To ensure sufficient, adequate cycle and bins stores are provided prior to first occupation and then retained permanently thereafter.

CONDITION 6:

With the exception of demolition, no part of the development hereby approved shall commence unless and until a comprehensive soft 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, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION 7;

The parking spaces shown on the approved plans shall be provided prior to the occupation of the dwellings hereby approved and retained permanently thereafter for the purposes of parking in association with the dwellings approved.

REASON;

To ensure sufficient on-site parking spaces are provided and subsequently retained for use by the dwellings approved as part of this development.

CONDITION 8:

The vehicular access to the site shall not be used until it has been constructed to include the following requirements all of which are specified in 'Transport and Roads for Developments The Warwickshire Guide 2001 (published by Warwickshire County Council).

- a) A gradient not steeper than 1 in 10 and hard surfaced in a bound material for a distance of 7.5 metres from the near edge of the highway carriageway.
- b) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 5.5 metres from the near edge of the highway carriageway.
- c) The vehicular accesses not allowing surface water to run off the site onto the highway.

REASON:

In the interest of highway safety.

CONDITION 9;

The development hereby permitted shall not be occupied until all parts of existing accesses to Albert Street and Albert Square not included in the proposed means of access, have been permanently closed and the highway features (including the footway and kerblines) have been reinstated in accordance with details approved in writing by the Local Planning Authority.

REASON;

In the interests of highway safety and the visual amenity of the area.

CONDITION 10:

The development hereby permitted shall not be occupied before the highway (footway) crossing has been laid out and constructed to the satisfaction of the Local Planning Authority in accordance with the standard specification of the Highway Authority.

REASON:

In the interest of highway safety.

CONDITION 11:

The development hereby permitted shall not be occupied until the applicant has provided a sustainability pack for the occupiers.

REASON:

In the interest of sustainability.

CONDITION 12;

With the exception of demolition, the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON;

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

CONDITION 13;

With the exception of demolition on site, no part of the development approved shall take place until a Phase 2 Intrusive Ground Investigation Survey has been carried out with resultant report, to include mitigation measures where necessary, submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

REASON;

To ensure that any risks from land contamination for future users of the land and neighbouring land are minimised.

CONDITION 14;

Prior to the construction of the development hereby permitted commencing, a site specific Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The construction shall then be carried out in accordance with the agreed details.

REASON;

In the interest of local amenities.

CONDITION 15;

Demolition of the existing building shall be in accordance with the SGS Asbestos Demolition Survey report numbered 275550 dated 11 February 2014 unless otherwise agreed in writing by the Local Planning Authority.

REASON;

In the interests of amenity and for the avoidance of doubt.

CONDITION 16;

Notwithstanding demolition, prior to any works commencing on-site full details of any external lighting, refrigeration or air handling plant, flues or other equipment to be located externally to the buildings, to include proposed measures for acoustically treating such equipment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

REASON;

In the interests of amenity.

CONDITION 17;

No construction shall not take place outside the hours of 0730am to 1800pm Monday to Friday and 0830am to 1300pm on Saturdays with no construction on Sundays or Bank Holidays.

REASON;

In the interests of amenities.

CONDITION 17;

Demolition shall not take place outside the hours of 0800am to 1800pm Monday to Friday and 0830am to 1600pm on Saturdays with no construction on Sundays or Bank Holidays.

REASON;

In the interests of amenities.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

INFORMATIVE 1;

This decision is the subject of a Section 106 Legal Agreement.

INFORMATIVE 2;

Bats can be found in many buildings, even those that initially appear to be unsuitable or have been subject to a bat survey and found no evidence. Therefore if any evidence of bats is found on site, work should stop while a bat survey is carried out by an experienced bat worker, and any recommendations made following the survey are undertaken. It should also be noted that as bats are a mobile species and can move into a property with potential access at any time. It should also be noted that if the proposed demolition work of the buildings is not carried out by April 2015 then further survey work may be necessary in accordance with the recommendations of the Initial Bat Survey report (Middlemarch Environmental, November 2013). Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000, and are also deemed a European Protected Species.

INFORMATIVE 3;

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 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, so should work take place during this time period, then the site should ideally be checked for their presence before work commences.

INFORMATIVE 4;

The applicant is respectfully advised that as additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants. Consideration should be given to the provision of suitable bat and bird boxes within the new build or adjacent trees in order to increase opportunities for wildlife. Many bat and bird populations have declined dramatically in recent years due to loss of roost, nest and foraging sites as a result of development. However a variety of bat and bird species use boxes and they can be particularly useful in the urban environment, where natural nesting places can be scarce. Further advice and information can be obtained from the Bat Conservation Trust (BCT), and the Royal Society for the Protection of Birds (RSPB).

WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required, in particular regarding which type of boxes to use.

**INFORMATIVE 5;**

As per recommendations within the noise assessment, the applicant should take care to minimise the potential of noise impact from the external noise environment on future occupiers via careful design of the site/building layout. Consideration should be given to the appropriate positioning of living rooms, bedrooms and gardens with respect to Albert Street. Living rooms and bedrooms should be ideally located on shielded façades with non-sensitive spaces such as corridors, bathrooms, en-suites, utility rooms, window-less gable ends and kitchens should ideally be located on the road facing façades of residential properties.

The applicant is advised to give due regard to the advice contained in BS5228:2008 "Noise and vibration control on construction and open sites.

**Reference number: R13/2074**

**Site address: Land at Junction One Retail Park, Leicester Road, Rugby**

**Description: The erection of a terrace of 5 units providing 5,670sqm non-food Class A1 retail floor space together with car parking, landscaping and associated works.**

**Case Officer Name & Number: Owain Williams – 01788 533789**

This application has been brought to committee due to its status as a major application

### **Site Description**

Junction One Retail Park is an established out of centre shopping destination located off the Leicester Road approximately half a mile to the north of Rugby town centre.

The existing retail and leisure park comprises 14 A1 and A3 units (currently occupied by Laura Ashley, Carphone Warehouse, Dreams, Maplin, Currys, The Range, Sports Direct, Boots, O2, McDonalds, KFC, Frankie and Benny's and Subway), 3 leisure units (currently occupied by Virgin Active, American Amusements and Cineworld) and 896 car parking spaces.

The River Avon bounds the retail and leisure park to the north and east and beyond the river to the north is a large Tesco Supermarket and Elliott's Field Retail Park both which are accessed from the roundabout on the Leicester Road. The Leicester Road connects Rugby town centre and Junction 1 of the M6 motorway and is situated directly to the east of the site.

The land to the west and south of the site comprises a large development site in the ownership of St Modwens which has been allocated as residential and employment land to which phases have already been complete and are currently under construction.

### **Proposal Description**

The proposals are for the erection of a free standing retail terrace, comprising 5 units. The units are intended for occupation by Carpet Right and Brantano with the other three units used to accommodate other large format retailers selling goods within the bulky goods range.

The units are to be sited to the northern part of the site between the River Avon, Frankie and Benny's and the car park which serves the retail park. The development will be linear in design running east to west.

The units are to be split equally bar one with 4 of the units consisting of 1162m<sup>2</sup> of floor space and the other being 1022m<sup>2</sup>. The floorspace specified will be split over two floors with mezzanine floors in each unit.

The proposed units will differ slightly in their appearance to the existing units as the front elevation of the units are to be full height glazed frontages with the mezzanines providing the break within the units. The brick piers either side of the main entrance and signage of the units provides a connection to the existing units along with the design of the roof with the parapet and shallow roof slope giving the impression of a flat roof. The front of the units will have a cantilevered canopy along the terrace which will provide cover for the users. The rear and side of the units would revert more so to the appearance of the existing units with a split between brick and micro rib cladding.

As part of the development there will be car park improvements made with extra parking spaces provided by reconfiguring existing parking spaces which are sat opposite the proposed retail units.

As part of the application a transport assessment, flood risk assessment and retail impact assessment has been submitted.

### **Relevant Planning History**

R94/0718/19723/OP – Use of land for the erection of buildings to be used for A1 (non-food) retail, B1 business, A3 to be used as a hot food takeaway, a car showroom and for leisure purposes – Approved 7<sup>th</sup> November 1994

R01/0881/19723/P – Erection of 2 retail units and use for purposes within Class A1 – non-food retail of the Town and Country Planning (Use Class) Order 1987 – Approved 7<sup>th</sup> March 2002

R02/0738/19723/P – Erection of an additional non-food unit – Approved 2<sup>nd</sup> October 2002

E2E 691 – Erection of A1 Retail Unit, Car Park alterations and associated works – Approved 26<sup>th</sup> January 2010

E2E 125 – Erection of three flexible-use A3/A5 units (restaurants and cafes/hot food takeaways), car parking alterations and associated works – Refused 29<sup>th</sup> January 2010 but allowed at Appeal on the 20<sup>th</sup> September 2010

R12/0820 - Change of use from Class A3/A5 use to a Flexible Class A1/A3 and A5 use – Approved on 4<sup>th</sup> July 2012

### **Technical Consultation Responses**

Environmental Services – No objections subject to conditions

WCC Highways – No objections subject to conditions

WCC Ecology – No objections subject to conditions

WCC Archaeology – No objections

Police Architectural Liaison Officer – No objections

Fire Officer – No objections

Severn Trent – No objections subject to conditions

Environment Agency – No objections subject to conditions

Stage Coach – Objection

- The development represents an unsustainable form of development that is car-dependant, and because it cannot effectively be served by existing or future improved bus services running past the site.

Rugby Bid – Objection

- Although the owner of the site intends to place a bulky goods condition on the application for 4 out of the 5 units they will all still effectively be A1.
- Even if a bulky condition can be negotiated there is little or no protection for the Town Centre in the future.



- There is another planned development in the Town Centre where all these units could be accommodated and therefore this planned application would compete first directly with those retailers on the town centre development.
- With regards to the unit indicated for Brantano this is just an open A1 consent and should be resisted at all costs and this unit could be accommodated without doubt in the town centre
- Also planning application R13/1612 land on Technology Drive looks to accommodate bulky goods to be displaced by Elliot's Field Retail Park and therefore would lead to direct conflict with this planning application and further exceed requirements of bulky goods retail floor space in Rugby
- Request that serious consideration as to whether there would be sufficient car parking capacity to accommodate all these extra units.

### **Third Party Responses**

#### Neighbours – Objection

- The proposal will undermine adopted Local Plan policy and is contrary to the 'town centre first' approach to retail development
- The cumulative impact of the proposed scheme alongside the others recently granted planning permission would have significant negative impact on Rugby Town Centre
- The proposal would have on going negative effects on investment in Rugby Town Centre
- The proposal does not satisfy the requirements of the Sequential Test
- The existing problems of traffic congestion would be compounded by the proposed scheme
- This development would push an already hard to park car park over the edge as there is no extra parking planned
- It will drain more shoppers from the Rugby Town creating more empty units

### **Relevant Planning Policies and Guidance**

#### Core Strategy

CS1 – Development Strategy	Complies
CS6 – Development in Rugby Town Centre	* For Information
CS7 – Retail Frontages	* For Information
CS8 – Town Centre Retail Allocations	* For Information
CS11 – Transport and New Developments	Complies
CS16 – Sustainable Design	Complies
CS17 – Reducing Carbon Emissions	Complies

#### Saved Local Plan Policies

E6 – Biodiversity	Complies
T5 – Parking Facilities	Complies

## Supplementary Planning Documents

Planning Obligations SPD

Sustainable Design and Construction SPD

## National Policy

National Planning Policy Framework (NPPF)

### **Assessment of Proposals**

The determining issues to take into account in this case would be the principle of the development upon the land, the impact upon the Town Centre vitality and viability, the impact on the character and appearance of the area, the impact upon biodiversity and the impact upon highway safety.

### The Principle of Development

The proposed new retail units are to be located on an existing retail park outside of the town centre. Policy CS1, Development Strategy, of the Rugby Borough Core Strategy 2011 defines the settlement hierarchy for the Borough with Rugby Town centre stated as the preferable location for facilities and services. Paragraph 2.4.1 of the supporting text to Policy CS1 states: "Proposals for new services and facilities that aim to serve more than a local community of neighbourhood must demonstrate that they cannot be located within or on the edge of the town centre before alternative locations will be considered." This has introduced the basic concept of the sequential test for such development as proposed. Beyond this, however, the core strategy has nothing to say about the sequential approach or about the assessment of the likely impacts of proposed out of centre development on the economic health of the town centre. Therefore it is necessary at this point to refer to the content of the NPPF and newly released National Planning Policy Guidance when considering this application.

There are many parts of the NPPF that are relevant to the deciding of this planning application. Of most significance are the sections that relate to ensuring the vitality and viability of town centres.

Paragraph 23 of the NPPF states the need for planning policies to be positive and promote competitive town centre environments. It also sets out policies for the management and growth of centres over the Plan period and states the importance of meeting retail need in full without being compromised by limited site availability.

Paragraph 24 requires a sequential impact assessment for proposals that are not located in a town centre and not in accordance with an up to date development plan. The overall principles of the sequential impact assessment have continued from the previous Planning Policy Statement 4; this includes the need for both applicants and developers to demonstrate a flexible approach.

Paragraph 26 specifies the circumstances in which an impact assessment must be submitted. Applications for retail, leisure and office development outside of town centres which are not in accordance with an up to date development plan must be supported by an impact assessment where the development is over a default threshold of 2,500 sqm (this is in the absence of a locally set threshold). This should include the assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made – for major schemes where the full impact will not be realised in five years, the impact should be assessed up to ten years from the time the application is made.

These proposals are clearly above this threshold and both a sequential and impact assessment are therefore required to support the application.

Whilst policies ensuring the vitality of town centres are the most relevant to this application there are other parts of the NPPF that must also be considered. Paragraphs 6 and 7 emphasise the Government's commitment to sustainable development by stating that the achievement of this is the purpose of the planning system. The three stated dimensions of sustainable development are economic, social and environmental. The building of a strong and competitive economy is also an important part of the NPPF. Paragraph 19 states that planning should act to encourage growth and not act as an impediment. Significant weight should therefore be attributed to the need to support economic growth in the planning system when deciding planning applications. Paragraph 70 also states "...decisions should ensure that shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community".

The National Planning Practice Guidance (NPPG) sets out further guidance on the sequential test, providing a checklist for how the sequential approach should be considered in plan making and how the sequential test should be used in decision taking.

### Sequential Assessment

The checklist within the NPPG provides two considerations in determining whether a proposal complies with the sequential test. The first consideration is with due regard to the requirement to demonstrate flexibility and consider the suitability of more central sites to accommodate the proposal. Where the proposal is located in an out of centre location, preference should be given to accessible sites that are well connected to the town centre. The second is to consider the scope for flexibility in the format and/or scale of the proposal. The guidance states that it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed but rather to consider what contributions more central sites are able to make individually to accommodate the proposal. Should there be no suitable sequentially preferable locations then the sequential test is passed.

The guidance also sets out that locational requirements can be considered in the sequential test, with certain main town centre uses having particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case.

The applicant's sequential test assessed 10 sites in terms of the availability, suitability and viability making reference to the Planning for Town Centres Practice guidance on need, impact and the sequential approach 2009 which has subsequently been cancelled following the publication of the NPPG. It should be noted that the NPPG states that viability of a site should be considered in the plan making process whilst in the decision making section it states that local planning authorities need to be realistic and flexible in terms of their expectations of promoting new development on town centre locations which can be more expensive and complicated than building elsewhere.

Of the sites assessed Chapel Street, known as the Swann Centre, has a number of vacant units however individually or in combination of certain units the site is not be capable of accommodating an individual unit of the proposed scheme. It should also be noted that the bulky good units have certain requirements which cannot be accommodated within the Swann Centre units.

Another site assessed was the Evreux Way development site which is an allocated site for 10,000 sqm of comparison retail floorspace through Core Strategy Policy CS8. The Council approved an application for the site on the 29<sup>th</sup> January 2014 for a 12,616 sqm extension to the existing Clock Towers Shopping Centre. The proposal includes a 5,667sqm anchor store, 6,949sqm floorspace for additional retail units and a 6 screen cinema (circa 2,611 GIA) and 4,171sqm of office space. The applicant's assessment discounts the site stating that the commercial reality of the development and timescales for delivery are uncertain. The applicant states that the earliest Clock Towers Extension scheme could become available would be 7 years in its letter dated 20<sup>th</sup> January 2014. In response to this timeframe Turley's planning consultants acting on behalf of Insite Asset Management who have an interest in the Clock Tower Shopping Centre state that it is inevitable that the site will take between 7 and 10 years to be operational. No further timescales as to the delivery of the site has been provided by the promoters of the Clock Towers Extension Scheme though they have publicly stated that the scheme may not go ahead if EFRP is redeveloped.

Brantano, one of the specified occupiers to the new units could be accommodated at the Clock Towers Extension site however the indicative timescales for the delivery of the site is not considered to be appropriate for a retailer who already operates within an Out of Centre Retail Park within the town. Should the retailer have to wait 7 years to have a presence within the town again, this could result in expenditure being lost outside the Borough with its existing customer base having to shop elsewhere and it could also result in job losses. With regard to the bulky goods units, the Clock Towers Extension scheme is not considered suitable as it would not be compliant with Core Strategy Policy CS8 nor would it accord with the planning permission.

The remaining sites assessed by the applicant were also not considered to be sequentially preferable. It is therefore considered that the applicant has passed the sequential test with there being no suitable available site for the proposal.

### Impact Assessment

The applicant has also undertaken an impacts test in accordance with NPPF Paragraph 26, which is explained above.

The assessment has been undertaken with the assumption that Elliott's Field Retail Park (EFRP) has been redeveloped and its existing bulky good retailers being displaced forcing Rugby shoppers to visit other towns and retail parks to access the shops they have been used to. This approach is deemed acceptable given that the EFRP application impact assessment does not include bulky good floorspace figures for some of the current bulky good occupiers. It is also acknowledged that some of the existing bulky good units at EFRP will be sub-divided or redeveloped completely as part of the scheme thus the notion of the named retailers within this application and other bulky retailers leaving the EFRP has been taken account of in part within the EFRP impacts assessment.

The applicant's impact assessment demonstrates that there will be no impact on Rugby Town Centre with £5.16m being clawed back from expenditure currently being spent outside the Town which is a 2% impact. It is acknowledged that this proposal will not accommodate for all of the displaced retailers on EFRP, however, it will help claw back expenditure that is already lost out of the Borough as highlighted within the household survey. Whilst there will

be an impact on the Town Centre the level identified is not considered to be significantly adverse.

The range of comparison goods on offer within the Town Centre will not be adversely impacted upon, with bulky good units tending to play a complementary role to the town centre. Brantano and Carpet Right are also existing retailers located within an out of centre location therefore trade will not be diverted from the town centre. The proposal will also provide the opportunity for new bulky good retailers who do not currently trade within the town to have a presence, providing consumer choice, thus having the potential to retain further expenditure which is currently being leaked.

With regard to the proposals impact on existing, committed and planned public and private investment it is considered that the proposal will not have an adverse impact on the Clock Towers Extension Scheme. The applicant's proposal will be meeting the need of two retailers who already trade in an out of centre location and the proposal meeting a different market i.e. the Clock Towers Extension Scheme is for comparison goods and not for bulky good retailers. For these reasons it is also considered that investor confidence within the town centre will not be adversely affected.

In conclusion it is considered that the applicant has satisfied the sequential test and it is considered that the proposal will not have a significantly adverse impact upon Rugby Town Centre particularly when considered with the positive benefits of the proposal which include:-

- Creation and retention jobs, as well as construction jobs;
- Increased retail expenditure retention within the Borough;
- Maintain and enhance the retail presence of Rugby's wider retail offer;

It is therefore the view of Officers that the proposal compliant with Policy CS1 of the Core Strategy and paragraphs 23, 25 and 26 of the NPPF. The proposal is therefore acceptable in principle and subject to the consideration of more detailed matters, should be approved.

#### Character and Appearance

Policy CS16 states that all development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

The proposed retail units in the location to the north side of the retail park will effectively complete the retail park by creating a "horseshoe" of retail terraces and provide a sense of containment. This site has always been allocated for development when the retail park was first developed so this will conclude the development to the retail park providing an improved visual appearance to the site.

The design and appearance of the units have taken elements of the existing units and incorporated them into the design. The elements which reflect that of the existing include the brick piers at the front of the units and the materials used which include micro rib cladding, shop front glazing and brick work. The frontage of the terraces would appear of a more modern appearance with the facades being mainly glazed, due to need to provide natural light to the mezzanines at first floor level however this would not detract from the overall appearance of the retail park.

Alterations to the footpaths and car parking areas will ensure pedestrian movement and permeability of the retail park is enhanced and maintained through new pedestrian crossings linking also with the black path entrance. Further landscaping will be planted to soften the newly formed car parking spaces improving the appearance of the existing retail park.

Taking the above into account it is considered that the proposed retail units and associated alterations would complete the retail park and improve its appearance in compliance with policy CS16 of the Core Strategy 2011.

### Biodiversity

Saved Policy E6 of the Local Plan 2006 seeks to safeguard maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern. The policy continues to state that developers will be required to take measures during the development process to prevent the disturbance of wildlife and to make provision for the protect and subsequent retention of natural features and necessary supporting habitats, such as ponds, hedgerows, ditches and trees which are to be retained. Where loss of habitat is unavoidable, adequate mitigation measures should be undertaken and only where this is not possible, adequate compensation measures should be implemented.

The River Avon which borders the site to the north is a non-statutory designated Site of Nature Conservation Importance, The river and its tributaries are important wildlife corridors where Water Voles and Otters have been recorded using the river. The site itself comprises a car park, unmanaged open mosaic habitat bordered by small earth bunds, small areas of ornamental planting and dense scrub along the entire northern boundary. The extended phase 1 habitat survey report undertaken by RSK concluded that the proposed works will not directly affect the banks of the River Avon, therefore there are unlikely to be any direct effects on these species for which the site is designated. It has been indicated that avoiding works within a distance of at least 6-8 m from the top of the banks would help to avoid any risk of disturbing these species. The Warwickshire County Ecology have indicated that the survey undertaken by RSK has been completed in accordance with the correct methodology and that they have confidence in the conclusions drawn. However in order to be completely satisfied that the protection of the species is being safeguarded they have requested that two further pieces of information are submitted prior to any work commencing on site. The first information requested is regarding contamination of the water course. They have referred that no work should start until measures have been put in place to ensure that the Pollution Prevention Guidelines produced by the Environment Agency regarding prevention of pollution during working and operation are adhered to. There should also be a fenced buffer zone of *at least* 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development. The other information that would be requesting before work commences refers to habitat and species mitigation and enhancement measures which should include timing of works, protection measures for the watercourse, habitat enhancements and lighting details. These details should on top of the surveys already undertaken ensure the safety of the protected species in compliance with policy E6. The further information requested has been included as conditions.

### Highway Safety

As part of the application a transport assessment was undertaken by Vectos transport planning specialists who assessed the impact on the surrounding road networks created by the erection of 5 new retail units and also assessed the car park capacity. The report also looked into the accessibility of the site by walking, cycling, bus and rail services. The report concludes that the development would result in an increase in traffic however it is not considered to be material in the context of the predicted future base traffic flows on the local road network and would be within the daily fluctuation of traffic flows. The report also points out that there are bus services available on Technology Drive and that the rail station is located within a walking distance only 1.2km away. There are also bus stops located close by on the Leicester Road within the Tesco complex and both this and Technology Drive are well linked by the Black Path footpath which runs to the rear of Junction One which has pedestrian access into it.

The objection from stagecoach refers to this site being an unsustainable form of development which cannot effectively be served by existing or future improved bus services running past the site however it is considered that the location of the existing bus stops and footpath links to the front and rear of the site and from both sides of the retail park would be effective in serving the site.

The Warwickshire County Council highways department have assessed the transport survey and are in agreeance with the methodology for calculating the additional traffic generation and the conclusion that the development would result in a minimal increase in traffic. The highway department also indicated that the development also has access to public transport services and footpaths that link towards Rugby Town Centre and surrounding residential areas.

The assessment also concluded that after two days of monitoring the car park on a Friday and a Saturday that the car park as existing has spare capacity. As part of the proposals a further 65 spaces are being provided up and above what is currently being used at present. This will further increase the car park capacity and improve the flow around the car park whilst complying with the parking standards within the Planning Obligations SPD.

### Energy Conservation

Policy CS17 states that all new developments greater than 1,000sqm of non-residential floor space shall as a minimum incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%. This is supported in the current Sustainable Design & Construction Supplementary Planning Document (SD&C SPD), 2012. It has been stated by the agent that the proposed development is to include the use of renewable energy sources and that the target of at least 10% reduction of predicated carbon dioxide emissions will be exceeded across the site. The proposed development will include the generation of a large portion of energy usage from on-site renewable or low carbon energy sources and to ensure this happens a condition has been recommended.

Policy CS16 refers to non-residential development incorporating water efficiency measures in order to achieve the Building Research Establishment Environmental Assessment Method (BREEAM) very good standard for best practice in sustainable design. It has again been stated by the agent that the retail units will incorporate several sustainability measures including sustainable drainage, including water use, renewable technologies, waste management and recycling during construction, sustainable constructions practices and low flush W.Cs. Taking into account the above it is considered that the proposed units would comply with policy CS16 and CS17 of the Core Strategy 2011.

### Noise, Air Quality and Contamination

The proposed location of the development upon an existing retail park well away from any sensitive noise receptors means there is no cause for concern from the Environmental Services department with respect to noise. However Environment Protection Team are still recommending a condition for the submission of a Construction Method Statement which should include, the control of noise and vibration emissions from construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase. With regards to air quality there are no objections from the Environmental Service department subject to a condition requesting that a dust mitigation scheme is submitted to the Council prior to works to ensure air quality is kept to a satisfactory level during construction. A phase 2 land contamination survey has also been requested via condition. Taking the above into account it is considered that the proposed development would be acceptable in terms of noise, air quality and contamination.

## Drainage

In relation to flooding, the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from the areas at highest risk. The EA's indicative flood maps shows the site to be located within Flood Zone 2 associated with the River Avon to the north. The site borders Flood Zone 3 to the north also. The River Avon is classified as a main river by the EA. As the site is in a Flood Zone a flood risk assessment has been submitted by the applicants. The assessment concluded that it views the site to be outside the floodplain of the River Avon and at low risk of flooding from all sources. However it suggests that adopting a precautionary approach to which the recommended finished floor level in the proposed retail units is located a minimum 600mm above the 1 in 100 year climate change flood level. The assessment also suggested other mitigation measures to again prevent the risk of flooding. The Environment Agency has commented on the Flood Risk Assessment and have no objections subject to the mitigation measures as suggested are implemented and that a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. Taking this into account it is considered that the proposed drainage would be acceptable.

## **Recommendation**

Grant Permission Subject to Conditions

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R13/2074

### **DATE VALID**

04/11/2013

### **ADDRESS OF DEVELOPMENT**

LAND AT JUNCTION ONE RETAIL PARK  
LEICESTER ROAD  
RUGBY  
CV21 1RW

### **APPLICANT/AGENT**

Mr Stephen Rose  
Indigo Planning  
Swan Court  
Worple Road  
Wimbledon  
SW19 4JS  
On behalf of , St James Place UK PLC c/o  
Orchard Street Investment Management

## **APPLICATION DESCRIPTION**

The erection of a terrace of 5 units providing 5,670sqm non-food Class A1 retail floorspace together with car parking, landscaping and associated works.

## **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

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 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:

Drawing No. 12895-112 Rev B and 12895-113 Rev A received by the Local Planning Authority on the 4th November 2013

Drawing No. 12895-110 Rev E and 12895-111 Rev F received by the Local Planning Authority on the 17th December 2013

Flood Risk Assessment, ref no. 132108-R1(2) FRA received by the Local Planning Authority on the 29<sup>th</sup> November 2013

Transport Assessment undertaken by Vectos dated November 2013 and received by the Local Planning Authority on the 4<sup>th</sup> November 2013

Extended Phase 1 Habitat Survey Report, ref no. 855256 received by the Local Planning Authority on the 4<sup>th</sup> November 2013

REASON:

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

CONDITION: 3

The facing materials to be used on the external walls and roof shall as specified within the design and access statement and drawing no. 12895-113 Rev A received by the Local Planning Authority on 4th November 2013

REASON:

To ensure a satisfactory external appearance and for the avoidance of doubt.

CONDITION: 4

Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until points (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

(a) An investigation and risk assessment must be completed 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. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

(b) 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) The approved remediation scheme must be carried out in accordance with its

terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (c).

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, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

CONDITION: 5

No development shall commence unless and until details of Dust Mitigation Measures 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:

In the interest of health and safety.

CONDITION: 6

Prior to the commencement of any works, a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in compliance with the approved Construction Method Statement.

REASON:

In the interest of health and safety

CONDITION: 7

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by RSK dated 29th November 2013 reference 132108-R1(2)-FRA and the following mitigation measures detailed within the FRA:

A. Demonstration that surface water discharged from the development site is limited to the QBAR Greenfield unit runoff rate up to and including the 1 in 100 year plus 20% climate change rainfall event in line with section 9.3 of the submitted FRA. This discharge rate may be increased up to a level of no more than 5 l/s to reduce the risk of blockage

B. Provision of infiltration test results (in accordance with BRE 365) to confirm the suitability of infiltration drainage as the first option for surface water disposal or to demonstrate why infiltration methods are not feasible on the site;

C. Provision of attenuation storage to accommodate the surface water runoff generated from the site up to and including the 1 in 100 year plus 20% climate change rainfall event;

D. Demonstration that there will be no above ground flooding in the 30 year event as all surface water will be retained below ground;

E. Provision of a suitable number of sustainable drainage techniques to provide sufficient water quality treatment and attenuation in line with CIRIA C697;

F. Demonstration within the FRA that the surface water drainage scheme shall be maintained after completion;

G. Finished floor levels are to be set no lower than 86.30m above Ordnance Datum (AOD);

H. Provision of an eight metre easement (maintenance/ access corridor) adjacent to the top of bank of the River Avon.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority

REASON:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

CONDITION: 8

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the

local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 20% climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON:

To prevent the increased risk of flooding, both on and off site.

CONDITION: 9

No development 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, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION: 10

The development hereby permitted shall not commence until a detailed schedule of habitats and species mitigation and enhancement measures (to include timing of works, protection measures for the watercourse, habitat enhancements and lighting details) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full.

REASON:

To ensure that protected species are not harmed by the development

CONDITION: 11

Notwithstanding the provisions of the Town and Country Planning Use Class Order 1987 (as amended) or any order revoking or re-enacting that order the permitted floorspace shall be used for the sale of furniture, furnishings, carpets, floor coverings, electrical goods, vehicles, motorspares and accessories, DIY and garden centre goods and equipment, pets and pet products, office equipment, homewares and leisure goods and for no other purpose. The sale of footwear and accessories is permitted from one unit (up to a maximum of 1,162sqm GIA). The sale of food for consumption off the premises, clothing, footwear and accessories (except in one unit) and beauty products will not be permitted from the development.

REASON:

In order to safeguard the vitality and viability of the Town Centre

CONDITION: 12

The proposed retail units hereby permitted shall not be subdivided to create any additional independent retail units.

REASON:

To ensure that the development does not adversely impact on the vitality and viability of Rugby Town Centre in line with Core Strategy Policies CS6 and CS8.

CONDITION: 13

The development shall not be first occupied unless and until details of the equipment and technology to be incorporated to achieve carbon emission reductions, including the submission of an Energy Performance Certificate, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with the approved details and shall be retained in working order in perpetuity.

REASON:

To ensure energy efficiency is achieved through sustainable design and construction.

CONDITION: 14

The units hereby permitted shall be constructed to achieve a minimum water efficiency standard equivalent to the BREEAM 'very good' standard.

REASON:

To order to ensure water efficiency through sustainable design and construction

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

INFORMATIVE: 1

In relation to condition 6 the construction method statement shall include details relating to:

- \* The control of noise and vibration emissions from construction activities including groundwork's 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;
- \* Measures to reduce mud deposition offsite from vehicles leaving the site.

INFORMATIVE: 2

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: 3

The proposed drainage scheme should be based on sustainable drainage principles and incorporate SUDS elements (i.e. attenuation and treatment) as detailed in the CIRIA SUDS Manual (C697)

#### INFORMATIVE: 4

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles despite any issues with infiltration.

#### INFORMATIVE: 5

The current proposal outlines the need for surface water retention using an underground tank. The discharge from this tank will need to pass through an interceptor to minimise the impact of pollution on the receiving water course, the River Avon. Pollution controls should aim to remove sediments as well as hydra carbons as it is likely that these will be the main impacts from car park run off

#### INFORMATIVE: 6

The existing buffer strip between any development and the River Avon should be maintained, with any development edge or boundary security fencing being at least 8m away to allow a natural buffer strip to develop and allow access to the river for maintenance

**Reference number: R13/1612**

**Site address: Land North of Technology Drive, Technology Drive, Rugby**

**Description: Outline planning application with means of access for consideration (all other matters reserved for subsequent approval) for up to 9,964sq.m (gross internal area) including mezzanines of non-food, bulky goods retail with associated car parking, service areas and landscaping**

**Case Officer Name & Number: Owain Williams – 01788 533789**

This application has been brought forward to committee due to its status as major application and due to it being a departure from the Development Plan.

### **Site Description**

The application site is located in the North West corner of the Leicester Road site and comprises a triangular site of 2.24 hectares.

The site is bounded to the north by the existing Junction One retail park service yard and to the south by the newly constructed Technology Drive which is the spine road through the Leicester Road site linking Mill Road to the east and Leicester Road to the west. To the east is the existing Black Path which is a strategic footpath and cycle linkage between Rugby Town Centre and Brownsover to the north.

### **Proposal Description**

The proposal is for an outline application with all matters reserved apart from access for up to 9,964 sqm of gross internal floor area including mezzanines of non-food, bulky goods retail with associated car parking service areas and landscaping.

Within the retail statement it is indicated that the maximum parameter retail floor space components of the application which are subject to this assessment are:

- A DIY/bulky goods retail warehouse unit of up to 4877 sq.m gross with ancillary garden centre of 930 sqm gross. This retail warehouse floor space includes a mezzanine floor.
- Additional bulky goods retail units of between 465 and 4877 sqm gross in size with a combined floor area of up to 5086 sqm gross. These units are expected to include mezzanine floors included within these floor space figures.

It is anticipated that three tenants of the proposed site will be occupiers displaced from Elliott's Field Retail Park.

The access to the site will be central to the site and will be accessed from Technology Drive. Indicative plans have been submitted to show potential layouts which place the larger bulk of the buildings to the wider end of the site to the east with the smaller buildings to the other end and parking located between.

Indicative images have been submitted of the possible scale and appearance of the units which would be approximately 11.5 metres in height and a design similar to that of the units at Junction One Retail Park. It has been indicated that there is likely to be approximately 300 parking spaces proposed. All this information however is indicative (with exception to the access) and not for consideration as part of this application.

## **Relevant Planning History**

R06/0064/MAJP - Outline Planning Application for the redevelopment of land to provide a mixed scheme incorporating residential development comprising the erection of 540no. dwellings, 2 hectares of employment (Class B1) development, a new college campus for Warwickshire College including associated facilities with car parking (Class D1), a DIY retail store [5156 sq.m gross internal floor space with ancillary areas for the display and sale of building materials (975 sq.m) and garden centre products (1245 sq.m gross)], and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary works – Approved 17<sup>th</sup> September 2007

R08/0456/MRES - Submission of reserved matters (Layout, scale, appearance and landscaping) pursuant to outline planning permission ref no. R06/0064/MAJP dated 17/09/2007 for the construction of the spine road between Mill Road and Leicester Road and the Hunters Lane link – Approved 21<sup>st</sup> July 2009

Numerous other applications have been submitted for reserved matters and variations of conditions which have resulted in the development of the College site, housing site and the public house.

## **Technical Consultation Responses**

Environmental Services – No objections subject to conditions relating to: Air Quality; Dust Control; Contamination; Noise and other related environmental protection issues.

Environment Agency – No objections subject to conditions

WCC Ecology – No objections

WCC Archaeology – No objections

Stagecoach – No objections

Warwickshire Police – No objections

Rugby First – Comments – Need to ensure there are necessary restrictions or conditions applied to this application so that it does not affect the town centre businesses

WCC Highways – No objections subject to conditions

Highway Agency – No objections

## **Third Party Responses**

Neighbours – Objection (1)

- The proposal is contrary to current adopted planning policy which seeks to encourage residential and employment uses on the application site and focus facilities and services primarily in Rugby Town Centre.
- The cumulative impact of the proposed scheme alongside the recently granted planning permission at Elliott's Field Retail Park would have a significant negative impact on Rugby Town Centre.
- The proposal would have on going negative effects on investment in the Rugby Town Centre
- This would undermine the objectives of the Core Strategy which seeks to regenerate other town centre sites.
- The existing problems of traffic congestion would be compounded by the proposed scheme.



## **Relevant Planning Policies and Guidance**

### Core Strategy

CS1 – Development Strategy	Complies
CS6 – Development in Rugby Town Centre	* For Information
CS7 – Retail Frontages	* For Information
CS8 – Town Centre Retail Allocations	* For Information
CS11 – Transport and New Developments	Complies
CS16 – Sustainable Design	Complies
CS17 – Reducing Carbon Emissions	Complies

### Saved Local Plan Policies

E6 – Biodiversity	Complies
ED2 – Employment sites within the urban area	Conflicts
T5 – Parking Facilities	Complies

A1 – Leicester Road opportunity area

### Supplementary Planning Documents

Planning Obligations SPD

Sustainable Design and Construction SPD

### National Policy

National Planning Policy Framework (NPPF)

### **Assessment of Proposals**

The determining issues to take into account in this case would be the principle of the development upon the land, the impact upon the Town Centre vitality and viability, the impact on the character and appearance of the area, the impact on the neighbouring amenities, the impact upon biodiversity and the impact upon highway safety.

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### The Principle of Development

The proposed new retail units are to be located on an existing retail park outside of the town centre. Policy CS1, Development Strategy, of the Rugby Borough Core Strategy 2011 defines the settlement hierarchy for the Borough with Rugby Town centre stated as the preferable location for facilities and services. Paragraph 2.4.1 of the supporting text to Policy CS1 states: "Proposals for new services and facilities that aim to serve more than a local community of neighbourhood must demonstrate that they cannot be located within or on the

edge of the town centre before alternative locations will be considered.” This has introduced the basic concept of the sequential test for such development as proposed. Beyond this, however, the core strategy has nothing to say about the sequential approach or about the assessment of the likely impacts of proposed out of centre development on the economic health of the town centre. Therefore it is necessary at this point to refer to the content of the NPPF and newly released National Planning Policy Guidance when considering this application.

There are many parts of the NPPF that are relevant to the deciding of this planning application. Of most significance are the sections that relate to ensuring the vitality and viability of town centres.

Paragraph 23 of the NPPF states the need for planning policies to be positive and promote competitive town centre environments. It also sets out policies for the management and growth of centres over the Plan period and states the importance of meeting retail need in full without being compromised by limited site availability.

Paragraph 24 requires a sequential impact assessment for proposals that are not located in a town centre and not in accordance with an up to date development plan. The overall principles of the sequential impact assessment have continued from the previous Planning Policy Statement 4; this includes the need for both applicants and developers to demonstrate a flexible approach.

Paragraph 26 specifies the circumstances in which an impact assessment must be submitted. Applications for retail, leisure and office development outside of town centres which are not in accordance with an up to date development plan must be supported by an impact assessment where the development is over a default threshold of 2,500 sqm (this is in the absence of a locally set threshold). This should include the assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made – for major schemes where the full impact will not be realised in five years, the impact should be assessed up to ten years from the time the application is made.

These proposals are clearly above this threshold and both a sequential and impact assessment are therefore required to support the application.

Whilst policies ensuring the vitality of town centres are the most relevant to this application there are other parts of the NPPF that must also be considered. Paragraphs 6 and 7 emphasise the Government’s commitment to sustainable development by stating that the achievement of this is the purpose of the planning system. The three stated dimensions of sustainable development are economic, social and environmental. The building of a strong and competitive economy is also an important part of the NPPF. Paragraph 19 states that planning should act to encourage growth and not act as an impediment. Significant weight should therefore be attributed to the need to support economic growth in the planning system when deciding planning applications. Paragraph 70 also states “...decisions should ensure that shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community”.

The National Planning Practice Guidance (NPPG) sets out further guidance on the sequential test, providing a checklist for how the sequential approach should be considered in plan making and how the sequential test should be used in decision taking.

## Sequential Assessment

The checklist within the NPPG provides two considerations in determining whether a proposal complies with the sequential test. The first consideration is with due regard to the requirement to demonstrate flexibility and consider the suitability of more central sites to accommodate the proposal. Where the proposal is located in an out of centre location, preference should be given to accessible sites that are well connected to the town centre. The second is to consider the scope for flexibility in the format and/or scale of the proposal. The guidance states that it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed but rather to consider what contributions more central sites are able to make individually to accommodate the proposal. Should there be no suitable sequentially preferable locations then the sequential test is passed.

The guidance also sets out that locational requirements can be considered in the sequential test, with certain main town centre uses having particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case.

The applicant assessed 8 sites and a number of vacant units within the town centre. To ensure flexibility has been demonstrated the applicant has assessed the constituent parts of the proposed development individually. The assessment looks at the sites availability, suitability and viability making reference to the Planning for Town Centres Practice guidance on need, impact and the sequential approach 2009 which has subsequently been cancelled following the publication of the NPPG. It should be noted that the NPPG states that viability of a site should be considered in the plan making process whilst in the decision making section it states that local planning authorities need to be realistic and flexible in terms of their expectations of promoting new development on town centre locations which can be more expensive and complicated than building elsewhere.

The applicant's assessment identifies that there is a unit at the Swan Centre which could occupy one of the developments proposed units in isolation, allowing for a degree of flexibility. The assessment states that the unit would not be suitable as it is not considered appropriate for this use to be separate to the other uses as it is genuinely part of the wider Retail Park offer, rather than being a standalone or Town Centre destination. The applicant also states that it would not be viable to take the component parts of the proposed scheme and deliver these separately. The applicant highlights the Swan Centre unit would create unviable trading conditions with operators being forced to trade from an undesired format and location. Whilst the occupation of a vacant unit would be beneficial it is considered that the market and locational requirements of the proposed use would make the unit unsuitable for the proposal.

Another site assessed was the Evreux Way development site which is an allocated site for 10,000 sqm of comparison retail floorspace through Core Strategy Policy CS8. The Council approved an application for the site on the 29<sup>th</sup> January 2014 for a 12,616 sqm extension to the existing Clock Towers Shopping Centre. The proposal includes a 5,667sqm anchor store, 6,949sqm floorspace for additional retail units and a 6 screen cinema (circa 2,611 GIA) and 4,171sqm of office space. The Clock Towers Extension scheme is not considered suitable as this proposal is for bulky goods therefore would not be compliant with Core Strategy Policy CS8 nor would it accord with the planning permission.

The remaining sites assessed by the applicant were also not deemed to be sequentially preferable. It is therefore considered that the applicant has passed the sequential test with there being no suitable available site for the proposal.

## Impact Assessment

The applicant has also undertaken an impacts test in accordance with NPPF Paragraph 26, which is explained above.

With regard to the proposals impact on existing, committed and planned public and private investment it is considered that the proposal will not have an adverse impact on the Clock Towers Extension Scheme. The applicant's proposal is for bulky goods which is meeting a different market to that of the Clock Towers Extension Scheme. It should also be noted that the applicants scheme is seeking to provide accommodation for retailers who will be displaced from the Elliott's Field Retail Park (EFRP) and attract retailers that are currently not represented in Rugby. Since the application was submitted advanced discussions have been held with three bulky good retailers who currently trade at EFRP about being accommodated within units at applicant's scheme. The applicant also highlights that the proposal will effectively provide the bulky good units which were approved at the Tribune Trading Estate, which were meeting a long standing need identified within previous retail studies and acknowledged as a commitment within the Rugby Retail and Leisure Study 2008. The Tribune Trading Estate site has permission for a bulky goods anchor store which is valid till May 2014 and three units until November 2014 (both of these permissions were extended). It is considered that with the landowners of the site being in administration it is unlikely that the units will be developed; therefore it is not wrong for the applicant to make the assumption it has.

In terms of the proposals impact upon Rugby Town Centre the applicant's survey and assessment found the centre to be vital and viable. The key strength of the centre identified was its local role in providing a range of comparison goods and services to the town's population and the surrounding area. The assessment identifies that Rugby faces significant competition from other larger centres which are in close proximity to it, such as Coventry, Leamington and Northampton. The household survey supports this claim with 51% of expenditure generated within the study area being leaked outside.

The applicant's assessment highlights a maximum of £2.27m (1.9% impact) expenditure will be drawn away from the town centre to the proposed scheme. The assessment was undertaken with the notion that EFRP has been redeveloped. The applicant also highlights that the cumulative impact of the proposal with the redeveloped EFRP is within the acceptable range and therefore it would not have adverse impact on Rugby Town Centre. It should be noted that if EFRP was not to be redeveloped there would be greater expenditure within the town centre (as the anticipated trade diversion of the EFRP scheme would not occur) and the retail park would remain predominantly as a bulky goods retail park, the level of impact of this proposal on the town centre would therefore be less with it having a greater impact on EFRP, with the trade draw assessment being undertaken on a like for like provision i.e. bulky goods.

The proposal will provide the opportunity for new bulky good retailers who do not currently trade within the town to have a presence, providing consumer choice, thus having the potential to retain further expenditure which is currently being leaked. Further to this as mentioned above three retailers currently trading at EFRP could be accommodated at this scheme, this would retain expenditure within Rugby which would otherwise be lost if they do not have a presence within the town. If the retailers are accommodated at this scheme the impact on the town centre in terms of its offer and the level of trade diversion would be reduced, as the retailers already exist and trade from an out of centre location.

It is therefore considered that the level of impact identified is acceptable and the reasons for visiting the Town Centre will effectively remain unchanged so its overall offer and function will be unaffected. For these reasons it is also considered that investor confidence within the

town centre will not be adversely affected and nor would the proposal have significantly adverse impact upon the Town Centre.

The applicant also demonstrates that the proposal's trade diversion from Lutterworth Town Centre would not have an adverse impact upon the centre with its role primarily being that of convenience therefore bulky goods in particular, will not lead to noticeable trade diversion from Lutterworth Town Centre due to the comparative difference in the range of goods on offer.

In conclusion it is considered, that the applicant has satisfied the sequential test and the proposal will not have a significantly adverse impact upon Rugby Town Centre. Whilst the proposal will result in trade diversion from the town centre it will provide accommodation for retailers who will be displaced from the EFRP, increase consumer choice and retain expenditure which is currently being lost outside the town. Therefore the application is acceptable in principle.

#### Other policy issues

The site is located within Leicester Road opportunity area and is allocated for comprehensive, mixed-use redevelopment under saved policy A1 contained in the Local Plan. The minimum requirements of policy A1 are that redevelopment makes provision, together with the associated Boughton Road site, for at least 770 dwellings in accordance with housing policy H3; it provides 2ha of land for B1 employment uses in accordance with policy ED2; it makes provision for open space in accordance with policies H11 and LR1 and provides for the relocation of the Warwickshire College. All of these elements are accommodated in the outline planning permission granted for the redevelopment of the Leicester Road site on the 17<sup>th</sup> September 2007 and the associated housing development on the Boughton Road site approved on the 3<sup>rd</sup> September 2007 to which some have been developed out and others not. Referring to policy ED2 approximately 2 ha of employment land has been allocated within the Leicester Road opportunity area. The proposed site of the development is upon the allocated area for employment which would reduce the quantum of new employment in the area. However as part of the application marketing information has been submitted to the Council demonstrating the lengths that the owners of the land have gone to, to try and secure an employment use upon the land but to no avail.

Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. The agent has indicated that St Modwens have agreed heads of terms in principle for occupiers to come to the site whereas no such agreement has been reached with an employment tenant which could be seen as a market indicator therefore is a justification for this employment land to be redeveloped for a retail use.

The other justification given for the redevelopment of this employment allocation for retail use is that of employment generation within the retail sector. The agents have referred to the NPPF which as a strong economic growth focus and the acknowledgement in appeals that has been made to the benefits that other forms of development such as residential and retail for example can bring in terms of employment generation.

Taking the above into account it is considered that the applicant has justified through the marketing exercise that sufficient time and work has been given and undertaken to find employment uses and that it is unlikely any employment use would take up the opportunity of locating on this site. As there are occupiers that would generate employment although not

within B1 use waiting to move onto the site it would not be reasonable taking into consideration paragraph 22 of the NPPF and also the emphasis on economic growth within the NPPF to refuse the application on this basis.

### Character and Appearance

Policy CS16 states that all development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

The indicative plans and details that have been submitted giving initial thoughts on the scale, appearance and layout of the development have demonstrated that the proposed development would be suitable in this location, would reflect similar style units on adjoining land and would be capable of contributing to the street scene without significant adverse impact on the visual aspects or the adjoining land uses therefore complying with policy CS16 of the Core Strategy 2011.

### Biodiversity

Saved Policy E6 of the Local Plan 2006 seeks to safeguard maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern. The policy continues to state that developers will be required to take measures during the development process to prevent the disturbance of wildlife and to make provision for the protect and subsequent retention of natural features and necessary supporting habitats, such as ponds, hedgerows, ditches and trees which are to be retained. Where loss of habitat is unavoidable, adequate mitigation measures should be undertaken and only where this is not possible, adequate compensation measures should be implemented.

As part of the application an ecology survey was undertaken of the site to which no signs of any protected species were found however it was suggested that there was potential for ground nesting birds on the site during the nesting bird season. One little ringed plover was seen on site during the site survey however no nest was identified. The recommendation of the ecologist undertaking the report was to start work outside of the bird nesting season however if this was not possible that a nest bird survey be undertaken prior to works commencing on site. The Warwickshire County Council Ecologist has assessed the survey and is in agreement with its findings and has concurred with the author of the survey that a nesting bird survey be conditioned if works occur in the nesting season. Other notes have been suggested to be attached to any approval given to make the developer aware of, amphibians and reptiles and also to suggest possible enhancements that should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity such as bat and bird boxes and planting of hedges and wildflowers. These issues raised and suggestions given will be dealt through a landscape condition and also at reserved matters stage when the design and appearance of the buildings are finalised. Taking into account the above it is considered that the proposed development would comply with policy CS16 of the Core Strategy 2011.

### Highway Safety

A transport assessment has been submitted as part of the application. The impact on the surrounding road networks from the development of the proposed site has been assessed and comparisons drawn to the consented use of residential and employment use. The Warwickshire County Council Highway department has assessed the report submitted and have no objections to the scheme. They stated that it has been demonstrated to their satisfaction that the proposed development will generate a lower level of traffic in the weekday peak hours than the consented residential and employment schemes. There will

however, be an increase in the level of traffic generated at the weekend, however, the level of traffic on the network at the weekend is lower than that of the weekday therefore it is considered the local highway network will be able to cater with the proposed increase in traffic during the Saturday peak. The highway department also acknowledged that the figures quoted in the supporting documentation are likely to represent a worst case scenario, because due to the nature of the proposed development an amount of traffic likely to visit the site will already be on the local network either linking their trips to other adjacent retail uses or visiting when passing the site. The specification of the access including visibility splays and surfacing have been suggested as conditions along with the upgrading of the existing bus stops to the west of the access.

The applicant has indicated within the design and access statement that approximately 300 parking spaces would be provided as part of the development. This number of parking spaces in relation to the size of the units would be adequate and would comply with the parking standards within the Planning Obligations SPD.

Taking the above into account it is considered that the site would not have a significant impact on the highway network.

### Drainage

The site is located within flood zone 1, however due to the size of the site (above a hectare) a flood risk assessment has been submitted. The assessment concludes that the approved drainage strategies for development of the Leicester Road Rugby site limit the surface water discharge to the River Avon via 2 outfalls. It is also stated that the strategy for the discharge of surface water from Zone G to the Western outfall remains unchanged from the 2008 drainage strategy and that the site is within flood zone 1. The assessment indicates that finished floor levels will be greater than 600mm above the 100yr flood levels. The Environment Agency have no objection to the proposals in principle however they have requested that the applicant provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk. This further information has been conditioned.

### Air Quality, Noise, Land Contamination

The planning application was accompanied by a noise impact assessment and land contamination survey which have been assessed by the Environmental Services department who have largely agreed with findings. There are areas relating to dust mitigation, plant and machinery noise, construction methods, artificial lighting and contamination that they required further information to be submitted prior to construction however these can be dealt with by condition and the issues of air quality, noise and land contamination need not be considered a material consideration when assessing the proposed development.

### Energy Conservation

Policy CS17 states that all new developments greater than 1,000sqm of non-residential floor space shall as a minimum incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%. This is supported in the current Sustainable Design & Construction Supplementary Planning Document (SD&C SPD), 2012. The design and access statement refers to active measure being incorporated to ensure efficiency and minimise the carbon generated by the initial construction of the development and the ongoing life of the buildings. To ensure that these measures will be included in the development it will be conditioned that this be demonstrated and that the 10% target achieved.

Policy CS16 refers to non-residential development incorporating water efficiency measures in order to achieve the Building Research Establishment Environmental Assessment Method (BREEAM) very good standard for best practice in sustainable design. Although there is not specific mention to BREEAM in the design and access statement the EA are in agreement with the flood risk assessment that has been submitted subject to conditions and a condition will be attached ensuring that BREEAM very standard is met.

### **Recommendation**

Subject to the referral of the application to the National Planning Casework Unit, as the development results in out of town development of more than 5000sqm of floorspace, the Head of Planning & Culture is granted delegated powers to grant planning permission subject to conditions and informatives

### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R13/1612

#### **DATE VALID**

30/08/2013

#### **ADDRESS OF DEVELOPMENT**

LAND NORTH OF TECHNOLOGY DRIVE  
TECHNOLOGY DRIVE  
RUGBY

#### **APPLICANT/AGENT**

Mrs Kathryn Ventham  
Barton Willmore Llp  
Barton Willmore Regent House  
4 Homer Road  
Solihull  
West Midlands  
B91 3QQ  
On behalf of Mr Peter Rudd, Key Property  
Investments (Number Two) Ltd

#### **APPLICATION DESCRIPTION**

Outline planning application with means of access for consideration (all other matters reserved for subsequent approval) for up to 9,964sq.m (gross internal area) including mezzanines of non-food, bulky goods retail with associated car parking, service areas and landscaping.

#### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

##### CONDITION: 1

Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

##### REASON

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

##### CONDITION: 2

The development hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.



REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION: 3

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced and shall be implemented as approved:

- a - Layout,
- b - Scale,
- c - Appearance &
- e - Landscaping

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION: 4

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Drawing No. 7227\_002P002 REV received by the Local Planning Authority on the 30th August 2013

Summary of Ground Conditions, ref no. PIBLRR/C160/22/1 received by the Local Planning Authority on the 30<sup>th</sup> August 2013

Surface Water Drainage Strategy & Flood Risk, ref no. PIBLRR/21.0 received by the Local Planning Authority on the 30<sup>th</sup> August 2013

Ecology Survey, ref no.130515 received by the Local Planning Authority on the 30<sup>th</sup> August 2013

Noise Impact Assessment undertaken by Hoare LEA received by the Local Planning Authority on the 30<sup>th</sup> August 2013

Transport Assessment, Ref no. 204405.DL.01.01 Rev 002 received by the Local Planning Authority on the 30<sup>th</sup> August 2013.

REASON:

To define the permission

CONDITION: 5

The development shall not be occupied until an access for vehicles has been provided to the site not less than 7.3 metres in width at any point

REASON:

In the interest of highway safety.

CONDITION: 6

The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for its entire length

REASON:

In the interests of highway safety

CONDITION: 7

The access to the site for vehicles shall not be used until it has been provided with not less than 10 metre kerbed radius turnouts on each side.

REASON:

In the interests of highway safety

CONDITION: 8

The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority

REASON:

In the interests of highway safety

CONDITION: 9

The development shall not be commenced 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 70 metres 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

CONDITION: 10

The developer is required to upgrade the existing bus stops to the west of the site access (north and south of Technology Drive) to include raised borders, bus stop flags with integral timetable cases and quality bus shelters. Prior to the installation of the improved bus stop facilities the developer is required to agree the specification with WCC as Local Highway Authority.

REASON:

To enhance the use of public transport

CONDITION: 11

No 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, cladding and roof material 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: 12

No development shall commence unless and until full details of the siting, design and materials of the proposed bin and cycle stores have been submitted to and approved in writing by the Local Planning Authority. The bin and cycle stores shall be provided, in accordance with the approved details before the first occupation of the development.

REASON:

In the interest of visual amenity and sustainability.

CONDITION: 13

No development shall commence unless and until details of all proposed walls, fences and gates 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.

CONDITION: 14

No development shall commence unless and until full details of finished floor levels of all buildings and ground levels of all access roads, parking and servicing 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: 15

The landscaping scheme, as required by condition 3(e), shall include a specification of all proposed tree planting detailing the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance.

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, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

#### CONDITION: 16

No development approved by this planning permission shall take place until such time as a scheme to manage surface water has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme should include:

- \* Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- \* Restricting the discharge rate from Zone G to 95l/s for the 1 in 30 year event and 136l/s for the 1 in 100 year event as outlined in Technical Note Ref: PIBLRR/21.0 Dated 14th June 2013.
- \* Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- \* Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements, and likely overland flow routes should the system surcharge during more extreme rainfall events. .
- \* Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority

#### REASON:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

#### CONDITION: 17

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

##### 1. A preliminary risk assessment which has identified:

- \* all previous uses
- \* potential contaminants associated with those uses
- \* conceptual model of the site indicating sources, pathways and receptors
- \* potentially unacceptable risks arising from contamination at the site.

##### 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

**REASONS:**

The site investigation work carried out to date has identified the previous land uses and has shown elevated levels of inorganic and organic contaminants in the soils and groundwater underlying the site. The most recent report (ref. PIBLRR/C160/22/1, dated July 2013) states that the 'Controlled Waters' receptors, the groundwater within the underlying Secondary A aquifers and the nearby River Avon are at a risk from the contamination on the site. We therefore recommend that a detailed risk assessment is carried out and options for a remediation strategy to reduce the risks posed to 'Controlled Waters' are prepared and implemented.

**CONDITION: 18**

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

**REASONS:**

To ensure that the remedial strategy has appropriately mitigated the risks posed by the contaminated soils and groundwater on the site to 'Controlled Waters' receptors.

**CONDITION: 19**

If the development hereby permitted occurs within the bird breeding season (March to September inclusive), prior to commencement of any ground clearance works a further nesting bird survey shall be undertaken, submitted to and agreed in writing by the Local Planning Authority

**REASON:**

To ensure that protected species are not harmed by the development

**CONDITION: 20**

The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting 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 in accordance with the approved details.

REASON:

In the interests of fire safety.

CONDITION: 21

The buildings hereby permitted shall be constructed to achieve a minimum water efficiency standard equivalent to the BREEAM 'very good' standard.

REASON:

In order to ensure water efficiency through sustainable design and construction.

CONDITION: 22

The development shall not be first occupied unless and until details of the equipment and technology to be incorporated to achieve carbon emission reductions, including the submission of an Energy Performance Certificate, have been submitted to and approved in writing by the Local Planning Authority. The minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with the approved details and shall be retained in working order in perpetuity.

REASON:

To ensure energy efficiency is achieved through sustainable design and construction.

CONDITION: 23

No external lighting shall be erected or installed unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected 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: 24

No development shall commence unless and until a Construction Method Statement has been submitted to and approved in by, the Local Planning Authority. This shall include details relating to:

- 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 details of hoarding boards to prevent dust;
- Measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Construction Method Statement.

REASON:

In the interest of the amenity of the area and residential amenity.

CONDITION: 25

No fixed mechanical ventilation or refrigeration/air conditioning plant shall be installed unless and until full and precise details for each unit have been submitted to and approved in writing by the Local Planning Authority. Plant shall not be installed or thereafter be maintained other than in accordance with the approved scheme.

REASON:

In the interest of the amenity of the area and residential amenity.

CONDITION: 26

All mobile plant operating permanently on the site should be fitted with broadband reversing alarms.

REASON:

In the interest of the amenity of the area and residential amenity.

CONDITION: 27

Development other than that required to be carried out as part of an approved scheme of remediation must not commence until points (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

(a) An investigation and risk assessment must be completed 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. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

(b) 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (c).

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, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

CONDITION: 28

No development or demolition shall commence unless and until a comprehensive Dust Mitigation Plan has 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:

In the interest of the amenity of the area.

CONDITION: 29

No development shall commence unless and until an additional noise survey and assessment by a competent noise consultant including details of any proposed works, has been submitted to and approved in writing by the Local Planning Authority. This shall take into account predicted noise from all external mechanical services plant or ventilation openings. Development shall not be carried out other than in accordance with the approved details.

REASON:

To safeguard residential amenity

CONDITION: 30

The proposed development hereby permitted shall not have any unit of less than a gross floor space of 465 sqm.

REASON:

To safeguard the vitality and viability of the town centre



CONDITION: 31

Notwithstanding the provisions of the Town and Country Planning Use Class Order 1987 (as amended) or any order revoking or re-enacting that order, the primary use of the site shall be for non food bulky good retail and shall not be used for the sale of clothing, footwear, pharmaceutical goods or recreational goods.

REASON:

To safeguard the vitality and viability of the Town Centre

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

INFORMATIVE: 1

This permission does not convey any approval for the submitted illustrative visuals, elevations or floor plans.

INFORMATIVE: 2

In view of the nearby habitat, care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England is contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010.

INFORMATIVE: 3

Lighting can have a harmful effect on bats impacting on their use of a roost and also their commuting routes and foraging areas. Light falling on a roost access point is likely to delay bats from emerging, which can be especially damaging around dusk as that is when there is a peak in the number of insects. In the worst case scenario, it can cause the bats to desert the roost. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, the latter of which deems them a European Protected Species. Bats, birds and other nocturnal mammals should always be taken into account when lighting is being considered. It is respectfully advised that lighting is kept to a minimum around the roof area and is limited to illuminating the ground and not any possible access points or foraging corridor. For further advice on this please contact the WCC Ecological Services on 01926 418060

INFORMATIVE: 4

Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Such as bat and bird boxes which can be used by a variety of species, native species planting of hedges and wild flower meadows, and habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required

INFORMATIVE: 5

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness

**Reference number: R14/0183**

**Site address: 10 Staverton Leys, Rugby**

**Description: Proposed first floor extension and infill extension to the ground floor**

**Case Officer Name & Number: Owain Williams – 01788 533789**

This application has been brought forward to committee due to the applicant being married to a member of staff of the Authority.

### **Site Description**

The dwelling number 10 Staverton Leys is a detached two storey house located within the urban boundary of Rugby.

The dwelling is a gable ended property with the gable end fronting the street. The property has two garages one integrated into the storey bulk and the other attached to the side of the dwelling with the front sloping roof continuing across the full width.

To the rear of the garage is a utility building which is set back approximately 6 metres from the garage. The space between the garage and utility building is covered by a roof with an open end out into the garden.

The street is characterised by detached dwellings mainly of gable end type however they do differ in their design and appearance removing the element of uniformity from the street scene. The most notable difference in the street scene is that of the neighbouring property number 12 Staverton Leys which is the only bungalow amongst the dwelling houses.

### **Proposal Description**

The proposals are for the erection of a first floor side extension and the erection of a ground floor extension to side and rear of the dwelling utilising the side garage, covered area and utility.

The proposed first floor extension is to wrap around the existing first floor extension from the rear to the side. The extension will be sited above the existing kitchen, garage and proposed side ground floor extension. The extension will be of similar design to that of the existing with a gable end to the side however the roof of the extension will be elongated to the front with the eaves level being lower.

The proposed ground floor extension and alterations will result in the integrated garage being converted into a bedroom and the side garage being retained albeit with a new pitched roof removing the false pitched roof and flat roof.

The infill extension between the garage and utility room will have a flat roof to match that of the roof which previously covered the area however a roof lantern will be positioned across the roof. The utility building will be retained with the roof level of the infill extension dropping to the utility. The open ended element that existing with the covered area will now be enclosed with glazing and bi fold doors allowing access out into the garden from the newly created dining room.

## **Relevant Planning History**

R75/0914/6529/P – Erection of a first floor side extension – Approved 30/03/78

R87/0157/6529/P – Erection of single storey front extension to double garage – Approved 11/06/87

R87/2200/6259/P – Erection of single storey front extension – Approved 15/04/88

R06/1352/PLN – Erection of a rear conservatory – Approved 04/09/06

## **Technical Consultation Responses**

None

## **Third Party Responses**

Neighbours – No comments received

## **Relevant Planning Policies and Guidance**

### Core Strategy

CS1 – Development Strategy

CS16 – Sustainable Design

### Saved Local Plan Policies

E6 - Biodiversity

## **Assessment of Proposals**

The determining issues to take into account in this case is the impact on the character and appearance of the dwelling and surrounding area and the impact upon neighbouring amenities and parking.

### Character and Appearance

Policy CS16 states that all development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

The proposed first floor extension will be very much in character with that of the original design of the dwelling with the gable ended roof. The elongated roof slope to the front of the extension has been designed as so to minimise the impact on the neighbouring amenities. The proposed wrap around first floor extension will be set back from front of the dwelling house and with the front elongated sloping roof plane it will make the extension appear subservient to that of the original dwelling house and would not appear prominent within the street scene.

The ground floor infill extension would not be clearly visible from the street scene so it is unlikely to affect the visual aspects of the surrounding area. The design of the extension is to reflect that which currently exists with the exception of the roof lantern so would be in keeping with the existing dwelling house. The addition of the pitched roof to the existing garage removing the false pitch and flat roof would improve the appearance of the property therefore the street scene. Taking the above into account it is considered that the proposed extension would comply with policy CS16 of the Core Strategy 2011.

### Neighbouring Amenities

Policy CS16 continues to state that development ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The proposed extensions are only likely to affect one neighbouring property that being number 12 Staverton Leys. The neighbouring property is a bungalow and the main bulk of the dwelling is set away from the boundary with number 10 by approximately 4 metres. The property has an attached garage to the side which projects up to the boundary with number 10 and is set right back towards the rear of the dwelling. The garage projects along the boundary beyond the rear utility building of number 10 Staverton Leys. There are side facing windows to number 12 which face towards number 10 and these both appear to support habitable rooms.

The proposed first floor extension by wrapping around the existing first floor extension will have an impact on the side facing windows of number 12 however it is considered that the impact would not be significant enough to cause a detrimental adverse impact. The reasoning for this is due to the positioning and design of the extension. The extension does not project the full width of the side garage and is positioned approximately 3 metres away from the neighbouring boundary. Add the 3 metres to the 4 metre separation distance between the neighbouring dwelling and boundary it equals a 7 metres separation distance. The design of the extension is as so to provide an elongated roof slope to the front to minimise any bulk and height directly opposite the habitable room windows. The positioning and orientation of the extension and the neighbouring windows is such that the windows would still obtain light the majority of the day with only the mid afternoon sun being affected. The positioning of the garage of number 12 so close to the side windows would impact itself on the light obtained and the existing dwelling number 10 would also affect light especially in the late afternoon and evening to which the extensions would not influence.

The positioning of the garage at number 12 Staverton Leys goes to remove any impact that the ground floor extensions and alterations would have upon the amenities of the neighbour. The garage projects up against the boundary with number 10 and extends beyond the utility building which is the extremity of the proposed ground floor alterations.

Taking the above into account it is considered that the proposed extensions and alterations would not significantly affect the amenities of the neighbour therefore complying with policy CS16 of the Core Strategy 2011.

### Parking

The proposed alterations and extensions will result in an extra bedroom being added at first floor, and the integral garage being converted to a bedroom making a 5 bedroom property. The side garage will be retained and there is sufficient room upon the front driveway for two further cars to be parked clear of the highway. With sufficient space for 3 cars to be parked the proposals will comply with the parking standards within the Rugby Borough Planning Obligations SPD.

### **Recommendation**

Grant Permission Subject to Conditions

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R14/0183

### **DATE VALID**

21/02/2014

### **ADDRESS OF DEVELOPMENT**

10 STAVERTON LEYS  
RUGBY  
CV22 5RD

### **APPLICANT/AGENT**

Mr Robert O'callaghan  
Robert O'callaghan Architects  
Ivy House  
Church Street  
Churchover  
Rugby  
Warwickshire  
CV23 0EW  
On behalf of Mr J Cunningham

### **APPLICATION DESCRIPTION**

Proposed first floor extension and infill extension to the ground floor

### **CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

#### **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 51 of the Planning and Compulsory Purchase Act 2004.

#### **CONDITION: 2**

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

ROC\575\PD\002 and ROC\575\PD\003 received by the Local Planning Authority on the 18th February 2014

#### **REASON:**

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

#### **CONDITION: 3**

The facing materials to be used on the external walls and roof shall be of the same type, colour and texture as those used on the existing building.

#### **REASON:**

To ensure a satisfactory external appearance.

**CONDITION: 4**

No new windows shall be formed in the side elevation of the proposed first floor extension unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

In the interest of residential amenity.

**STATEMENT OF POSITIVE ENGAGEMENT:**

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF

**INFORMATIVE: 1**

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010 making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected 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 0845 601 4523. 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 01453 764450 for advice on the best way to proceed.

**INFORMATIVE: 2**

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 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, 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.

**Reference number: R14/0314**

**Site address: 35 Church Road, Shilton**

**Description: Change of Use of Church Meeting Rooms to a residential dwelling**

**Case Officer Name & Number: John Wilbraham – 01788 533549**

### **Site Description**

The site lies within the village of Shilton which is classified as a Local Needs Settlement in the settlement hierarchy. The property is located at the rear of the Methodist church and forms the end of a row of dwellings located in an L-shape. A public footpath runs along the southern boundary which the front of this property and the adjoining one no. 45 face on to.

### **Proposal Description**

This application is seeking permission for a change of use of the building from church meeting rooms to a two bed residential dwelling. There are no external changes proposed to the building. There is no parking associated with the existing building and there is none proposed for the dwelling.

### **Relevant Planning History**

N/A

### **Technical Consultation Responses**

WCC Archaeology – no objections (weekly list comments 25/2/14)

WCC Ecology – no comments received

WCC Highways – objection on the grounds that the proposals have no provision for off-highway parking and general servicing of the site (27/2/14)

### **Third Party Responses**

Cllr Pacey-Day – no comments received

Parish – some concerns regarding the lack of parking for this property (6/3/14)

Neighbours – no comments received

### **Relevant Planning Policies and Guidance**

#### **Core Strategy**

CS1           Complies       Development Strategy

CS16          Complies       Sustainable Design

#### **Saved Local Plan Policies**

E6            Complies       Biodiversity

T5            Does not comply    Parking Facilities

#### **National Policy**

National Planning Policy Framework (NPPF)



## Guidance

### Sustainable Design and Construction SPD

#### **Assessment of Proposals**

In the assessment of this application, the determining factors are the principle of the development, the impact of the proposed development on the qualities, character and amenity of the area, amenity of neighbouring properties, impact on protected species and impact on highway safety.

#### Principle of Development

Shilton is classified as a Local Needs Settlement within the settlement hierarchy contained in Policy CS1. This means that new housing provision should be suited to meet an identified local housing need. The current application is seeking permission for the conversion of the church meeting rooms to a no. 2 bed dwelling which would be available on the open market.

The Shilton Housing Needs Assessment, undertaken in 2008, identified a need for no. 3 two bed houses on a rented tenure for local people. Given this assessment was carried out over 5 years ago it is now considered out of date. There is a new assessment planned by the Parish but this will not be carried out until late April with the results following a month later. Given the lack of an identified need the Authority's Strategic Development team were consulted who confirmed that given Shilton's classification any new dwellings would always have to be for a local need or tied to the local community. The applicant has agreed to any permission being granted containing a local occupancy condition to ensure the application complies with policy. Based on this condition the application is considered to comply with Policy CS1.

Policy CS13 looks for community facilities to be retained unless it can be demonstrated that the existing use has no prospect of continuing due to commercial reasons, the site has been marketed for a similar service or facility or that the facilities can be provided in an alternate manner or elsewhere within the local area.

In the present case the existing building was used as the meeting and function rooms for the Baptist church which is located immediately to north of the site. Approximately 6 years ago the chapel area in the church was converted to a multi-purpose meeting room which meant the application building became redundant. There were the one or two local groups outside of the church who still used the building for meetings, but it has been confirmed these ceased approximately 5 years ago and no other local groups have approached the church about using the building. The church themselves hire out the village hall whenever they have large events given its location, parking and facilities. Based on this supporting information it is considered the community benefit of the application building was transferred over to the church a number of years ago and therefore the conversion to a dwelling would not result in the loss of a community facility having regard to Policy CS13.

#### Impact on the qualities, character and amenity of the area

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Paragraphs 56 and 57 of the NPPF require all development proposals to be of a high quality design.

Access to the property is proposed to be maintained through the existing access shared with the church. Fencing would be erected from the rear corner of the single storey element across to the boundary with no. 33 to provide some private amenity space for the dwelling and to allow the rear access for no. 45 to be left unaffected. Given that no changes are

proposed to the external elevations of the building and the fencing is set back from the main street frontage it is considered the proposal is acceptable visually having regard to Policy CS16 and Paragraphs 56 and 57 of the NPPF.

#### Impact upon the amenity of neighbouring properties

Policy CS16 also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The site is fairly constrained in terms of neighbours due to the way the dwellings are set out in an L-shape, however given the building is existing and no additions are proposed the change of use is not considered to give rise to any additional loss of light or overbearing. With regards to potential overlooking issues there are presently no first floor windows on the rear elevation of the building. Given the close relationship with the neighbouring properties it is considered reasonable to attach a condition which removes permitted development rights from the property to ensure new windows or extensions are not erected which may cause unacceptable harm to the amenity of adjoining neighbours.

Subject to this condition it is considered the proposal will not give rise to any overlooking, overbearing or loss of light for neighbouring properties having regard to Policy CS16.

#### Impact on protected species

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. Paragraph 118 of the NPPF requires local authorities to have regard to the conservation and preservation of protected species and their habitats.

The nature of the development is not considered to give rise to any unacceptable impact to protected species having regard to Policy E6 and Paragraph 118 of the NPPF.

#### Impact on parking and highway safety

Saved Local Plan Policy T5 states that planning permission will only be granted for development which incorporates satisfactory parking facilities. Furthermore, the Planning Obligations SPD details parking standards which should be provided for various types of development. Paragraph 39 of the NPPF requires development proposals to have regard to the safety of all highway users.

Due to the location of the building and its link with the church there is presently no parking associated with the site and there is no possibility that any could be provided. There is a public car park on the opposite side of the road which is operated by the Parish Council, that could be utilised by the occupants of the dwelling but there is no provision for on street parking due to the narrow roads and pavements together with the location of the site on a bend. The Planning Obligations SPD states that 1.5 spaces should be provided per 2-bed unit which is clearly not met by the development. The County Highways Officer has raised objections to the scheme based on the lack of parking and the possibility that residents could park on the road narrowing the highway and blocking the pavement. He has also noted that parking at the public car park will necessitate crossing the road to gain access to the property which is not ideal.

Whilst this is accepted it has to be taken into consideration that the existing use would have attracted some traffic as not all users are likely to have been from within the village or walking distance. Similarly anyone purchasing this property will be aware of the lack of parking provision together with the local connection condition which may encourage a buyer who does not rely on a private car. The applicant has clearly demonstrated a lack of use of the building over the past few years and other than a change of use to a dwelling it is hard to

see how the building could be reused. The lack of designated parking for the building is therefore considered against this background and the Governments desire to see empty and disused buildings brought back into life to provide much needed dwellings.

Weighing up all of the arguments it is considered that in this instance the lack of any designated parking for the property, whilst contrary to the contents of Saved Local Plan Policy T5, the contents of the Planning Obligations SPD and Paragraph 39 of the NPPF, does not constitute such a significant and demonstrable harm that it outweighs the benefit of creating a dwelling in this location.

**Recommendation:**

Approve subject to appropriate conditions.

Report prepared by: JW 20/3/14

**APPLICATION NUMBER**

R14/0314

**DATE VALID**

05/02/2014

**ADDRESS OF DEVELOPMENT**

35 Church Road  
Shilton  
Coventry  
CV7 9HX

**APPLICANT/AGENT**

Mr Graham Parsons  
Shilton Baptist Church  
29 Salisbury Avenue  
Coventry  
West Midlands  
CV3 5DA

**APPLICATION DESCRIPTION**

Change of Use of Church Meeting Rooms to a residential dwelling.

**CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

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 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION 2:

The development shall not be carried out other than in accordance with the plans no. 'site location plan' to scale 1:1250, 3241 1 and 3241 2 received by the Local Planning Authority on 13 February 2014.

REASON:

For the avoidance of doubt.

### CONDITION: 3

The dwelling hereby permitted shall only be occupied by an 'approved person'. Subsequent to the first occupation, the dwelling shall not be occupied other than by an "approved person" unless and until the property has been marketed for a period of 3 months, no approved person has expressed an interest and details of the marketing process have been submitted to and approved in writing by the Local Planning Authority.

In this condition, an approved person shall be deemed to be a person who immediately prior to such occupation:

- Has resided within the Parish or adjoining Parish for five years or more within the last 20 years; or
- Is required to live close to another person who satisfies the above criteria and is in essential need of frequent attention and/or care due to age, ill health and /or infirmity; or
- Has essential functional need to live close to his or her work in the Parish or adjoining Parish.

In this condition the definition of adjoining Parish shall be to comprise as being solely the Parishes of: Ansty, Withybrook, and Wolvey.

In the event that, upon any subsequent sale or resale of the property, the property has been marketed for a period of three months and no approved person, as defined above, has expressed interest in the property, the owner may continue to market the property to any purchaser irrespective of whether they are an approved person

### REASON:

To ensure that Local housing needs are met

### CONDITION 4:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A, B, C, D, E and F of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

### REASON:

In the interest of residential amenity.

### STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

**Reference number:**

R14/0260

**Site address:**

Greenbanks Caravan Park, Oxford Road, Ryton on Dunsmore, CV8 3JY

**Description:**

Variation of Condition 1 of application 772 from temporary to permanent planning permission for applicant and family to use of land as a gypsy site for the siting of two static caravans and two touring caravans and associated ancillary development.

**Case Officer Name & Number:**

Richard Holt 01788 533687

**Description of Site:**

The site is located approximately 1 mile (1.6 kilometres) south of the village of Ryton-on-Dunsmore within the designated West Midlands Green Belt opposite the former Bull & Butcher Public House. The site is accessed off the road that serves the Woodside Gypsy Caravan Site to the south-west of the application site.

The north-eastern and north-western boundaries of the overall site comprise of deciduous vegetation with a mix of trees, shrubs and hedging. The Oxford Road (A423) lies beyond the north-eastern boundary and the road to Woodside Caravan Park is beyond the north-western boundary. Separating the application site from Woodside Caravan Park to the south-west is an existing bund which is heavily landscaped.

A further bund was constructed by the applicant in 2008 and runs along the entire south-eastern edge of the overall site at approximately 2 metres in height. Adjacent this boundary is the gypsy and traveller site known as Sunrise Park.

The overall site is approximately 2 hectares, however the actual application site is approximately 0.42 hectares.

An area of hardcore has been laid and the site is currently occupied by three static caravans and two touring caravans.

**Description of Proposals:**

The application is to vary condition 1 of the previous planning permission to enable the applicant and his family to reside on site on a permanent basis. Planning permission was granted in April 2010 to allow the continued occupation of the site by the applicant and his family for use of the land as a gypsy site for 4 caravans (2 static and 2 touring) until April 2014.

A supporting statement was submitted with the application, which raised various points including:

- i) the family are Romani gypsies and persons of nomadic habit of life who have own the land for 20 years;
- ii) lived on site for 7 years and built up strong local connections;
- iii) prepared to retain personal occupancy tie;
- iv) visually well screened;
- v) close to Ryton on Dunsmore, a main rural settlement;
- vi) site does not dominant Ryton on Dunsmore or Sunrise Park or Woodside Park;
- vii) site considered sustainable;

- viii) no other land available within or close to settlement boundaries within applicant's budget;
- ix) personal circumstances of family on medical and educational grounds add further weight;
- x) no highway safety issues;
- xi) site was put forward to Council in response to recent 'call for sites;'
- xii) delay to Development Plan Document;
- xiii) insecurities over successive temporary permissions; &
- xiv) whilst constitutes inappropriate development in the Green Belt there are very special circumstances in relation to unmet need; lack of suitable & available alternative land; lack of allocated land; future allocations most likely to be in Green Belt; and family's personal circumstances.

The applicant's agent has also submitted additional information relating to the applicant's search for alternative sites and extra health details.

### **Planning History:**

Use of land for siting of 4 touring caravans for Romany Gypsies, hardstanding, 2 metre high grass bank & wooden sheds

Appeal against non-determination - Allowed 09/11/2006  
(Temporary until 09/11/2009)

Retrospective application for the creation of a bund Approved 02/07/2008

Continued use of land as a gypsy site for the siting of two static caravans and two touring caravans and associated ancillary with temporary development approval until 29/04/2014  
Approved 29/04/2010

Variation of Condition 1 of application 772 from temporary Refused 15/06/2011

to permanent planning permission for applicant and family to use of land as a gypsy site for the siting of two static caravans and two touring caravans and associated ancillary development.

### **Technical Consultations:**

Natural England	No objection
WCC Ecology	No objection
WCC Highways	No objection
Environmental Services	No objection, subject to conditions & informatives
Health & Safety Executive	Do not advise against granting planning permission on safety grounds.

### **Third Party Consultations:**

Ryton on Dunsmore Parish Council	Object Planning Inspectorate originally granted temporary permission for 4 years and
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nothing has changed; Original justification for allowing on appeal was that there were no other suitable sites; Temporary permission granted as other sites should become available during the period; Currently a call for sites being carried out which may provide suitable sites; No logical grounds for making temporary permission permanent; Does not conform with sequential approach of Policy CS22 as in Green Belt and concentration of such sites in area is inappropriate and disproportionate; Presumption against inappropriate development and should be refused; & Site should be returned to open green field at end of temporary period.

Neighbours

No comments received to date.

**Relevant Planning Policies & Guidance:**

Rugby Borough Local Plan 2006 – Saved Policies:

RBLP GP2    Complies    Landscaping

RBLP E6    Complies    Biodiversity

Rugby Borough Core Strategy 2011:

Policy CS1    Development Strategy

Policy CS11    Transport & New Development

Policy CS16    Sustainable Design & Construction

Policy CS22    Sites for Gypsies, Travellers & Travelling Showpeople

Planning Policy for Traveller Sites 2012

National Planning Policy Framework 2012

Gypsy & Traveller Accommodation Assessment (GTAA) 2008

**Assessment of Proposals:**

Planning Policy for Traveller Sites:

The applicant and his family are Romani Gypsies and persons of nomadic habit of life and their status as gypsies has been previously accepted by the Planning Inspectorate and this Council and it is not understood that their circumstances have changed over the intervening years. In the applicant's supporting statement reference is made to Mr Kerry and his eldest son travelling around seeking work as landscape gardeners and tree specialists. Therefore,

it is considered that they would comply with the definition of gypsies and travellers in Annex 1 of the Planning Policy for Traveller Sites (PPTS), 2012.

The core Central Government policy on gypsies and travellers is now a document entitled Planning Policy for Traveller Sites (PPTS), 2012. This states that the Government's aim in respect of such sites includes the following points:

- that local planning authorities should make their own assessment of need for the purposes of planning;
- encourage local planning authorities to plan for sites over a reasonable timescales;
- Green Belt should be protected from inappropriate development;
- promote more private traveller site provision;
- reduce number of unauthorised encampments;
- increase number of traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply with access to education, health, welfare and employment infrastructure;
- reduce tensions between settled and traveller communities; &
- have due regard to protection of local amenity and local environment.

The PPTS goes on to state that local planning authorities should identify and update annually a supply of deliverable sites sufficient to provide five years' worth of sites against their locally set targets and identify a supply of specific, developable sites or broad locations for growth, for years 6 to 10 and, where possible, for years 11 to 15. As well as relating the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density. However, the PPTS is very clear that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites this should be a significant material consideration in any decision for temporary planning permission. This Council is currently unable to demonstrate an up to date five year land supply of deliverable gypsy sites and traveller sites.

It also states that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally and when assessing the suitability of sites in rural or semi-rural areas such sites should not dominate the nearest settled community. However, the PPTS states local planning authorities should strictly limit new traveller site development in the open countryside that is away from existing settlements.

When dealing with applications for traveller sites, the PPTS also considers the following matters need to be taken in to considered and these include:

- existing level of local provision and need for sites;
- availability (or lack) of alternative accommodation;
- applicant's personal circumstances; &
- sites from any travellers should be considered.

In addition it states weight should be attached to whether the site makes effective use of brownfield, untidy or derelict land; it can be well planned or soft landscaped to positively enhance the environment and increase its openness; promote opportunities for healthy lifestyles; and not enclosing the site with hard landscaping, high walls or fences.

The applicant states that the proposal accords with the principles of the PPTS, particularly Policies C and D which indicate an acceptance that there may be situations where sites are located in the open countryside. Policy D states that where there is a lack of affordable land to meet local needs Local Planning Authorities should consider a rural exception policy. The applicant's agent states that a rural exception policy is designed to address needs of local Gypsies and Travellers such as the applicant where there is a lack of alternative land within



or closer to settlement boundaries for them to use as a site. However, it is considered that as there is no relevant policy contained within the development plan which the proposal can be considered against, so the principle of the development is therefore not considered acceptable as purported by applicant.

### Green Belt:

Policy CS1 steers development to the most sustainable locations within Rugby Borough, namely the town centre and urban area of Rugby. A sequential approach to new development means that as the site lies within the Green Belt this is the least preferred location for new development. Policy CS22 which specifically focuses on sites for gypsies, travellers and travelling showpeople also adopts a sequential approach to the provision of such sites with land within the Green Belt being the least preferred location. Both policies CS1 and CS22 state that new development, including sites for gypsies, travellers and travelling showpeople, will be resisted in such areas unless the national policy on Green Belts would permit such development.

Section 9 of the National Planning Policy Framework (NPPF) refers to the protecting of Green Belt land and states that the essential characteristic of them is their openness and their permanence. Policy E of the PPTS states that such sites whether temporary or permanent are inappropriate development in the Green Belt. The PPTS states inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. It goes on to say that traveller sites whether temporary or permanent in the Green Belt are inappropriate development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The document considers that any local planning authority wishing to make an exceptional limited alteration to the defined Green Belt boundary to meet a specific need should only be done through the plan making process and not in response to a planning application.

In July 2013 and January 2014 the Government issued a ministerial statement reinforcing the point that temporary and permanent traveller sites in the Green Belt are inappropriate development and that unmet need for traveller sites is unlikely to outweigh harm to the Green Belt and other harm to constitute very special circumstances justifying inappropriate development in the Green Belt.

The applicant's agent has submitted supporting information which sets out what it considers to be the exceptional circumstances which are sufficient to outweigh the harm to the Green Belt. The applicant's agent highlights that their client has lived on the site for 7 years through two successive temporary planning permissions and a further temporary planning will add to their insecurity with the threat of eviction always around the corner. The family are also registered to the local doctor's surgery for their health needs and a child is home tutored having most recently attended a local secondary school. The applicant's agent considers that permanent permission will provide certainty for the family providing a settled base.

The Planning Inspector in his decision of November 2006 for the site considered that the development was inappropriate and harmful to the Green Belt and that substantial weight needed to be apportioned to that harm. He also considered that the development was obtrusive in a substantially undeveloped part of the countryside, which would erode its character, have a detrimental impact on the local area and reduce the openness of the appeal site to a significant extent. Since that decision the applicant has constructed a bund along the south-eastern boundary which does assist in providing a certain level of screening of the site from the A423, but only when travelling in a north-westerly direction. However, the widening of the access road into the adjacent Woodside Park Caravan Site does partially increase the visibility of the site from the A423 at that point.

When the Local Planning Authority considered the application in 2010 to renew the planning permission at Greenbanks Caravan Park it maintained that the harm to the Green Belt through inappropriateness remained significant and the proposed continued use of land as a gypsy site would still adversely impact upon the character and appearance of the countryside causing substantial visual injury to the landscape. In November 2006 the Inspector considered that the lack of alternative sites at that time for the appellant and his family was a significant factor, but he held that such material considerations even when added together with other points did not outweigh the considerable harm on the Green Belt and local area and therefore, a permanent permission was not appropriate.

Temporary planning permission was granted at appeal for 4 years in February 2010 for 10 pitches (20 caravans) on land to the south-east of the site adjacent to the A423 known as Sunrise Park. In the Inspector's assessment he also felt that considerable harm would occur through the impact of the development on the open character and rural appearance of the site and its surroundings and it would remain an alien feature in the area. In January 2014 the Local Planning Authority resolved to grant approval of this site on a permanent basis primarily owing to the lack of immediate unmet need and supply of deliverable sites, proximity to a main rural settlement, lack of alternative sites and the personal circumstances of the applicant. This decision was not called in by the National Planning Casework Unit so has received full planning permission. Owing to the site's location in relation to Greenbanks Caravan Park that decision carries significant weight in the light of this current application.

In the light of the presence of Woodside Caravan Park which has permanent planning permission for 34 pitches to the immediate south-west of the site and Sunrise Park which has permanent planning permission for 10 pitches to the immediate south-east of the site, the presence of one single pitch with four caravans on it has a much lesser harmful impact than either of these two sites. It is inevitable the some harm to openness occurs together with an element of encroachment into the countryside on a site that was previously undeveloped. However, the extent of this harm whilst being judged to be significant by the previous Inspector is not to the same level of significance as the much larger adjacent sites of Woodside Caravan Park and Sunrise Park. The applicant's agent has confirmed that the applicant is willing to plant additional soft landscaping to aid the site's assimilation in to its surroundings.

The site lies between two areas identified as Dunsmore Plateau Fringe and Dunsmore Plateau Parklands in the Landscape Assessment of Rugby Borough prepared by Warwickshire County Council in 2006. The area is judged to be a variable and undulating landscape with woodland and is intensively farmed land with poorly defined field patterns. Overall it considers such areas to be in decline and does not note the particular area in which the application lies as being strong in landscape terms.

When taking into account the cumulative visual effect of these three gypsy and traveller sites the level of significance of their impact on the Green Belt is considered to be great as a whole, however, as both Woodside Caravan Park and Sunrise Park are now permanent with a total of 44 pitches, it is judged that on balance the additional pitch at Greenbanks Caravan Park does not extend the level of actual harm to such a level to make a significant difference.

Therefore, the level of the additional significance on the character of the surrounding countryside and visual amenities of the area is considered to be relatively limited for the Greenbanks Caravan Park site when assessed in relation to Woodside Caravan Park and Sunrise Park. Furthermore, the screening along Oxford Road is enhanced during the periods the trees and hedgerow are in leaf and together with the applicant's willingness to provide further landscaping on site, which could include the Oxford Road boundary, the boundary with the driveway to Woodside Caravan Park and along the previously constructed bund between the site and Sunrise Park, it is considered this level of mitigation will assist in

assimilating the development to some extent into the immediate environment. The proposal therefore complies with Policy CS16 and the criteria outlined within Policy CS22 which seeks to ensure that the site is capable of sympathetic assimilation into the surrounding area.

#### Core Strategy & Need:

The need for provision (but not necessarily the particular site which is subject to this submission) was discussed in the previous appeal decision and this is not something which has changed since this decision was made and is not in dispute. Since the appeal decision the outputs of the Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment (GTAA) evidence an immediate need within the Borough of 48 residential pitches and 5 transit pitches within the time period 2007 – 2012.

In this latest submission the applicant highlights that there is a large unmet need within the Borough for gypsy and traveller sites, a lack of suitable alternative sites, and deficiencies within the development plan policy for the provision of Gypsy and Traveller caravan sites in Rugby. The applicant also sets out that the proposal complies with the criteria set out within Core Strategy policy CS22.

Core Strategy Policy CS22: Sites for Gypsies and Traveller and Travelling Showpeople states that the Council needs to allocate 94 residential pitches by 2026. This policy also states that evidence should be submitted with any planning application to demonstrate compliance with the requirements of the sequential approach in the following order of preference. Rugby Urban Area first priority, Main Rural Settlements second priority, countryside third priority and Green Belt last priority. This evidence should demonstrate that:

- site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure;
- vehicular access onto the site via the public highway is appropriate;
- the site is capable of sympathetic assimilation into the surroundings;
- if required, suitable landscaping and planting will be provided and maintained; &
- development would not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles.

The requirement to deliver those pitches will be through a Gypsy and Traveller Site Allocations Development Plan Document (DPD). This is also timetabled in the Local Development Scheme. The Gypsy and Traveller Site Allocation DPD will identify and allocate specific residential (permanent) and transit sites within the Borough for Gypsies and Traveller accommodation needs.

It is accepted that there is a significant need for additional sites and that the Council is currently unable to demonstrate an up to date five year land supply of deliverable gypsy and traveller sites, as required by the PPTS. Work on a Gypsy and Traveller Sites Allocations Development Plan Document (“DPD”) commenced in 2012 with a view to adoption in summer 2014. Two calls for sites exercises were undertaken: one as part of the Strategic Land Availability Assessment; and another specifically for Gypsy and Traveller Sites. For the second call for sites correspondence was sent to the following; existing Gypsy and Traveller sites within the Borough; Gypsy and Traveller liaison groups; Warwickshire County Council and other bodies that may have landholdings such as Warwickshire Police, National Grid and Severn Trent.

This process did not lead to the identification of any new sites that were available specifically to accommodate the needs of the gypsy and traveller community. It should be noted that the applicant submitted this site for consideration as part of the call for sites process. At this time, the Council is currently unaware of any available suitable alternative sites for the applicant.

The failure of the call for sites process to identify any deliverable sites to meet the unmet need for gypsy and traveller accommodation in the Borough is one of the reasons why there has been a delay in production of the DPD. Another reason for the delay is the need to update the Gypsy and Traveller Accommodation Assessment Study following Lord Taylor's review of planning policy guidance. Consultants have been appointed to undertake the assessment which will be completed by June 2014. The DPD will not be adopted in summer 2014 as originally intended with an updated Local Development Scheme (January 2014), timetabling for the adoption of the DPD is now intended for April 2016. The production of the DPD will therefore not assist in meeting the immediate need for 28 permanent pitches by 2012 with a further need of 46 pitches for the period 2012-2026 that is outlined in Policy CS22. It is therefore considered the substantial weight should be attached to the lack of alternative sites and slippage of the DPD timescales.

It is understood that the applicant's agent has engaged in the DPD process and made representations regarding their client's site at Greenbanks Caravan Park. However, at this moment in time, the Council is currently unaware of any available suitable alternative sites for the applicant.

Policy CS22 states proposals should be appropriate and proportionate in scale to the nearest settlement, its local services and infrastructure. Whilst this site is not immediately adjacent to the Main Rural Settlement of Ryton on Dunsmore it is judged that its proximity to this village does allow access to its services. Given the size of the village of Ryton on Dunsmore, the combination of the application site together with the neighbouring gypsy and traveller sites is unlikely to result in the over dominance of the village nor place an undue pressure on the local infrastructure.

In terms of the considerations outlined above which weigh in favour of the application, significant weight is given on the identified unmet need in the Borough and the Council's failure to demonstrate a 5 year supply of sites. In addition to this further weight is given to the need for the Council to deliver additional pitches to meet the identified need through the development management process as the plan led system (Sites Allocation) which is unlikely to deliver sites on the ground until 2016 at the earliest. However, when these matters of unmet need and delay in the adoption of the DPD are weighted in the balance it is concluded that the combination of these factors do not clearly outweigh the harm which has been identified by reason of inappropriateness, encroachment and harm to the openness of the Green Belt. It is considered that these factors alone do not constitute very special circumstances demanded by the NPPF.

#### Special Circumstances:

The applicant and his wife have 4 children aged 26, 25, 19 & 13 years old who all reside on the site. With regard to this current application evidence relating to youngest child's educational needs has been received. However, it is now understood that whilst they did attend a local secondary school until recently they are now being home tutored instead.

In the previous appeal decision the Inspector had highlighted that registering with a doctor normally requires a permanent address and without a settled site the family could find problems accessing appropriate health care. The family are registered at the Brookside Surgery in Stretton on Dunsmore. Evidence has been submitted under previous applications and with the current submission regarding the applicant's wife's on going medical treatment and how her condition could potentially be exacerbated and her health and well-being significantly adversely affected if they had to move on to such sites as Woodside Caravan Park or away from their current base which has been home for the last 7 years.

As stated in the assessment of previous applications, there is sympathy for the applicant's family's personal circumstances regarding potential conflict with the residents of Woodside Caravan Park but this needs to be balanced against the impact of retaining the site, on a permanent basis, in the Green Belt as it is deemed to be inappropriate development.

Since the applicant's moved onto their site, Woodside Caravan Park has undergone extensive redevelopment including the installation of CCTV and the provision of a site warden during the day and the Council has undoubtedly made strenuous efforts to improve the environment at Woodside Caravan Park and put in place measures for its effective management. Therefore, victimisation, threats of violence and trouble is less likely to now be a problem and if antisocial behaviour on site between residents does occur, this will be dealt with by the Woodside Management team in consultation if necessary with other statutory bodies such as Warwickshire Constabulary.

However, the health of the applicant's wife is a factor that continues to attach significant weight in the assessment of the application and a settled base would be beneficial in this respect to ensure continuity of access to medical services.

#### Sustainability & Cumulative Effect:

Woodside Caravan Park has planning permission for 34 permanent pitches (68 caravans) and Sunrise Park has planning permission for 10 pitches (20 caravans). Therefore, the proposal would constitute an approximate 2.3% increase in the number of pitches and a 4.5% increase in the number of caravans in the immediate area. When the Planning Inspector considered the Sunrise Park appeal he felt that the site would not be seen as an extension of Woodside Caravan Park because of its physical separation, or have any functional and management links with the established site. Although Greenbanks Caravan Park is accessed off the driveway to Woodside Caravan Park it also has no functional or management links with Woodside Caravan Park. The sites are also separated by a large landscaped bund.

The Inspector on the Sunrise Park appeal also considered that the gypsy site developments on the west side of Oxford Road are away from the village of Ryton on Dunsmore and do not dominate the settled community in any physical sense. He also stated that there was no evidence that the additional demands for services from the occupiers of the additional 20 caravans would place undue burden on existing facilities in nearby settlements. Therefore, in light of the permanent gypsy & traveller pitches approved, the retention of an extra pitch with 4 caravans at Greenbanks Caravan Park is not considered to cumulatively impact upon the community services and facilities in the area to any significant extent over and above the existing impact experienced.

The site is located outside a settlement boundary but is located approximately 1 mile (1.6 kilometres) south of the village of Ryton-on-Dunsmore and 1.2 miles (2 kilometres) west of the village of Stretton on Dunsmore. Both villages are designated as Main Rural Settlements in the Rugby Borough Core Strategy 2011 and have shops, primary schools and other services including public transport links. The Inspector on the Sunrise Park appeal accepted that it was highly likely that the majority of travel from the site would involve motor vehicles as the surrounding country lanes were unlit and had no footway, although the distances involved were not so great to discourage more sustainable methods of transport. The occupants of Greenbanks Caravan Park will be in a similar position to the residents of Woodside Park and Sunrise Park regarding accessibility to community services and facilities.

### Alternatives:

One of the criteria of Core Strategy Policy CS22 requires the applicant to demonstrate that a sequential approach has been taken towards the selection of sites.

The applicant's agent states that it is highly unlikely that pitches will become available on existing authorised sites. However, even if some did become available, these would not be suitable for the Kerry family because one of them suffers from health conditions which would make it impossible for them to live in close proximity to others, particularly on a larger site such as Woodside Caravan Park where strangers will often be coming and going. The applicant's agent states that the unsuccessful searches, demonstrates that there is no suitable, available alternative land. The applicant also states if sites are allocated, the high proportion of Green Belt land within Rugby means it is highly likely that at least some sites will be in the Green Belt.

At the time of the last appeal on the site the redevelopment of Woodside Caravan Park to upgrade its general condition and introduce effective management had just commenced, therefore, in November 2006 the Inspector concluded that as no other sites were available and that even if one could be found the appellant was unlikely to be able to purchase it based on their limited means. Therefore, at that time, the lack of an alternative site was given significant weight. Although the central section of Woodside Caravan Park has now been redeveloped and planning permission has recently been granted for a further six pitches there are currently no vacant pitches and it is understood that there are also several individuals waiting on the expression of interest list.

Notwithstanding the current lack of space on Woodside Caravan Park, the applicant has previously expressed their unwillingness at moving onto the Woodside Caravan Park site for reasons detailed above. In April 2010, the applicant's agent produced evidence regarding their search for alternative sites demonstrating no suitable sites where available and as part of this latest application the agent has also submitted evidence of the applicant's on going search for alternative sites outside of the Green Belt. At the beginning of 2014 two particularly sites were identified as possible options, one within the urban area of Rugby and a further one in the countryside near Stratford upon Avon. However, at guide prices of £100,000 and £80,000 respectively the agent purports that the applicant's modest income would be unable to obtain a mortgage for such sites. They also argue that the value of their existing site in the Green Belt adjacent to both Woodside Caravan Park and Sunrise Park would not attract a sale price that would generate anywhere near sufficient funds to purchase the identified sites or any land potentially more suitable as a gypsy and traveller site.

It seems likely that based on the family's limited financial position that if the application was to be refused and the temporary planning permission not extended the applicant and his family would not have an alternative site to move to. On this basis, they could potentially end up going on to the roadside, particularly as notwithstanding the applicant's wife's medical condition, the Council run section of Woodside Caravan Park is full and has a few people waiting on the expression of interest list.

### Temporary Planning Permission:

Temporary planning permission was originally granted for the applicant and his family to stay on the site for 3 years and this was renewed for a further 4 years until April 2014, so they have now been residing on the site for 7 years.

Policy H of the PPTS states that if a Local Planning Authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of

temporary planning permission. The footnote to this sentence states that there is no presumption that a temporary planning permission should become permanent.

Although the Local Planning Authority is preparing a Gypsy & Traveller Allocations Development Plan Document (DPD) this has not progressed at the speed initially envisaged and the likely adoption has been further delayed until 2016. Although the applicant's agent is promoting their client's site through the DPD process, the planning circumstances in relation to provision have not changed and the need for sites is now even more acute and pressing since the 2010 decision.

Even if space became available at Woodside Caravan Park there still remains a need for additional Gypsy & Traveller pitches within the Borough. Therefore, whether the applicant is willing or unwilling to move to the Woodside Caravan Park site a need for additional pitches would remain. The Planning Inspector in considering the appeal at Sunrise Park in 2010 stated that the Local Planning Authority has now produced a timetable for the preparation and adoption of its DPD to address the identified need. The Inspector also stated that whilst it may be that some sites identified through this process will be in the Green Belt because of the extent of its coverage in the Borough this does not justify pre-empting the thorough and proper planning process and accepting the development of the appeal site on a permanent basis. However, as detailed above the DPD timetable has been subject to slippage and is now unlikely to be adopted until 2016 at the earliest, which is an important factor in the overall assessment of the application.

The applicant's agent has submitted a copy of a recent appeal decision from Northamptonshire, where they refer to the matter that a gypsy family had lived on that site since 2009 and that a further temporary planning permission would result in continued uncertainty even though they have been living in the community with a settled lifestyle for a number of years. In that case the Inspector granting permanent planning permission for the gypsy family stated that the site was not in the Green Belt where specific restrictions apply and it was brownfield land. Therefore, the similarities between this appeal case and the current application is considered to be very limited, but it is acknowledged that the applicant and his family have now resided on the Greenbanks Caravan Park for 7 years and continued temporary planning permissions does result in uncertainty over their future accommodation.

Whilst the planning process must assess all planning applications on their own merits in accordance with the Development Plan, it is also important that an element of consistency is conducted to ensure fairness to all when dealing with similar types of proposals, especially when they are located in the Green Belt within the same Council jurisdiction. Nevertheless, the decision of the Local Planning Authority to grant permanent planning permission at the larger adjacent site, Sunrise Park, and that the National Planning Casework Unit did not call in this application for their determination, is a significant factor in the consideration of this application because of its location.

#### Overall Balancing Exercise:

The proposal by definition is harmful to the Green Belt to which substantial weight is attached. Whilst the harm caused by the development on the character of the surrounding countryside and visual amenities of the Green Belt is significant, the level of the additional significance is considered to be relatively limited when assessed on a cumulative basis in conjunction with the adjacent permanent gypsy & traveller sites. When taking into account the level of harm to the Green Belt this factor and the following points as referred to above also need to be given due weight:

- the Council has a large and immediate unmet need of 28 pitches between 2008-2012 with a further need of 46 pitches for the period 2012-2026;

- slippage in the DPD process and that its adoption is now likely not to be until 2016 at the earliest;
- the site is a single pitch immediately adjacent to two large multiple-pitched and permanent gypsy & traveller sites;
- it is acknowledged that the site is located in the Green Belt, which is a sixth and the lowest priority location for development as set out in Core Strategy policy CS1: Development Strategy. However, the site is considered to be sustainably located within the Green Belt given its close proximity to a main rural settlement (which is a third priority location for development) which allows good access to services. It should be noted that only two of the Borough's main rural settlements are located outside the Green Belt within a countryside location and they are both closely related to the Rugby urban area. The remaining seven main rural settlements are located within the Green Belt which covers around two thirds of the Borough.
- there is an accepted current lack of alternative available sites to meet the immediate need and a failure of development plan policy to allocate sites;
- the Council is currently unable to demonstrate an up-to-date five year supply of deliverable sites as required by paragraph 25 of the Planning Policy for Traveller Sites;
- the families personal circumstances, particularly for medical reasons, together with their residency on site for 7 years; and
- landscape mitigation measures in an area that is generally considered to be in decline in landscape terms.

The weighting of the factors is quintessentially a matter of judgment. However, on balance, it is concluded that the factors set out above when viewed collectively just tips the balance in favour of the grant of permanent permission in this particular instance in this particular location, subject to a personal restriction on the occupation of the site.

It is therefore considered that on balance the proposed development complies with policy CS1 and CS22 as contained within the Core Strategy and guidance contained within the NPPF and the PPTS.

#### Other Matters:

The Highway Authority have referred to the previous Planning Inspector's decision for the site who assessed that they did not consider that the limited amount of traffic likely to be generated by those living on the appeal site would add significantly to highway problems on surrounding roads. Therefore, it is considered that there are no highway issues associated with the proposed application.

The sites lies within the countryside and the closest properties to the actual part of the site where the caravans are located are those at Woodside Caravan Park. Whilst the boundary of the site is approximately only 6 metres away from the private pitches on the edge of Woodside Caravan Park there is a substantial landscaped bund separating the two sites. This bund provides a significant level of screening between the two sites and is judged to be an acceptable relationship. In addition, the former Bull & Butcher Public House which is currently vacant lies approximately 60 metres away and Sunrise Park lies approximately 100 metres away. Based on these distances of separation it is not considered that the scale and bulk of the proposed development would result in a loss of privacy or overshadow the surrounding properties to such a level to justify a reason for refusal. Therefore the proposal complies with policy CS16 in this respect.

Natural England and Warwickshire County Council Ecology Unit have raised no objection to the proposal and they do not consider that the scheme would have an adverse effect on the



Ryton Wood Site of Special Scientific Interest (SSSI). Therefore, the proposal would accord with saved policy E6 and the NPPF.

The presence of a third static caravan on site which appears to be in a poor state of repair is a separate matter that will be addressed by the Council's Enforcement Section accordingly.

**Conclusion:**

The development remains inappropriate within the Green Belt and results in substantial harm to the character and appearance of the area and would have a significant impact on the openness of the Green Belt, especially on the basis of a permanent permission. However, whilst this level of significance is reduced in this particular case because of the adjacent large permanent gypsy and traveller pitches, it is still considered that the significance of the harm to the Green Belt is great enough to warrant the application to be referred to the National Planning Casework Unit for assessment if approved. The material considerations including the personal circumstances of the applicant and his family do, on balance, support the retention of the site on a permanent basis. It is therefore considered that the variation of Condition 1 to enable the development on a permanent basis is acceptable and in accordance with policies contained within the Core Strategy namely CS1, CS16 & CS22 and guidance contained within the NPPF and the PPTS.

**Recommendation:**

The recommendation is for approval subject to the referral of the application to the National Planning Casework Unit, as the proposal by reason of its scale, nature and location, would have a significant impact upon the openness of the Green Belt, the Head of Planning & Culture be granted delegated powers to grant planning permission subject to conditions and informatives.

**DRAFT DECISION**

**APPLICATION NUMBER**

R14/0260

**DATE VALID**

06/02/2014

**ADDRESS OF DEVELOPMENT**

GREENBANKS CARAVAN PARK  
OXFORD ROAD  
RYTON ON DUNSMORE  
COVENTRY  
CV8 3JY

**APPLICANT/AGENT**

Ms Joanna Gregson  
South West Law  
2nd Floor, 48-54 West Street  
St Philips  
Bristol  
BS2 0BL  
On behalf of Mr Stephen Kerry

**APPLICATION DESCRIPTION**

Variation of Condition 1 of application 772 from temporary to permanent planning permission for applicant and family to use of land as a gypsy site for the siting of two static caravans and two touring caravans and associated ancillary development.

**CONDITIONS, REASONS & INFORMATIVES**

**CONDITION 1:**

The use hereby permitted shall be carried on only by Mr Stephen Kerry and/or Mrs Marina Kerry and their dependent children unless otherwise agreed in writing by the Local Planning Authority. Should their use of the site cease, all caravans, structures, materials and

equipment brought on to the land in connection with the use shall be removed and the land laid out in accordance with a scheme of works and associated timeframes that have been submitted to and approved in writing by the Local Planning Authority prior to the cessation of their use of the site and thereafter retained.

REASON:

The site lies within the Green Belt where planning permission is not normally granted except where there are very special circumstances and in the interests of the amenities of the locality.

CONDITION 2:

The development shall not be carried out other than in accordance with the:

Location Plan with title number reference WK330713; &

Site Layout Drawing Number 0528/01B;

both of the above received by the Local Planning Authority on 6th February 2014.

REASON:

For the avoidance of doubt.

CONDITION 3:

The use hereby permitted shall be for the stationing and residential occupation of 4 caravans, of which no more than 2 shall be single unit static caravans.

REASON:

The site lies within the Green Belt where planning permission is not normally granted except where there are very special circumstances and in the interests of the amenities of the locality.

CONDITION 4:

No trade, business or any form of commercial activity shall take place or be carried on at the site and no materials associated with such uses shall be stored on the site.

REASON:

In the interests of visual amenity and to ensure a satisfactory development.

CONDITION 5:

There shall be no parking, stationing or storage on the site of any vehicles in excess of 3.5 tonnes.

REASON:

In the interests of visual amenity and to ensure a satisfactory development.

CONDITION 6:

No external generators shall be used unless they are enclosed and sited in accordance with details submitted to and approved by in writing with the Local Planning Authority.

REASON:

In the interests of the amenities of the locality.

CONDITION 7:

Unless otherwise agreed in writing with the Local Planning Authority, within 3 months of the date of this decision notice a comprehensive landscaping scheme, including additional soft landscaping to the bund to the south east and north-eastern and north-western boundaries, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented in full no later than the end of the planting season 2014/2015. 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, unless the Local Planning Authority gives its written consent to any variations.

REASON:

To ensure the proper development of the site and in the interest of visual amenity and assist in the site's assimilation into the surrounding landscape in this Green Belt location.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

INFORMATIVE 1:

The applicant is advised that there shall be no burning of waste on the site and that compliance with planning conditions does not necessarily prevent action from being taken by the Council or members of the public to secure the abatement, restriction or prohibition of statutory nuisance's actionable under the Environmental Protection Act 1990 or any other statutory provisions.

INFORMATIVE 2:

The applicant is advised that a minimum three metre separation distance between any caravan and boundary should apply.

**AGENDA MANAGEMENT SHEET**

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	02.04.2014
<b>Report Title</b>	Delegated Decisions –21.02.2014 to 13.03.2014
<b>Portfolio</b>	N/A
<b>Ward Relevance</b>	All
<b>Prior Consultation</b>	None
<b>Contact Officer</b>	Paul Varnish 3774
<b>Report Subject to Call-in</b>	Y
<b>Report En-Bloc</b>	N
<b>Forward Plan</b>	N
<b>Corporate Priorities</b>	N/A
<b>Statutory/Policy Background</b>	Planning and Local Government Legislation
<b>Summary</b>	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
<b>Risk Management Implications</b>	N/A
<b>Financial Implications</b>	N/A

***Environmental Implications*** N/A

***Legal Implications*** N/A

***Equality and Diversity*** N/A

***Options*** N/A

***Recommendation*** The report be noted.

***Reasons for Recommendation*** To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

**Rugby Borough Council**

**Planning Committee – 02.04.2014**

**Delegated Decisions – From 21.02.2014 To 13.03.2014**

**Report of the Head of Planning and Culture**

**Recommendation**

The report be noted.

**1. BACKGROUND**

Decisions taken by the Head of Planning and Culture in exercise of powers delegated to her during the above period are set out in the Appendix attached

Name of Meeting: Planning Committee

Date Of Meeting: 02.04.2014  
Subject Matter: Delegated Decisions – 21.02.2014 to 13.03.2014  
Originating Department: Planning and Culture

### LIST OF BACKGROUND PAPERS

Document No.	Date	Description of Document	Officer's Reference	File Reference
1.				

\* The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

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\* Exempt information is contained in the following documents:

Document No.	Relevant Paragraph of Schedule 12A
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\* There are no background papers relating to this item.

(\*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF PLANNING AND CULTURE UNDER  
DELEGATED POWERS FROM 21/02/2014 TO 13/03/2014

**A. APPLICATIONS – DELEGATED**

<b>Applications Approved</b>		
<i>R14/0117 Approved 19.02.2014</i>	Housing 21 Rugby Extra Care Home (Formerly Abbotsbury) 53 Pettiver Crescent Hillmorton	Proposed bin store to serve adjacent extra care centre and alterations to landscaping (previously approved under R11/2294)
<i>R13/2230 Approved 19.02.2014</i>	20 Noble Drive Cawston	Retention of hard surfacing to front of dwelling
<i>R13/2305 Approved 19.02.2014</i>	Land West of Shilton Road Bulkington Road Shilton	Retention of 2 stables and feed implement store
<i>R14/0167 Approved 20.02.2014</i>	17 Craven Avenue Binley Woods	Proposed first floor rear extension and single storey rear extension.
<i>R14/0136 Approved 20.02.2014</i>	Turtle Cottage Main Street Birdingbury	Proposed two storey front extension and alteration to front porch
<i>R14/0030 Approved 20.02.2014</i>	Caretakers Bungalow Bilton School Lawford Lane	Proposed change of use of existing caretakers bungalow to a Children's Day Care Nursery (Use Class D1).
<i>R13/2072 Approved 20.02.2014</i>	90 Avenue Road New Bilton	Erection of attached car port to side and erection of fence and pedestrian access gate (part-retrospective)
<i>R14/0193 Approved 21.02.2014</i>	15 Glebe Crescent New Bilton	Erection of single storey side and rear extension
<i>R14/0081 Approved 24.02.2014</i>	Ryton Pools Country Park Ryton Road	Retention of two metal portable buildings



	Coventry	
<i>R14/0020 Approved 24.02.2014</i>	36 Bawnmore Road Bilton	Demolition of existing garage and erection of single and two storey front extension
<i>R12/2128 Approved 24.02.2014</i>	Brinklow Marina Cathiron Lane Brinklow	Retention of four storage containers (containers shown cross hatched on drawing P1-935 Rev D) including the creation of hard surfacing (cross hatched blue on drawing P1 - 935 Rev D).
<i>R14/0023 Approved 24.02.2014</i>	36 Bawnmore Road Bilton	Erection of detached dwellinghouse with suspended drive and vehicle parking area
<i>R13/1924 Approved 24.02.2014</i>	218 Dunchurch Road Rugby	Raising of the roof of the existing bungalow to form a dormer bungalow, the erection of a two-storey front and the erection of single storey side and rear extensions.
<i>R14/0106 Approved 25.02.2014</i>	5 Calvestone Place Cawston	Retention of decorative stone gravel to front and side of house and provision associated landscaping
<i>R14/0189 Approved 25.02.2014</i>	Cottage Farm Coventry Road Hinckley	Erection of a Farm Employees Bungalow (Removal of condition 2 of planning permission 1366/10 dated 01/01/1962 to allow the occupation of the building not to be associated with person(s) engaged in farming Cottage Farm, Wolvey) (retrospective)
<i>R14/0235 Approved 25.02.2014</i>	53 Winfield Street Rugby	Retention of a detached shed to the rear
<i>R14/0040 Approved 25.02.2014</i>	Brandon House Main Street Frankton	Single storey extension to rear and side
<i>R13/2314 Approved 26.02.2014</i>	70a Oxford Street Rugby	Conversion of existing outbuilding previously converted to office use (B1) to 2no. 1-bedroomed apartments
<i>R13/2317 Approved 26.02.2014</i>	Stave Hall Farm Fosse Way Monks Kirby	Removal of the existing mobile home and Change of use of building used as kennels to residential dwelling

<i>R13/2281 Approved 26.02.2014</i>	31 The Crescent Brinklow	Proposed replacement of existing pre-fabricated garages with oak framed outbuilding and erection of garden wall and post and wire fencing
<i>R13/2313 Approved 27.02.2014</i>	70a Oxford Street Rugby	Erection of one and a half storey building to provide 4no. 2-bedroom apartments with associated parking
<i>R14/0182 Approved 27.02.2014</i>	Unit 8 Swan Centre 14 Chapel Street Rugby	Subdivision of Unit 8 to create 2 units (8a and 8b), alterations to the shop front and change of use of the newly created unit 8b from A1 (retail) to A3 (restaurant/cafe)
<i>R14/0078 Approved 27.02.2014</i>	69 Crick Road Hillmorton	Erection of two-storey side and single-storey rear extensions
<i>R14/0079 Approved 27.02.2014</i>	9 Craven Avenue Binley Woods	Single storey front extension to extend the garage and the porch.
<i>R13/2077 Approved 28.02.2014</i>	26 Durrell Drive Cawston	Erection of first floor side extension over garage and part conversion of garage
<i>R14/0132 Approved 28.02.2014</i>	19 High Street Rugby	Change of use of part of the rear ground floor and first floor as separate residential unit , installation of 5 new windows to first floor side facing elevation, erection of first floor rear extension incorporating side facing patio doors to new balustrade around existing flat roof
<i>R13/2161 Approved 28.02.2014</i>	19 High Street Rugby	Change of use of part of ground floor of existing retail floor space to a single residential unit and enlarge existing window openings in side elevation
<i>R14/0129 Approved 28.02.2014</i>	19 High Street Rugby	Change of use of front part of first floor residential unit [increase in floor space of original extant planning permission reference R10/2067] and installation of new lantern and side facing window
<i>R13/1126 Approved 28.02.2014</i>	24 Warwick Street Rugby	Change of use from A2 office to provide 7 additional apartments (in addition to 1 existing apartment), removal of existing single storey rear extension and other associated works.

<i>R14/0024 Approved 03.03.2014</i>	6 Fosse Way Stretton on Dunsmore	Alteration to roof of existing attached garage
<i>R12/0924 Approved 04.03.2014</i>	Rugby Osteopathic Clinic 69 Albert Street Rugby	Erection of a detached single storey timber cladded studio
<i>R13/1985 Approved 04.03.2014</i>	Grange Farm Brandon Lane Coventry	Erection of 3 dwellings and associated works, including formation of landscaped bund. (Amended scheme following approval of R13/1295 to make alterations to plots 1 and 2.)
<i>R13/1872 Approved 04.03.2014</i>	Princethorpe College Leamington Road Princethorpe	Proposed MUGA (Multi-use) sports pitch together with the provision of 4no floodlighting column and fencing
<i>R13/2315 Approved 05.03.2014</i>	Little Thatch Church Walk Bilton	Proposed two storey and single storey rear extensions and replacement garage
<i>R13/1538 Approved 05.03.2014</i>	64 Lime Tree Avenue Bilton	Proposed demolition of existing dwelling and erection of a replacement dwelling
<i>R13/1824 Approved 05.03.2014</i>	7 North Road Clifton Upon Dunsmore	Erection of a first floor rear extension and a orangery
<i>R14/0130 Approved 07.03.2014</i>	The Parlour Manor Farm Barns Brooks Close Willoughby	Insertion of two rooflights into northeast roof slope
<i>R14/0269 Approved 07.03.2014</i>	Land Adjacent to M69 Dunromin Stables Bulkington Road Shilton	Retention of stable block approved under planning permission reference number R03/0675/23252/P granted 23rd September 2003.
<i>R14/0289 Approved 06.03.2014</i>	15 Mulberry Road Rugby	Single storey extension to the rear & first floor extension above existing garage
<i>R14/0197 Approved 07.03.2014</i>	59 Alwyn Road Bilton	Extension of the existing dropped kerb.

<i>R12/1393 Approved 10.03.2014</i>	Blacksmiths Arms 19 High Street Ryton on Dunsmore	Erection of 2 no. two storey dwellings and associated works to public house car park
<i>R13/1756 Approved 11.03.2014</i>	12 Avonmere Newbold	Conversion of garage to habitable room
<i>R14/0265 Approved 11.03.2014</i>	Rugby Christian Fellowship Church 46 Cambridge Street Rugby	Installation of new flue to rear of existing kitchen extension.
<i>R14/0266 Approved 11.03.2014</i>	100 Bilton Road Bilton	Erection of single storey side and rear extensions incorporating new balcony arrangement and raise height of existing pool and plant building
<i>R13/1996 Approved 11.03.2014</i>	18 Barton Road Bilton	Retention of timber garage / outbuilding
<i>R13/2216 Approved 11.03.2014</i>	162 Dunchurch Road Rugby	Proposed single storey side extension
<i>R14/0107 Approved 11.03.2014</i>	Brick Hill Farm Barns Birdingbury Road Leamington Hastings	Removal of condition 16 of R04/1251/12610/P to allow the artists studio to be used as part of the main residential dwelling
<i>R14/0200 Approved 11.03.2014</i>	8 Shenstone Avenue Rugby	Retrospective application for installation of wall mounted air conditioning unit to outbuilding
<i>R13/0275 Approved 11.03.2014</i>	Hill Farm Frankton Lane Stretton on Dunsmore	Erection of a two storey rear extension and detached garage to the Farmhouse and the Conversion of outbuildings, barn and stables to form 2 new houses with associated garaging.
<i>R14/0038 Approved 12.03.2014</i>	65 Barton Road Bilton	Erection of single storey side extension
<b><i>Prior Approval Applications</i></b>		

<i>R14/0194 Prior Approval 25.02.2014</i>	82 Pettiver Crescent Hllmorton	Prior Approval application for a rear conservatory projecting 3.5 metres from the original rear elevation of the dwelling, 3 metres in width, 2.4 metres to the eaves with a maximum height to the ridge of 3.4 metres.
<i>R14/0278 Prior Approval 04.03.2014</i>	49 Sidney Road Rugby	Prior approval application for single storey rear extension: 3.6m projection from original dwelling, 2.3m eaves height, 3.7m ridge height.
<i>R13/2170 Prior Approval 04.03.2014</i>	47 Sidney Road Rugby	Prior approval application for single storey rear extension: 3.6m projection from original dwelling, 2.3m eaves height, 3.6m ridge height.
<i>R14/0277 Prior Approval 04.03.2014</i>	26 Naseby Road Rugby	Application for a prior approval for a single storey rear extension projecting out 4.5 metres, 4.86metres in width, 2.4 metres to the eaves and 3 metres to the ridge of the roof.
<b>Listed Building Consents</b>		
<i>R13/2222 Listed Building Consent 11.03.2014</i>	Rugby School Barby Road/Horton Crescent Rugby	Formation of a pedestrian walkway route, erection of fencing and associated landscaping including formation of an opening within an existing wall and demolition of utility room extension at Temple Reading Rooms. (Listed Building Application).
<i>R13/2213 Listed Building Consent 11.03.2014</i>	Hill Farm Frankton Lane Stretton on Dunsmore	Listed Building Consent for Erection of a two storey rear extension and detached garage to the Farmhouse and the Conversion of outbuildings, barn and stables to form 2 new houses with associated garaging.
<b>Certificate of Lawful Use or Development</b>		
<i>R12/2140 Certificate of Lawful Development 21.02.2014</i>	Brinklow Marina Cathiron Lane Brinklow	Certificate of lawfulness of the siting of a forty foot container, construction of hardstanding, main switch room No1 and transformer, internal roads and other works identified within Drawing Number P1-935 REV B.
<i>R13/2223 Certificate of Lawful Development 27.02.2014</i>	9 Monks Close Cawston	Certificate of Lawfulness for retention of hard landscaping at front and side of property
<b>Approval of Details/</b>		

<b>Materials</b>		
<i>R13/2311 Approval of Details 19.02.2014</i>	Land at Unit 1 Rugby Gateway Leicester Road Rugby	Erection of building for B8 - storage and distribution use, with associated access, landscaping and other works. (Approval of reserved matters relating to outline planning permission R10/1272.)
<i>R13/1789 Approval of Details 20.02.2014</i>	Wesley Road Methodist Church Wesley Road Hillmorton	Conversion of existing chapel into 2 dwellings with vehicular access and car parking
<i>R13/1359 (R10/1972) Approval of Details 20.02.2014</i>	Unit DC5 Former Peugeot Factory Site B Oxford Road Ryton on Dunsmore	Approval of reserved matters for Unit DC5/Plot 1 relating to layout, appearance, landscaping and scale (Application E) against renewed outline planning permission R07/2010/OPS (R10/1972) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m2, including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping] & Condition 5 of R10/1972 (associated with Plot 1 - Unit DC5).
<i>R13/1081 Approval of Details 25.02.2014</i>	Tithe Farm Montilo Lane Harborough Magna	Conversion of five redundant barns to five residential units - Variation of Conditions 3 and 14 to planning permission ref no. R11/1079 dated 12th September 2011 to alter the timeframe to which the existing accesses have to be deleted.
<i>R10/1972 Approval of Details 26.02.2014</i>	Units DC3 & DC4 Former Peugeot Works (Site B) Oxford Road Ryton on Dunsmore	Renewal of outline planning permission (R07/2010/OPS) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m2, including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping].
<i>R11/1918 Approval of Details 26.02.2014</i>	Plot 1 Central Park Drive Rugby	Erection of employment building with ancillary offices for use within Classes B1(b)(Research and Development), B1(c) (Light Industrial), B2 (General Industrial) or B8(Storage and Distribution) of the Town and Country Planning

		(Use Classes) Order 1987, as amended, together with new vehicular accesses, car parking, servicing and associated works.
<i>R13/1702 Approval of Details 27.02.2014</i>	Land at Liapari Back Lane Harborough Magna	Erection of a detached dwelling and a detached garage, with vehicular access off Back Lane (resubmission of planning application reference R11/2097, dated 10/10/2012).
<i>R12/1879 Approval of Details 27.02.2014</i>	Plot adjacent Alarene Bulkington Road Wolvey	New build 3-bedroom dormer bungalow on land adjacent Alarene. 3m wide access from existing pavement crossover with vehicle turning space. High quality site landscaping.
<i>R10/1972 (R13/0440) Approval of Details 04.03.2014</i>	Units DC3 & DC4, Former Peugeot Works (Site B) Oxford Road Ryton on Dunsmore	Renewal of outline planning permission (R07/2010/OPS) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m <sup>2</sup> , including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping].
<i>R13/0359 Approval of Details 05.03.2014</i>	Great Central Way Newton Manor Lane	Provision of surface water sewer link from existing balancing pond to water course adjacent to Newton Manor Lane
<i>R13/1376 Approval of Details 07.03.2014</i>	The Bungalow Wolds Lane Wolvey	Erection of new dwelling on land to the rear of existing property
<i>R12/0600 Approval of Details 07.03.2014</i>	Former Peugeot Factory Site A Oxford Road Ryton on Dunsmore	Outline application for 13.39HA of northern part of former Peugeot Works Site for up to 51,860 sqm of employment comprising of up to 47,756 sqm of Class B8 (warehouse & distribution) with ancillary offices and up to 4,104 sqm of Class B1(c)/B2/B8 (light industry/general industry/warehouse & distribution with ancillary offices), including vehicles parking and landscaping with access from existing roundabout.
<i>R12/0291 Approval of Details 10.03.2014</i>	Former Fire Station Heath Lane Brinklow	Erection of 3no. detached dwellings, together with associated access, landscaping and works.

<i>R13/0595 Approval of Details 11.03.2014</i>	63 Church Street Rugby	Change of use of building from A3 (Restaurant) to A5 (Hot Food Takeaway) together with the erection of a replacement flue (retrospective)
<i>R11/1918 Approval of Details 11.03.2014</i>	Plot 1 Central Park Drive Rugby	Erection of employment building with ancillary offices for use within Classes B1(b)(Research and Development), B1(c) (Light Industrial), B2 (General Industrial) or B8(Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987, as amended, together with new vehicular accesses, car parking, servicing and associated works.
<b>Approval of Reserved Matters</b>		
<i>R09/0035/MEIA Approval of Reserved Matters 07.03.2014</i>	HTRC Zones 3 and 4 Pilot Way Ansty	Use of land for the construction of 124,484 sq.m. of floor space for use as a High Technology Park for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended, and associated infrastructure, car parking and landscaping.
<b>Approval of non-material changes</b>		
<i>R12/0101 Approval of non-material changes 24.02.2014</i>	DIRFT II Zone 3 Expansion Site Daventry International Rail Freight Terminal Crick	Construction of a rail linked Use Class B8 (Storage and Distribution) Unit with associated rail embankment, construction of a bridge over the A428, rail lines, intermodal transfer area, ancillary offices, car and HGV parking, drainage ponds and channels, landscaping to include a landscape bund and vehicular access (straddling the administrative boundaries of Rugby Borough Council and Daventry District Council).
<b>Withdrawn/ De-registered</b>		
<i>R14/0256 Withdrawn 27.02.2014</i>	16 Dunsmore Avenue Rugby	Prior approval for the erection of a single storey extension 4.2 m projection from original dwelling and 2.55 m to eaves height and 4.0 m to highest point
<i>R14/0419 Withdrawn 28.02.2014</i>	43 Macaulay Road Rugby	Prior notification of intention to erect a single storey rear extension (projecting 4m and 5.5m out from the original rear wall, maximum overall height 4m, eaves height 3.6m).



<i>R13/2280</i> <i>Withdrawn</i> <i>27.02.2014</i>	23 Planter Close Cawston	Change of use to 7 bed house of multiple occupation
<i>R14/0247</i> <i>Withdrawn</i> <i>05.03.2014</i>	Land N of Lutterworth Rd Wolvey adjacent to Suncrest Lutterworth Road Wolvey	Erection of 4 detached bungalows.