

24<sup>th</sup> October 2014

## **PLANNING COMMITTEE - 5<sup>TH</sup> NOVEMBER 2014**

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 15<sup>th</sup> October 2014 in the Council Chamber, Town Hall, Rugby.

Adam Norburn  
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 15<sup>th</sup> October 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. Planning Appeals Update.
7. Delegated Decisions – 26<sup>th</sup> September 2014 to 16<sup>th</sup> October 2014.

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2014/15 – 8) are attached.

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

Councillors Ms Robbins (Chairman), H Avis, Mrs Avis, Buckley, Butlin, G Francis, Gillias, Lewis, Pacey-Day, Sandison, Mrs Simpson-Vince and Helen 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 – 5<sup>th</sup> November 2014**  
**Report of the Head of Planning and Culture**  
**Applications for Consideration**

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.

## APPLICATIONS FOR CONSIDERATION – INDEX

### Recommendations for refusal

There are no applications recommended for refusal to be considered.

### Recommendations for approval

| <b>Item</b> | <b>Application Ref Number</b> | <b>Location site and description</b>   | <b>Page number</b> |
|-------------|-------------------------------|--|--------------------|
| 1           | R14/1232                      | Land South of Technology Drive, Rugby<br>Outline planning consent for the erection of up to 175 dwellings, open space, earthworks, balancing pond, site remediation, structural landscaping, car parking and other ancillary and enabling works, with means of access from Technology Drive (using the existing approved bellmouths) and all other matters reserved. | 3                  |
| 2           | R13/1850                      | Land off Draken Drive, Ansty Park, Coventry<br>Erection of two buildings and use for purposes falling within Class B1 employment together with associated energy centre, multi-storey car park, surface parking, new access, landscaping and drainage works and also alterations to existing buildings and associated works.   | 21                 |
| 3           | R13/0308                      | Highwood Farm, Coventry Road, Brinklow<br>Proposed erection of on-farm anaerobic digestion plant with associated infrastructure and perimeter bund.  | 34                 |
| 4           | R14/0217                      | Former Peugeot Sites A & B, Oxford Road, Ryton on Dunsmore, CV8 3EA<br>Outline planning application for the use of land for Class B2 (General Industry) & Class B8 (Storage, Warehouse & Distribution) employment purposes together with ancillary offices, gatehouses, car parking and associated road infrastructure and landscaping, including access.            | 47                 |
| 5           | R14/1315                      | Land off Langlands Place, Coton Park, Rugby, CV23 0JG.<br>Erection of 26 dwellings and associated garages, access, parking and landscaping – substitution of house types and part re-plan of plots 22 – 47 inclusive approved under approval of details ref. R11/0014, dated 25 January 2012 (Coton Park East).  | 71                 |
| 6           | R14/1791                      | 10 Staverton Leys, Rugby<br>Amendments to planning permission reference R14/0183 (proposed first floor extension and infill extension to the ground floor) dated 03 April 2014, to allow the ridge height of the approved first floor extension to be slightly increased.  | 80                 |

**Reference number: R14/1232**

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

**Description: Outline planning consent for the erection of up to 175 dwellings, open space, earthworks, balancing pond, site remediation, structural landscaping, car parking and other ancillary and enabling works, with means of access from Technology Drive (using the existing approved bellmouths) and all other matters reserved.**

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

This application has been brought forward to committee due to its status as a major application and was subject of a deferral at the 15<sup>th</sup> October 2014 planning committee due to concerns regarding the use of the new proposed Hunters Lane Link. Further information has been gathered regarding this issue and will be verbally presented to the committee.

### **Site Description**

The site of this proposal is located south of Technology Drive and lies within the Leicester Road Opportunity Area commonly known as the 'Leicester Road site'.

The site itself is a broadly 'L-shaped' site of 4.9 hectares. The site is bounded to the north by the existing employment development (beyond Technology Drive) known as GE Power Conversion and the recently consented retail development; to the west by the recently consented residential development for Taylor Wimpey; to the east by Warwickshire College; and to the south by the embankment to the railway line. The Black Path which is a strategic footpath and cycle linkage between the Town Centre and Brownsover to the north, runs through the application site.

### **Proposal Description**

The proposal is for outline approval for up to 175 dwellings along with open space, earthworks, balancing pond, site remediation, structural landscaping, car parking, and other ancillary enabling works.

The only matter that is not reserved and needs to be assessed as part of this application along with the principle of the development is that of access.

Access will be taken from the existing bellmouth along Technology Drive and will also connect in to Hunters Lane when is opened for use.

The development is based on the Application Master Plan and an illustrative site layout has been submitted purely for illustrative purposes and does not form part of the planning application for determination.

### **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 17/09/07

R07/2055/MRES - "Submission of reserved matters (layout, scale, appearance and landscaping) Pursuant to the outline planning permission ref: no. R06/0064/MAJP dated 17th September 2007 for the erection of a college of further education (Use Class D1) for Warwickshire College with ancillary library (Use Class D1), restaurants (Use Class A3), shop and salons (Use Class A1), multi-purpose hall (Use Class D1/D2), nursery (Use Class D1), workshops and offices (use class B1), sports hall (Use Class D2) and conference suite (Use Class D1) with associated open space (incorporating all weather sports pitch), wind turbine, car parking, landscaping and ancillary works." Approved – 06/05/08

R07/1918/MAJP - Outline planning application with means of access to be determined for the redevelopment of land for the erection of 95 dwellings (Class C3) with associated public open space, landscaping, car parking, access roads and ancillary works – Approved 08/02/12

R12/1610 - Erection of 87 dwellings and garages; construction of associated infrastructure comprising estate roads, foul water pumping station and balancing pond; provision of open space and all ancillary and enabling works - submission of reserved matters in respect of phase 1 comprising access, appearance, landscaping, layout and scale pursuant to outline planning permission ref. R06/0064/MAJP dated 17.09.2007 – Approved 30/01/13

R12/1884 - Erection of 101 dwellings (Class C3), garages and associated works including internal access roads, emergency access, car parking, earthworks, landscaping and drainage - submission of reserved matters comprising appearance, landscaping, layout and scale pursuant to outline planning permission ref. R06/0064/MAJP dated 17.09.2007 – Approved 24/07/13

R13/1597 - 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 (5156sq.m gross internal floor space with ancillary areas for the display and sale of building materials (975sq.m) and garden centre products (1245sq.m gross) and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary works: - variation of condition nos. 6, 10, 13, 33 and 34, and waiver of condition 12 attached to outline planning permission ref. R06/0064/MAJP dated 17/09/2007 to defer the implementation of highway, pedestrian and cycleway improvement works and to cover noise assessment in respect of the spine road. Approved 25/07/14

R13/1600 - Outline planning application with means of access to be determined for the redevelopment of land for the erection of 95 dwellings (Class C3) with associated public open space, landscaping, car parking, access roads and ancillary works - waiver of condition nos. 6, 8 and 9 attached to outline planning permission ref. R07/1918/MAJP, dated 08/02/2012, covering highway works and off-site junction improvements. – Approved 25/07/14

### **Technical Consultation Responses**

Environmental Services – No objection subject to conditions

Parks and Gardens – No objections

WCC Highways – No objection subject to conditions

WCC Ecology – No objection subject to conditions

WCC Rights of Way – No objection

WCC Archaeology – No objection

Severn Trent – No objection subject to condition

Stagecoach – No objections

### **Third Party Responses**

Neighbour – Objection

- Concerns regarding the increase in vehicle movements and in particular pedestrian and cycle movements around the entrance point to our factory site opposite.
- Feel strongly that the existing pedestrian crossing is poorly located and currently encourages this increased passage across the frontage of our site entrance.

### **Relevant Planning Policy**

#### Core Strategy

CS1 – Development Strategy

CS10 – Developer Contributions

CS11 – Transport and New Development

CS13 – Local Services and Community Facilities

CS14 – Enhancing the Strategy Green Infrastructure Network

CS16 – Sustainable Design

CS17 – Reducing Carbon Emissions

CS19 – Affordable Housing

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

GP2           Complies    Landscaping

E6             Complies    Biodiversity

T5             Complies    Parking facilities

H3             Complies    Housing proposals in the Rugby Urban Area

H11  
area           Complies    Open space provision in residential developments in the urban

LR1           Complies    Open Space Standards

LR3           Complies    Quality and accessibility of open space

Housing Needs Supplementary Planning Document, 2012

Planning Obligations Supplementary Planning Document, 2012

Sustainable Design and Construction Supplementary Planning Document, 2012

National Planning Policy Framework, 2012 (NPPF)

### National Guidance

National Planning Policy Framework (NPPF) 2012

### **Assessment of Proposals**

The determining issues to take into account in this case would be the whether the principle of the development upon this site is acceptable and whether the access would be suitable.

### Principle of Development

The Local Development Framework Core Strategy forms the basis of the Council's plan led approach to the delivery of residential and other development in the Borough over the period 2006 – 2026. The development strategy contained in policy CS1 sets out a settlement hierarchy comprising a sequential approach to sustainable site selection. The site is situated within the Rugby urban area which is highlighted as the primary focus for new residential and employment development so this proposal for residential development would comply with policy CS1.

There is currently a shortfall in housing land supply within Rugby with the Council failing to demonstrate a 5 year housing land supply. The contribution of these 175 dwellings would contribute to the housing supply which would be of a benefit.

Furthermore this site is allocated in saved policy H3 of the Local Plan 2006 for housing with approximately 540 dwellings highlighted for development. This site has already been approved in the past for residential development as part of the original master plan application R06/0064/MAJP. This part of the Leicester Road development site is the last to be developed and this application is simply a fresh planning application to renew the previous approval obtained for residential use to enable the owners of the land more time to market the site further. The reason it is being renewed is the fact that the timeframe to submit reserved matters for the site expired in September 2014.

Taking the above into account it is considered that the proposed residential development in principle would be acceptable complying with policy CS1 of the Core Strategy 2011 and saved policy H3 of the Local Plan 2006.

### Visual amenity and design

The application site is currently vacant; with remediation works of the site currently still being undertaken. The black path that dissects the site is still in use which links to another footpath which runs around the outside of the site close to the railway and connects with Hunters Lane.

The majority of dwellings proposed on the site will up to two storeys high and with a 3 storey apartment block strategically located upon the Technology Drive frontage.

The plan submitted as part of the application is an indicative layout with only the access points and black path the agreed detail. The indicative layout is by no means a layout that would be acceptable from a planning perspective however it reasonably shows that up to 175 dwellings can be located within the site allowing for open space, a drainage attenuation feature and also taking into consideration the constraints posed by the black path and Hunters Lane link.



Taking into account the surrounding built form and the approved neighbouring residential scheme currently being developed at present the scheme could be designed so that it would be in keeping with the character of the surrounding area and would not have a detrimental impact on visual amenity.

The relevant part of policy CS16 is therefore complied with.

#### Impact on amenity

As this is an outline application it is not known exactly where the dwellings will be located on the site or how they will be designed. However, it is considered a scheme could be designed to ensure that neighbouring properties are not adversely impacted in terms of loss of light or privacy.

Environmental Health commented on the application and raised no objection subject to conditions. These would require a noise assessment, including any mitigation for construction noise, air quality assessment, dust control and mitigation report and site investigation report to be submitted and agreed by the Council.

Subject to these conditions it is considered that there will not be an adverse impact on the amenity of nearby residents, in accordance with the relevant part of policy CS16.

#### Biodiversity

Saved Local Plan policy E6 seeks to safeguard biodiversity interests including protected species and supporting habitat such as ponds, hedgerows and trees. The NPPF similarly seeks to minimise impacts on biodiversity (para.109) and puts a responsibility on local planning authorities to conserve and enhance biodiversity and to encourage biodiversity in and around developments.

There are no significant existing landscape features of any note within this site with only a narrow band of trees located to the south of the site which adjoin the railway land, so therefore there is little or no habitats for wildlife in the surroundings area. However as part of the scheme a badger survey was undertaken due to known activity in the area and due to the works already carried out within the Leicester Road development site in the form of artificial setts to compensate for main sett and outliers which were to be closed. The ecologists at the Country Council have stated that as badgers are a mobile species and the works to close the setts may not happen for some time, and following the recommendation with the report submitted, the site will need to be resurveyed for badgers prior to any works commencing and prior to closure of the sett under licence. The ecologists have gone further to explain that badger social groups are complex and it is possible that the clan may expand and potentially split into two groups and that if the updated surveys find that this has happened it may be necessary to include an additional artificial sett in the mitigation proposals.

The comments received from the ecology department indicate that given this development proposes a large housing scheme of modern, well-sealed houses and a small area of amenity space they consider that the proposed works will provide very limited natural opportunities for wildlife. They have therefore recommended that at least 10 bird boxes or bricks are included within the new buildings.

Taking the above into account it is considered that the proposed works subject to the recommended conditions would comply with saved policy E6 of the Local Plan 2006.

### Sustainable design and construction

Core Strategy policies CS16 and CS17 refer to sustainable design and reducing carbon emissions and these requirements are also contained within the Sustainable Design and Construction SPD.

CS16 states that sustainable drainage systems (SUDS) should be used where practical and that developments should meet specified water conservation levels, this policy states that the viability of a development and site characteristics should be taken into account when assessing these requirements.

A Flood Risk Assessment (FRA) was submitted as part of the application which has been assessed by the Environment Agency to which they have no objections subject to conditions. As part of the FRA it is proposed that within the development a drainage attenuation feature will need to be designed into the site. This has been shown on the indicative layout so shows that the space required can be incorporated into the site.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that, as minimum, developments of 10 or more dwellings shall include equipment to reduce carbon dioxide emissions by at least 10%.

As the application is in outline form only details of the design and construction of the dwellings is not known at this stage, an assessment cannot therefore be made as to what types of technology and equipment would be most appropriate in order to achieve the required reduction in carbon emissions. This can be controlled by condition to allow this to be assessed in relation to the Reserved Matters submissions.

Taking into account the above it is considered that the development would comply with policy CS16 and CS17 of the Core Strategy 2011.

### Open space provision

The indicative plan shows approximately 1.03 hectares of open space provided within the site (which includes the attenuation feature). The open space is to include a LEAP which will adhere to the approved framework plans of the original approvals which showed a LEAP to be provided on the site, along with another LEAP on the Leicester Road West site and a NEAP on the land to the North of Technology Drive adjacent to the GE Power Conversion site.

As there is sufficient open space being provided and also a LEAP to be included within the site, in line with the master plan, the open space provision is deemed acceptable which would also provide the opportunity for the developer to design the layout around these areas to create an attractive development.

### Access, highways and parking provision

The Highway Authority, Warwickshire County Council, commented on the proposals and advised they have no objection subject to the conditions and obligations within the s106 of the previous approval R06/0064/MAJP being imposed on this application. There has recently been two applications approved (R13/1597 and R13/1600) upon the overall Leicester Road development site and the Leicester Road West site for the variation of conditions and a deed of variation to the original section 106 agreements which related to offsite highway works and their timings. If this application is approved the conditions attached to the decision notice have taken into account the latest alterations and the obligations within the S106 will follow suit to ensure that the offsite works and contributions signed up to previously are followed through.

As this is an outline application details of the proposed parking provision is not yet known. However, the applicant has advised that it is intended to provide parking in accordance with the Council's standards. Cycle parking could, dependant on the design, be accommodated within garages or rear gardens. It is therefore considered that the Council's parking standards can be met, in accordance with saved policy T5.

### Planning Obligations

Core Strategy policy CS10 and the Council's Planning Obligations SPD state that contributions and other measures may be sought to mitigate the impact of development on infrastructure and services. In order for obligations to be taken into account they are required to meet the relevant tests of being necessary to make the development acceptable in planning terms; directly related to the development and, fairly and reasonably related in scale and kind to the development.

The applicants are proposing that this development follow the same as that previously approved for Leicester Road West and to cross reference it's Section 106 Agreement with the S106 Agreement for the original application. As there is no net increase in development from that previously approved and there has been no request from technical consultees for further contributions that what has already been accounted for through the original section 106 this is considered the most appropriate and logical approach.

It will therefore be contributions such as education costs and off site highway improvements that would still be gained from the scheme.

### Affordable Housing

The applicant has submitted a viability appraisal to demonstrate that the site is incapable of meeting the affordable housing requirement contained within the Section 106 for the overall Master Plan Area (outline planning permission reference R06/0064/MAJP).

Both national and local planning policy state that when S106 requirements, such as affordable housing or infrastructure requirements are threatening the financial viability of a proposed development, planning authorities should negotiate these requirements. Policy CS19 of the Core Strategy refers specifically to the renegotiation of affordable housing requirements.

Previous planning applications for residential developments (R12/1884 and R13/0530) within the Master Plan Area determined by the authority confirmed, through the submission of a viability appraisal assessed by the Valuation Office Agency (VOA), which these phases were not capable of meeting the affordable housing requirements prescribed within their relevant Section 106. The VOA report dated 27<sup>th</sup> June 2013 also confirmed that even the applicants' offer of providing 5% affordable housing would result in the development being unviable.

The viability appraisal submitted for this application has not been assessed by the VOA on this occasion as it considered that the market has not altered significantly which would result in the site becoming viable. It should be noted that the applicants' baseline gross developable area benchmark land value, for which the viability is tested against, is the same value agreed with by the VOA in June 2013. However, this baseline benchmark land value was increased within the VOA appraised viability appraisal to take account of the landowner retaining the responsibility for any Section 106 and site abnormal costs. For simplicity purposes this increase has not been included within this viability appraisal as the final dwelling number for this phase of the development will be determined once a reserved matters application has been submitted.

The applicants' viability assessment contains assumptions which were agreed with by the VOA within its previous report in June 2013 and it also provides up to date build cost figures and market value comparable data in accordance with the Borough Council's Affordable Housing Viability Assessment (2009). The appraisal demonstrates that the site is unviable at 25% affordable housing. Even at 5% affordable housing and the removal of the sustainability measures the viability of the site is compromised. It should be noted that the sites' viability would further decrease if the Section 106 and site abnormal costs were added to the benchmark land value as they were in VOA appraised viability appraisals.

It is therefore considered that the application be recommended for approval with the affordable housing offer proposed being compliant with Policy CS19 of the Core Strategy because it has been demonstrated to the satisfaction of RBC that this is the maximum level of provision this phase can achieve.

### **Recommendation**

The Head of Planning and Culture be given delegated powers to approve the application, subject to conditions, following the completion of a s106 legal agreement.

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R14/1232

### **DATE VALID**

02/07/2014

### **ADDRESS OF DEVELOPMENT**

LAND SOUTH OF TECHNOLOGY DRIVE  
TECHNOLOGY DRIVE  
RUGBY

### **APPLICANT/AGENT**

Mrs Kathryn Ventham  
Barton Willmore  
Regent House  
4 Homer Road  
Solihull  
B91 3QQ  
On behalf of Mr Peter Rudd, Key Property  
Investments (No 2) Ltd

### **APPLICATION DESCRIPTION**

Outline planning consent for the erection of up to 175 dwellings, open space, earthworks, balancing pond, site remediation, structural landscaping, car parking and other ancillary and enabling works, with means of access from Technology Drive (using the existing approved bellmouths) and all other matters reserved.

### **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 the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- A) The layout of the development on the site.
- B) The scale of the development to include the height, width and length of each building proposed in relation to its surroundings
- C) The appearance of the development including the external built form, its architecture, materials, decoration, lighting, colour and texture.
- D) The formation of any means of access to and within the site.
- E) The hard and soft landscaping of the site including the design and treatment of all open spaces.

REASON:

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

CONDITION: 4

Details of the following additional matters shall, concurrently with the submission of reserved matters required by condition no 3.above, be submitted to and approved in writing by the Local Planning Authority before the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority.

- A) The layout and dimensions, levels and surfacing of all roads(including the"Goliath" route), pedestrian crossings, footways, cycleways, verges, parking areas, footpaths, private drives and means of accessing individual plots, which shall not be designed other than in accordance with the principles and guidance as set out in "Transport and Roads for Developments: The Warwickshire Guide 2001", to include large scale plans and cross and longitudinal sections showing the layout, vertical alignment and surface water drainage details, including outfalls.
- B) The provision of means of drainage and sewage disposal.
- C) The extent of accomodation for car and cycle parking which shall be in accordance with the Council's standards.

- D) The siting, height and design of all fences and walls on the site, including detailed treatment of the site boundaries.
- E) The existing and proposed site levels and their relationships with adjoining land and buildings and the finished ground floor levels of all buildings
- F) The provision of refuse storage facilities.

REASON:

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

CONDITION: 5

A phasing plan for the development shall be submitted to and approved by the Local Planning Authority before work commences on the site concurrently with the phasing plan required by condition 3 attached to outline planning permission ref. R06/0064/MAJP dated 17.09.2007 and that attached to this permission. Any subsequent revisions proposed to the approved phasing plan during the course of the development of the site shall be agreed in writing with the Local Planning Authority.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority in view of the nature of the development proposed

CONDITION: 6

No more than a total of 550 houses comprised in the development on the site the subject of this permission, the remainder of the Leicester Road site approved under outline planning permission ref. R06/0064/MAJP dated 17.09.2007 as varied by outline planning permission R14/1597 dated 25th July 2014 and the neighbouring Boughton Road site approved under outline planning permission ref. R06/0054/MAJP dated 03.09.2007, and the Warwickshire College, shall be occupied prior to the completion of the off-site highway improvements specified in condition 11 attached to outline planning permission ref. R06/0064/MAJP dated 17.09.2007 as varied as varied by outline planning permission R14/1597 dated 25th July 2014.

REASON:

In the interests of public and highway safety

CONDITION: 7

The following highway works and off-site junction improvements shall be constructed and completed to the satisfaction of the Local Planning Authority prior to occupation of the 401st dwelling on the site of the development approved under outline planning permission ref R06/0064/MAJP dated 17th September 2007 as varied by outline planning permission ref R13/1597 dated 25th July 2014 and the neighbouring Leicester Road West development approved under outline planning permission R07/1918/MAJP dated 8th February 2012 as varied by outline planning permission R13/1600 dated 25th July 2014 or the first occupation of any buildings in this permission, whichever is the sooner:

i. The access junction at Leicester Road; the improvements to the junction of Consul Road with Leicester Road and the improvements to Junction One Retail Park/Leicester Road site access in accordance with Drawing No. P1BLRR/070/001 Rev B (2) attached to outline planning permission R06/0064/MAJP dated 17th September 2007.

REASON:

In the interests of public and highway safety.

CONDITION: 8

Prior to the occupation of the 401st dwelling on the site of the development approved under outline planning permission ref R06/0064/MAJP dated 17th September 2007 as varied by outline planning permission R13/1597 dated 25th July 2014 and the neighbouring Leicester Road West development approved under outline planning permission R07/1918/MAJP dated 8th February 2012 as varied by outline planning permission R13/1600 dated 25th July 2014 or the first occupation of any of the buildings on this permission, whichever is the sooner; a public highway between Technology Drive and Hunters Lane shall be provided in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority in conjunction with Warwickshire County Council as Highway Authority.

REASON

In the interests of public and highway safety.

CONDITION: 9

The proposed pedestrian/cycleway improvements indicated in the applicants letter dated 9 February 2007 and received by the Local Planning Authority on 13 February 2007 in relation to outline planning permission ref R06/0064/MAJP dated 17th September 2007, in conjunction with the other pedestrian/cycleway routes shown on the approved Framework Plan (under ref R06/0064/MAJP), shall be carried out in accordance with full details and a phased implementation programme to be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the 401st dwelling on the site of the development approved under outline planning permission ref R06/0064/MAJP dated 17th September 2014 as varied by outline planning permission R13/1597 dated 25th July 2014 and the neighbouring Leicester Road West development approved under outline planning permission R07/1918/MAJP dated 8th February 2012 as varied by permission R13/1600 dated 25th July 2014 or the first occupation of any buildings on this site, whichever is the sooner.

REASON:

In the interests of public and highway safety

CONDITION: 10

Unless otherwise agreed in writing by the Local Planning Authority, no individual dwelling shall be occupied until the proposed estate roads, including footways, cycleways and individual means of access serving them have been constructed to the satisfaction of the Local Planning Authority.

REASON:

In the interests of public and highway safety.

CONDITION: 11

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 by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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: 12

Prior to the commencement of any works, a Construction Method Statement shall be submitted in writing to, and approved by, the Local Planning Authority. This 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.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

CONDITION: 13

Upon the detailed design phase being completed and prior to any building work commencing, full and precise details of the windows and ventilation systems to be incorporated into the façade design, that meet conditioned minimum noise values should be submitted to the Local Planning Authority for prior approval

REASON:

To safeguard the occupiers amenities

CONDITION: 14

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) entitled "Technical Memorandum" Leicester Road, Rugby Drainage Strategy and Flood Risk Assessment , Zones E and F1 dated 18 March 2014 undertaken by CH2MHILL and the following mitigation measures detailed within the FRA:

- A) Limiting the surface water run-off generated by the 100 year plus 30% for climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- B) Finished floor levels are set no lower than 85.37 m above Ordnance Datum (AOD).



REASONS:

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

CONDITION: 15

The proposed development will be acceptable if a planning condition is included requiring the following drainage details.

- A) Development shall not begin 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- B) There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of watercourses, unless agreed otherwise in writing by the Local Planning Authority.

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.

REASONS:

- A) To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.
- B) To maintain access to the watercourse for maintenance or improvements to provide for overland flood flows and to avoid adverse impact on flood storage.

CONDITION: 16

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 (report ref. R/13041.002, prepared by Hydrock Ltd, dated February 2014) 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.

REASON:

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: 17

No part of the development hereby permitted shall be commenced until an updated badger survey has been carried out by a suitably qualified badger consultant and a report including timetabled mitigation measures (to include details of artificial sett creation if needed) has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable.

REASON:

To ensure appropriate measures are taken in relation to protected species.

CONDITION: 18

The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning appropriate working practices and safeguards for wildlife including nesting birds and reptiles that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

REASON:

To ensure that protected species are not harmed by the development.

CONDITION: 19

Before the first occupation of the development hereby permitted, a minimum of ten nest boxes/bricks suitable for house sparrow, starling and/or swift shall be provided and thereafter maintained in accordance with details that shall have first been submitted to and approved in writing by the local planning authority.

REASON:

To maintain and enhance the nature conservation value of the site.

CONDITION: 20

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out for each agreed phase of development in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON:

To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

CONDITION: 21

The development hereby permitted shall not be commenced 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 by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety.

CONDITION: 22

The accommodation for car parking and cycle parking required by condition 4c) shall be provided before the development to which it relates is occupied and shall be retained permanently for the accommodation of vehicles and cycles of persons residing in the residential properties and shall not be used for any other purpose..

REASON:

In the interests of highway and public safety.

CONDITION: 23

The landscaping and open space details required by condition no. 3e) shall include planting plans with written specifications, a schedule of plants noting species, plant sizes, numbers and density, finished levels, means of enclosure, paving and footpaths, structures such as play equipment together with an implementation programme. The scheme shall include in particular proposals for the frontage to the River Avon and the A426 Leicester road and the play areas shall include planting plans with written specifications, a schedule of plants noting species, plant sizes, numbers and density, finished levels, means of enclosure, paving and footpaths, structures such as play equipment together with an implementation programme. The scheme shall include in particular proposals for the frontage to the River Avon and the A426 Leicester Road and the play areas (NEAPS & LEAPS).

REASON:

In the interests of the visual amenities of the locality.

CONDITION: 24

The implementation of the landscaping and open space proposals approved in compliance with conditions 3e) and 18 shall be in accordance with a phased programme to be agreed with the Local Planning Authority prior to the commencement of development and the landscaping of each phase shall be properly maintained for five years following implementation and any failures being replaced during the following planting season.

REASON:

In the interests of the visual amenities of the locality

CONDITION: 25

All of the screen walls and fences approved in accordance with condition 4d) shall be constructed concurrently with the remainder of the development .

REASON:

In the interests of the visual amenities of the locality.

CONDITION: 26

This permission shall relate only to the application site edged red on drawing no. 040 Rev A and does not authorise the layout of development shown on drawing 43 Rev B submitted in support of the application for illustrative purposes only.

REASON:

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

CONDITION: 27

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: 28

As agreed in the email received on the 3rd October 2014 the public open space to be provided on site will include the provision of a Locally Equipped Area of Play (LEAP).

REASON:

To ensure satisfactory provision of open space.

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 developer should have regard to the guiding principles for the detailed development of the site as set out in the Rugby Station Area Development Framework Document March 2005 and in the Design and Access Statement August 2007 accompanying the application when working up detailed reserved matters submissions. Careful consideration will need to be given to the relationship between the proposed residential development and the Black Path which dissects the site.

INFORMATIVE: 2

In order to reduce the impact of this development upon the wider environment and the knock-on effect that this will have upon the environment, the development should utilise the best available technology to carry out the construction works which minimises the impact upon the environment. The detailed development of the site should have full regard to the need for energy efficient building design, layout and construction and incorporate renewable energy systems. In particular the houses should be built in a manner which provide optimal

energy efficiency, using best available insulation, positioning of buildings to capture the heat from the sun, integration of solar heating into the construction and integration of water saving measures, reducing the demand upon water resources

INFORMATIVE: 3

Warwickshire Police advise that the detailed proposals should incorporate Secure by Design principles.

INFORMATIVE: 4

During the demolition and construction phases it will be necessary to apply a package of mitigation measures to minimise dust emissions. Full details of such measures should be submitted to and agreed with the Council's Environmental Services Dept before any development commences. Best practice is contained in BRE publication Controlling Particles, Vapour, and Noise pollution From Construction Sites 2003. It is further recommended that developers should monitor dust levels at sensitive receptors during demolition and construction to confirm assessment and to manage dust if problems occur (contact the Council's Pollution Control Team tel. 01788 533856)

INFORMATIVE: 5

The applicant/developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads. The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980. The construction of the estate roads serving the development including footways, cycleways, verges and footpaths should not be other than in accordance with the standard specification of the Highway Authority.

INFORMATIVE: 6

Particular care should be taken when clearing ground prior to development, and if evidence of badger, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badger, snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.

INFORMATIVE: 7

Due to the nature of the shallow soils on site, the design of the pond should take every care to prevent water interacting with the Made Ground and shallow soils on site, which could have the adverse affect of flushing contaminants remaining in the soils to groundwater and onto other 'Controlled Waters' receptors.

## INFORMATIVE: 8

The applicant / developer should refer to the Environment Agency's 'Groundwater Protection: Policy and Practice' (GP3) document, available from their website at [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency). This sets out our position on a wide range of activities and developments, including:

- \* Storage of pollutants and hazardous substances
- \* Solid waste management
- \* Management of groundwater resources
- \* Land contamination

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to the Environment Agency's guidance 'PPG1 - General guide to the prevention of pollution', available from their website.

**Reference number: R13/1850**

**Site address: Land off Draken Drive, Ansty Park, Coventry**

**Description: Erection of two buildings and use for purposes falling within Class B1 employment together with associated energy centre, multi-storey car park, surface parking, new access, landscaping and drainage works and also alterations to existing buildings and associated works.**

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

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

### **Site Description**

The application site forms part of Ansty Business Park which covers 40 ha of land on the edge of Rugby Borough - directly to the south east of the M6/M69 interchange, 3km to the south of Ansty village and 6km to the north east of Coventry.

Ansty Park sits within the Green Belt and its wider environment comprises Rolls Royce's site to the south, the M6 to the north and open fields to the east and south west.

Ansty Park was originally granted outline planning permission in 1992, for the construction of a high technology park, and its use for purposes within B1 business development. Development commenced around 2007, with work to date including a range of off-site access works, an internal spine road, sustainable drainage systems, structural landscaping and planting – together with the Manufacturing Technology Centre (MTC) in the south east of the Park, and the buildings currently occupied by Sainsbury's in the north west of the Park. Other plots within the Park have not yet been developed and are vacant, though work has recently begun on a new Aerospace Research Centre adjacent to the MTC.

The application site itself amounts to 7.29 ha. The majority of the site is undeveloped grassland directly to the east of Sainsbury's existing Store Support Centre – although part of the site lies within Sainsbury's existing site boundary. Within their existing site boundary, Sainsbury's operate two buildings, for B1 office purposes, a Product Development Centre (PDC) a multi-storey car park and other ancillary parking and service activities.

### **Proposal Description**

The proposal is for the erection of two buildings for the purposes of B1 employment together with associated energy centre, multi storey car park, surface parking, new access, landscaping and drainage works. The proposal is also to include alterations to the existing buildings.

The two new office buildings are located to the east of the existing buildings and will provide a combined 16,569sqm of floor space. The buildings will be similar in floor space providing 8,322sqm and 8,247sqm respectively and the both will be sited to mirror the orientation of the existing structures and to create a synergy between both existing and new development. Each building will comprise three storeys and will mirror the shape, scale and height of Sainsbury's existing buildings.

The orientation of the new buildings will enable a central cloister, or courtyard area, to be created in the centre of the development. This area, which will adjoin the main staff restaurant, will be landscaped with turf, new trees and border planting and is expected to provide an accessible and attractive amenity feature and to act as a focus for staff interaction.

The appearance of office buildings will not replicate the timber treatment on the existing buildings however it has been stated that the elevation treatment will mirror the existing buildings, with the appearance and rhythm of the façade reflecting the existing horizontal and vertical expression of the site and the extant floor to floor heights. This will be done with a choice of more durable and long wearing textured concrete and traditional red brick.

As part of these proposals it is intended to create a new main entrance lobby at single storey level which will be located at the junction of the existing Sainsbury's buildings and readily accessible from the visitor car park area. There will also be a new entrance point formed between the two new office buildings at the rear of the building so accessible from the multi-storey car park and surface parking areas. All existing entrances will be closed and infilled.

The proposed multi-storey car park will be located between the proposed new office buildings to the rear of the site and will provide 707 parking bays over four levels. The height of the car park will be 13 metres which will compare with that of the main office buildings. The vehicular entrance and exit point will be taken from the rear of the building, via the internal access road. The applicant has stated that they intend to use vertical baffles with horizontal articulation to create the impression of a lightweight and attractive structure and that the louvre cladding added will assist with providing effective ventilation and also provide screening into and out of the structure to the occupiers of the neighbouring office buildings.

New surface level parking will be provided to the east of the site with 193 parking spaces created. These parking spaces combined with the new multi storey parking and existing parking areas will equate to 1769 spaces provided across the site. Landscaping throughout the new car park is proposed along with swales to collect surface water and enable drainage to the wider landscape.

The two existing access points from the Ansty Park spine road, which are currently used by Sainsbury's, will continue to provide the main means of vehicular access and that existing internal routes will also be largely unaffected.

The proposals necessitate the removal of an existing energy centre which serves Sainsbury's existing buildings. To address this change and also to complement the site wide energy strategy, a new biomass boiler will be installed within a new energy centre structure. The new structure will be located to the rear of the existing Product Development centre and will be single storey in height and comprise 705 sqm (GEA). It will be clad with metallic panels and incorporate metallic cladding to the flue, with doors for servicing located in the east elevation.

The proposals incorporate extensive landscaping and landscaping provisions which have been provided as stated by the agent "in order to ensure that both existing and new plots harmonise with the wider structural landscaping on Ansty Park and that the environment for all occupiers and visitors is of the highest quality". The landscaping will form an essential part of the main cloister/courtyard area and also the main pedestrian links from the car park areas between the office buildings.

### **Relevant Planning History**

R91/1069/14999/OP – Use of 40ha of a high technology park and use for purposes within B1 – Approved 21/05/92

R95/0144/14999/OP – Renewal of above outline permission – Approved 28/04/95

R98/0337/14999/P – Renewal of above outline permission – Approved 17/06/98

R03/0887/14999/P – Renewal of above outline permission – Approved 04/12/03



R04/1312/14999/D – Reserved Matters approval for the erection of 4 buildings with associated infrastructure and parking – Approved 8/12/06

R05/0025/14999/D – Reserved matters approval for erection of five buildings with associated infrastructure and car parking – Approved 8/12/06

R07/1295/MAJP – Reserved matters approval for the erection of two buildings for use as a telecoms research and development/engineering centre – Approved 26/09/07

R09/0035/MEIA – Outline approval for the use of land as a high technology park within Class B1 floor space – Approved 15/05/09

R11/2218 – CLOPUD confirming the lawful occupation of the existing Beech and Cedar buildings for purposes within use class B1 – Approved 16/11/11

R12/0452 – Erection of Product Development Centre, multi-storey car park and related ancillary development – Approved 06/09/12

### **Technical Consultation Responses**

Environmental Services – No objections subject to conditions regarding the control of noise and dust

Landscape Officer – No objections

Highway Agency – No objections

Environment Agency – No objections subject to a condition to protect the quality of 'controlled waters' receptors on and in the vicinity of the site

Natural England – No objection

WCC Ecology – No objection subject to a condition regarding mitigation measures for great crested newts and reptiles

Police Architectural Liaison Officer – No objections

Fire Officer – No objections subject to a condition regarding supply of adequate water supplies and fire hydrants

### **Third Party Correspondence**

Neighbours – No comments received

Parish Council – No objections or concerns but would like Sainsbury's, their agents, subcontractors and RBC to be mindful of the following:

- Ensure that there are measures in place on the pumping station should there be a failure of the main pump and ensure that regular checks are carried out.
- Ensure that there is little as possible external light pollution especially that caused by the multi storey and open car parks.
- Encourage employees to avoid the narrow country lanes especially when travelling from Nuneaton and Rugby areas.
- Limit the use of wood facings – use brick. The original wooden clad buildings have not weathered well.

- Investigate whether or not if any of the expertise in the IT division of Sainsbury's can be used to improve the broadband within the Parish.

## **Relevant Planning Policy**

### Core Strategy

CS1 – Development Strategy

CS11 – Transport and New Development

CS16 – Sustainable Design

CS17 – Reducing Carbon Emissions

### Local Plan 2006

GP2 – Landscaping

E6 – Biodiversity

T5 – Parking Facilities

Rugby Borough Sustainable Design and Construction SPD 2012

Rugby Borough Planning Obligations SPD 2012

### National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

## **Assessment of Proposals**

The main considerations in this case relate to the principle of development and detailed matters in respect of layout, scale and appearance together with highway and parking issues and any other material considerations having regard to relevant policies contained in the Council's Local Development Core Strategy, June 2011, guidance contained in the National Planning Policy Framework, March 2012 (NPPF), and advice contained in the Council's Supplementary Planning Documents (SPDs).

### Principle of Development

Though Ansty Park is located in the West Midlands Green Belt it is allocated for development as a Major Investment Site (MIS). There is no specific policy in the Council's Local Development Framework Core Strategy, June 2011, regulating and controlling the development of the site but it is identified on the rural proposals map with reference to policy PA8 of the Regional Spatial Strategy for the West Midlands (2008) and explanation of the allocation is provided in paragraph 8.17. Though the regional spatial strategies have now been revoked by the Government, this nonetheless remains relevant. It confirms the allocation of Ansty Park as a MIS and its strategic significance to the regional economy. In order to respect its Green Belt surroundings, it is advised that development should be delivered in accordance with the approved outline planning consent and also design parameters set within it. The current proposals are considered against this below.

The outline planning permission for Ansty Park granted in 2009 includes a condition which states that “Any development within a zone shall only include office space (Use Class B1a) that is associated with high technology uses”. Sainsbury’s have established themselves upon Ansty Park through two applications, the first being a Certificate of Proposed Use or Development in respect of the existing buildings for B1 office use which confirmed the acceptability of the applicant’s use within the park. The second being for the erection of a product development centre which sat comfortably within the high technology use remit.

Whilst the new office buildings and car park would not specifically relate to high technology the fact that Sainsbury’s are already established upon this site, with the use accepted, makes the decision to locate these new office buildings upon this site a logical one. One of the key objectives of NPPF is to enable a strong, responsive and competitive economy with the planning system helping to support growth and innovation. Local authorities are expected to support existing business sectors, taking account of their expansion needs and applying policies in a way which is flexible to business needs and is responsive to changes in economic circumstances. By locating the business wholly on one site would significantly benefit the business and would constitute sustainable development which would support economic growth which therefore is wholly consistent with the emphasis given to building a strong, competitive economy contained in section 1 of the NPPF. The development will be of significant benefit to the local and regional economy providing a range of employment opportunity.

The other parameters controlling the development of Ansty Park refer to the levels of floor space and parking and heights of buildings. The parameters were set out in relation to the trip rates to and from the site to ensure that the surrounding highway network has the capacity to deal with the traffic generated. The height restrictions were added to take into account its location in the Green Belt.

These parameters reflect a maximum of 124,484 sqm of B1 floor space being accommodated within the application boundary, together with a total of 4,174 car parking spaces. Within this overall quantum, the parameters plan also defined how development across the Park could be distributed by splitting the site into zones. Within Zones 1 and 2 (wherein the current application lies) a maximum of 41,213 sqm (GEA) and 1,327 parking spaces were deemed appropriate. The parameters plan also established a maximum storey height of 4 storeys throughout the site, and a maximum height above floor level of 19m.

Firstly in terms of parking levels, the current proposals will deliver 907 additional parking spaces, which would equate to all of the identified provision for Zone 1 plus approximately 60% of the provision for Zone 2. Assuming a rebalancing of parking within Zone 2, this would however still enable 420 spaces to be provided in association with any future development within the remainder of this zone.

In terms of development floor space, the main component of the current proposals is for 17,070sq.m (GEA) of new office space within two new buildings, which will mirror the existing accommodation occupied by Sainsbury’s. This quantum of floor space will effectively utilise all the allocation for Zone 1 and 28% of the allocation for Zone 2, leaving a balance of approximately 24,143 sqm floor space which could be brought forward in Zone 2 under future proposals and this would ensure conformity with the approved outline parameters.

This ‘re-balancing’ approach of the floor space and parking levels within Zones 1 and 2, relative to the approved parameters plan is considered to be appropriate in this instance on the basis that it will enable a specific occupier requirement to be met without prejudice to the wider aspirations and objectives for the Park as a whole. Further to this approach the agent has undertaken an analysis of development (approved and implemented) in other parts of the park which has indicated that there is sufficient ‘headroom’ within the relevant reserved

matters submissions, within Zones 3, 4 and 5 to allow for increased maximum thresholds in other parts of the Park, without exceeding the overall levels of approved development. The Highway Agency have assessed the approach taken and taken on board the information that has been submitted and are satisfied that the proposals would not impact any further upon the surrounding highways than what has already been accounted for as part of the original planning approval.

In terms of building heights, and relationship to extant floor levels, the current proposals accord with the Parameters Plan in full, with the new office buildings being three storeys and the new Multi Storey Car Park being four.

Taking into account the above whilst the current proposals do not strictly accord with the approved Parameters Plan, they do nonetheless respect these parameters and seek to ensure that neither the Parameters for future development in the remainder of the Park, or ultimately the delivery of the extant outline permission are compromised in any way.

It is therefore considered that there is no material conflict with the outline planning permission controlling development in Ansty Park and that the principle of development is acceptable.

#### Design, Layout and Landscaping

Policy CS16 of the Core Strategy 2011 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.

Whilst the proposals represent an intensification of development on the plot, the buildings can be satisfactorily accommodated without any significant erosion of the setting for the development. Key open spaces comprising courtyard and landscaped areas are retained and enhanced. The position of the development to the rear of the existing buildings has ensured that the new buildings have minimal visual impact outside the site and that the key views, within the site have been protected. It is clear that the established structural landscaping and existing built development has been utilised to ensure that overall, there will be a fairly restricted visual envelope. The visual aspects of the development outside of the site have benefitted from the development adhering to the parameters set within the outline planning approval of the overall site.

The new development will relate well to the existing buildings as they will mirror the existing buildings in both their appearance and layout creating a cloister/courtyard to which will provide a highly attractive centrepiece for the development. It has been noted that careful attention has been paid to the pedestrian routes, which link the new parking facilities to the main staff entrances, and also the areas between buildings which link with the northern boundary which add significantly to the overall design and appearance of the development whilst providing the employees an attractive and enhanced working environment. The energy centre in the location proposed will not be prominent or intrusive. The layout is such that the proposals will not be prejudicial to the potential future development of the adjoining parcels of land.

With regard to the detailed design, though the proposed buildings do not precisely replicate the architecture of the existing, the elevations, materials and finishes employed pick up on the essential character and appearance of the existing buildings and will harmonise with the development on the site. The materials, comprising a more durable and long wearing textured concrete and traditional red brick respond to and are sensitive to the existing buildings. The use of vertical baffles upon the multi storey car park with horizontal articulation to create the impression of a lightweight and attractive structure is of benefit

taking into account its close proximity to the office buildings. The energy centre is similarly finished in materials to ensure that it harmonises with its surroundings. In conclusion the siting of buildings, their elevations, materials and finishes respond directly to the style of adjoining buildings and to the quality of the wider Park and Green Belt therefore complying with policy CS16 of the Core Strategy 2014.

### Sustainability

Policy CS17 of the Core Strategy 2011 states that all development shall comply with the published Building Regulations relevant at the time of construction. As a minimum, all new development of 1000sqm of no residential floor space or more shall incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%.

Sustainability including issues of energy efficiency, recycling and conservation have been taken into account through the design process in the anticipation that the building will achieve a reduction of at least 10% in relation to predicted carbon emissions. The submitted Energy Strategy demonstrates how this will be achieved through the incorporation of a range of features including provisions for highly efficient air handling, ventilation and cooling systems, optimal thermal insulation properties of walls and glazing and high efficiency lighting.

The new energy centre will ensure that the additional demands on energy usage will be appropriately accommodated. In addition the potential installation of photovoltaic panels will further enhance the overall sustainability credentials of this development and ensure full compliance with the relevant Policy CS17.

### Landscaping

Saved Policy GP2 of the Local Plan 2006 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required. It is considered that the development delivers in respect of policy GP2. The scheme, including replacement planting for that lost as a result of the development, will serve to soften the impact of the new buildings, enhance the setting and assimilate the development into its surroundings. The new hard and soft landscaping provisions will break up direct views of the new structures and create attractive passive and active amenity space. As already stated in the report the new cloister/courtyard and pedestrian accesses are to be landscaped benefiting the overall design and appearance of the development. The landscaping will not only benefit the appearance of the site but will also have an environmental benefit, with no material impacts on wider ecology or biodiversity interests. They will also fully complement the existing structural landscaping provisions both on the Sainsbury's site and within Ansty Park as a whole.

### Transport and Parking

Core Strategy policy CS11 reflects section 4 of the NPPF in seeking to ensure that opportunities for sustainable modes of travel are maximised and that the transport impacts arising from development are satisfactorily mitigated.

The transport assessment submitted in support of the application demonstrates that traffic generation in connection with the proposed development is not significant in the context of the potential development of the business park as a whole. Mitigation in the form of improvements to the strategic highway network have recently been completed in accordance with the requirements of the original and new outline planning permissions for Ansty Park. Neither the Highways Agency nor the County Highway Authority have raised any objections to the proposals on the grounds of highway safety nor is any additional mitigation required.

The provision of satisfactory parking facilities is covered by Local Plan saved policy T5 and the standards set out in the Planning Obligations SPD. Though these require 1 car parking space per 30sq.m (maximum), this standard was not adopted for the business park but a car to employee ratio of 75% established in the Framework Travel Plan with 5% of all parking to be designated as car share with an aspirational target of 15%. The parking numbers provided within the development both proposed and existing would be sufficient to support the use on site.

The level of accessibility to the site by alternative modes has also been taken into account by the applicant, as has the particular demand characteristics of the future occupiers (as evidenced by a recent travel survey). It is relevant that the site is already served by a segregated cycle route that links Ansty Park with Walsgrave Retail Park/Cross Point Business Park and a further pedestrian cycle access onto Coombe Fields Road. It is also served by a dedicated bus service which links the site to Coventry Rail Station and Pool Meadow Bus Station.

In view of the above, transport and parking matters have been satisfactorily addressed. The scheme will have no material impact on the highway network and sustainable travel and parking requirements have been given appropriate consideration having regard to the accessibility of the site. The proposed development therefore accords with Core Strategy policy CS11, saved policy T5 and section 4 of the NPPF.

#### Biodiversity

An ecological assessment carried out has demonstrated that the proposals will have no material impact on protected species in accordance with saved Local Plan policy E6 and guidance contained in section 11 of the NPPF which seek to conserve and enhance the natural environment. The County Ecologists had no objection subject to a pre determinative biodiversity impact assessment, as the proposals would replace an area of grassland which potentially would have some value to reptiles and nesting birds. The applicants obliged by undertaking this assessment which showed there would be an overall loss. Whilst there would be a loss is relevant that the defined loss will take place within the context of the provisions for Ansty Park as a whole, where extensive structural planting and landscaping provisions have already been delivered under the outline planning permission.

These measures include the provision of a 10ha landscape buffer zone to the north and west of the Park, dedicated areas of formal and informal open space, the provision of new water bodies and associated structural planting throughout the development site. These measures have been undertaken in order to mitigate the expected ecological loss and to secure biodiversity enhancement, as far as possible relative to all future development.

On the basis that the application site is an integral plot within the wider, designated employment park where, under the extant outline planning approval, significant enhancements to biodiversity have already been secured it is submitted that there is no justification for further compensation in this case, relative to the defined site specific loss. The identified, limited loss of low value land has already been fully mitigated and adequately off-set.

It is also relevant that the development can be expected to yield a number of positive impacts as a consequence of significant new planting and landscaping provisions, around and between the buildings within the site boundary. The substantial buffer planting around the periphery of the business park together with other on site landscaping and planting, and the sustainable urban drainage system, have themselves served to significantly enhance biodiversity.

The County Ecologists have revisited the proposals taking on board the above information and have no further objections.

### Drainage

The new development proposals will link in to the existing sustainable urban drainage system already established for the business park which consists of a defined series of balancing ponds to create the required attenuation to meet the run off rate. The drainage strategy proposed as part of this proposal includes enlarging one of the existing ponds and to also include shallow grass lined swales and permeable paving where practical and opportunity allows, utilising appropriate catch pits as necessary. Beyond the development boundary additional conveyancing swales and infrastructure exist to channel the run off to the open balancing ponds. With regards to the foul drainage the proposal will connect in with the existing systems that have already been put in place for the whole site which includes a pumping station. The proposals have been assessed and found to be acceptable by the Environment Agency.

### **Recommendation**

Grant planning permission subject to conditions and informatives

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R13/1850

### **DATE VALID**

18/08/2014

### **ADDRESS OF DEVELOPMENT**

UNIT 1 ANSTY PARK  
DRAKEN DRIVE  
COVENTRY  
CV7 9RD

### **APPLICANT/AGENT**

Fran Rowley  
Turley Associates  
9 Colmore Row  
Birmingham  
West Midlands  
B3 2BJ  
On behalf of , Sainsburys Supermarkets Ltd  
and Highbridge Properties

### **APPLICATION DESCRIPTION**

Erection of two buildings and use for purposes falling within Class B1 employment together with associated energy centre, multi-storey car park, surface parking, new access, landscaping and drainage works and also alterations to existing buildings 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:

Drawing Nos. 12085 G AP 0020 001; 12085 F AP 0020 001; 12085 F AP 0010 001; 12085 E AP 0020 001; 12085 E AP 0010 003; 12085 E AP 0010 002; 12085 E AP 0010 001; 12085 D AP 0020 001; 12085 D AP 0010 001; 12085 C AP 0020 001; 12085 C AP 0010 001; 12085 B AP 0020 001; 12085 B AP 0010 001; 12085 01 AP 2000 001; 12085 01 AP 2000 002; 12085 01 AP 2000 003; 12085 01 AP 2000 004; 12085 01 AP 0030 001; 12085 01 AP 0020 001; 12085 01 AP 0010 004; 12085 01 AP 0010 003; 12085 01 AP 0010 002; 12085 01 AP 0010 001; 12085 01 AP 0000 001; GC.117318.001 Rev A and the Design and Access Statement reference 12085 REP025 received by the Local Planning Authority on the 15th August 2014

Drawing Nos. 32084/SKC100; 32084/SKC107 Rev A; 32084/SKC108 Rev A; 32084/MD001 received by the Local Planning Authority on the 17th September 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 as specified in the Design and Access Statement reference 12085 REP025 received by the Local Planning Authority on 15th August 2014

REASON:

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

CONDITION: 4

The landscaping scheme as detailed on the approved drawing ref.GC 117318 001 Rev A shall be implemented no later than the first planting season following the first occupation of the new office buildings and the first bringing into use of the new multi-storey car park. 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 permission for any variations.

REASON:

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



CONDITION: 5

Prior to the occupation of the development, a report shall be submitted to and approved in writing by the Local Planning Authority describing and confirming measures incorporated in the construction of the development, and its proposed operation, to achieve a minimum very good BREEAM rating and to reduce predicted carbon emissions by at least 10% unless otherwise agreed with the Local Planning Authority, as indicated in the sustainability section of the Design and Access Statement and the Energy Strategy document accompanying the application.

REASON:

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

CONDITION: 6

Full details of the type and location of any proposed external lighting on the buildings hereby permitted, or externally on the site, shall be submitted to and approved in writing by the Local Planning Authority before any such lighting is installed.

REASON:

In the interests of the amenities of the locality.

CONDITION: 7

The development hereby permitted shall not commence until a detailed schedule of protected species mitigation measures (to include timing of works, reasonable avoidance measures for great crested newts and reptiles, supervision and a toolbox talk by a suitably qualified ecologist) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

To ensure that protected species are not harmed by the development.

CONDITION: 8

The development hereby permitted shall only be carried out in accordance with the approved Drainage Statement, dated 30th August 2014 prepared by Gary Gabriel Associates, and the following mitigation measures detailed therein:

Provision of full details of the drainage scheme as outlined in the Drainage Statement and in line with the overall Ansty Park Drainage Strategy Design Report.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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: 9

The Travel Plan (Royal Haskoning) dated 14th August 2014 shall be implemented in full following the occupation of the development and shall thereafter be maintained in accordance with the action plan contained therein.

REASON:

In the interests of sustainable transport and to prevent parking on estate roads.

CONDITION: 10

The accommodation for car and cycle/motor-cycle parking, and the loading and unloading of vehicles, shown on the approved plans, shall be retained permanently for the accommodation of vehicles and cycles of persons working in or calling at the premises and shall not be used for any other purpose.

REASON:

In order to ensure that satisfactory parking and access arrangements are maintained within the site.

CONDITION: 11

Prior to the commencement of any works, a Construction Environmental Method Statement shall be submitted in writing to, and approved by, the Local Planning Authority. This shall include details relating to:

- a) 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
- b) The control of dust including arrangements to monitor dust emissions from the development site during the construction phase
- c) Measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

REASON:

To safeguard and minimise the impact of the construction to the environment

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

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: 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 Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

#### INFORMATIVE: 3

In relation to the development hereby permitted; no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the hours of 07.00 hours and 18.00 hours Monday to Friday, nor between the hours of 08.00 hours and 13.00 hours on Saturdays, nor at any time on Sundays or Bank Holidays unless approved in writing in advance with the Local Planning Authority.

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:-

- a) Minimise any disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood
- b) Eradicate offensive behaviour and language from construction sites
- c) 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

**Reference number: R13/0308**

**Site address: Highwood Farm, Coventry Road, Brinklow**

**Description: Proposed erection of on-farm anaerobic digestion plant with associated infrastructure and perimeter bund**

**Case Officer Name & Number: Alice Cosnett – 01788 533489**

### **Site Description**

Highwood Farm is a working farm which is sited within the Green Belt to the west of the Brinklow Village Boundary. In total the site extends to some 3.12 hectares in size. The topography of the proposed site runs steeply from the northern boundary to the southern boundary with a gradient decrease of some 7.5m. There is an existing earth bund which surrounds the east, south and west boundaries of the site. Highwood Farm house is sited to the northwest of the site, with a cluster of agricultural buildings sited to its north, Brinklow Quarry sited to its southwest and residential properties on the edge of Brinklow to its east. With the siting of the agricultural buildings and vegetation along the south side of Coventry Road, the application site is obscured from view from this public highway.

### **Proposal Description**

Planning permission is sought for the installation of an anaerobic digestion plant with associated hard surfaced clamp area and a 6.5m high perimeter bund. The anaerobic digestion plant will incorporate the installation of:

- two digestate storage tanks which will be of circular construction, have a diameter of 29.36m and height of 9.5m;
- one digester tank which will again be of circular construction, have a diameter of 33.66m and height of 12.5m;
- a combined heat and power (CHP) system which will consist of a steel container measuring 9m in length, 3m in width and 3m in height with associated ventilation and cooling equipment for the engine which will extend to a maximum height of 6.2m and exhaust gas pipe which will extend to 10m in height;
- two feeding systems which will each have a height of 4.4647m with associated technical containers each with a height of 3m;
- two upgrading containers which will each have a length of 12m, width of 3m and height of 3.04m;
- two control rooms sited in between the two digestate storage tanks and one digester tank, each with an observation platform contained on its flat roof;
- a gas flare with a maximum height of 5m;
- solid separator of maximum height of 8.4m.

The three tanks, container section of the CHP, feeding systems/technical containers, upgrading containers and control rooms will be finished in dark green. The sloping ground level will be excavated to facilitate the creation of silage clamps toward the northern end of the site.

### **Relevant Planning History**

None relevant

### **Technical Consultation Responses**

Environment Agency – no objection subject to informative

RBC Environmental Health – no objection subject to conditions and informatives

RBC Landscape Officer – no objection

National Grid – no objection subject to informative

Natural England – no objection

WCC Ecology – no objection subject to condition and informatives

WCC Highways – no objection subject to informative

WCC Archaeology – no comment

WCC Fire and Rescue – none received

Warwickshire Wildlife Trust – none received

### **Third Party Responses**

Councillors – none received

Brinklow Parish Council – none received

Neighbours – 102 letters of support received from 97 residential properties (90) and businesses (7) in the local area raising the following points:

- Benefit to environment
- Relatively small footprint when compared to the output of the facility
- Very few gas producing anaerobic digestion facilities – most produce electricity
- Contribute toward national goals for producing ‘clean’ energy in order to meet targets for reducing harmful emissions
- Result in the production of carbon neutral energy without adversely impacting on countryside
- The farm’s carbon footprint reduced due to reduction of farm traffic on the road
- We should be looking toward sustainable green projects to harness our energy requirements
- Gas production can be stored – wind and solar fields are visually intrusive, intermittent in their production and have to have additional back up process and structures
- Anaerobic digestion plants offer a continuous supply of energy which, unlike wind, can be stored until such times as it is required
- Better alternative to wind farms as due to the projects situation and landscaping it has little or no adverse visual impact on the countryside.
- Benefits include decreased lorry movements, gas production and organic fertiliser
- Valuable asset to the environment – reduces our dependence on fossil fuels
- Help to combat climate change and provide a better world for future generations
- Production of UK biomethane reduces dependency on imported gas and helps country be more self-sufficient, in turn potentially lowering energy costs
- The UK faces energy shortages in the future – sustainable projects should be fully endorsed, creating environmentally friendly alternatives so as to become less reliant on imported fossil fuels
- Great benefit to environment through reduction in road miles – less traffic on the public highway and lowered carbon footprint at the farm
- Process will produce (as a by-product) an organic fertiliser, reducing the need for chemical fertiliser – further benefit to the environment

- Increasing the supply of green energy is necessary to combat climate change
- Benefit to local community
- Provide employment within the area
- Benefit to local economy
- Bring additional income into the local area
- Safeguard jobs at Brinklow Quarry
- Brinklow Quarry can supply building materials such as aggregates and concrete, recycling services and necessary machinery without need for any road haulage (due to location)
- Facility will support local small businesses required during the construction phase and during operation (e.g. through maintenance and supply of equipment)
- No impact on outlook and character of the local countryside due to its discreet location
- Very low visual impact
- The continued growing of crops will maintain the openness and character of the farm and wider countryside
- Buildings will be on an area already containing buildings so the balance of built on land and productive arable land will remain substantially as existing
- The buildings and landscaping is such that it will not have any adverse or obtrusive impact on the sky line
- Proposal has been carefully designed so as to minimise impact on the surroundings
- Opportunity for farm diversification
- As existing farmers grow a range of crops for industry, not just for food, and as such proposal presents a logical step in the evolution of agriculture
- Digestion process poses no hazard to human health
- Do not consider that proposal will cause a nuisance to neighbouring properties
- Reduction of odour by digesting materials in the AD digester giving a net gain for local residents and replacement of animal manure with organic fertiliser

## **Relevant Planning Policies and Guidance**

### Core Strategy

|      |                               |
|------|-------------------------------|
| CS1  | Development Strategy          |
| CS11 | Transport and New Development |
| CS16 | Sustainable Design            |

### Saved Local Plan Policies

|     |                  |
|-----|------------------|
| E6  | Biodiversity     |
| GP2 | Landscaping      |
| GP5 | Renewable Energy |

### National Policy

National Planning Policy Framework (NPPF)

## Assessment of Proposals

In the assessment of this application, the determining factors are the principle of the proposed development and its impact on the openness of the Green Belt, its impact 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 and its impact on the openness of the Green Belt

Policy CS1 of the Core Strategy states that new development in Green Belt locations will be resisted unless supported by national policy.

Part 9 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF also states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development and developers will need to demonstrate very special circumstances. It goes on to state that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

Specifically in relation to renewable energy the NPPF states that planning should support the delivery of renewable and low carbon energy and associated infrastructure. It states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions.

The NPPF also states that local authorities should approve the application if its impacts are (or can be made) acceptable. Similarly Saved Local Plan Policy GP5 states that the provision of renewable energy schemes will be encouraged where careful consideration has been given to design, layout and siting in the landscape.

In support of the application, a document entitled 'Environmental Benefits of Proposal' has been submitted to evidence the environmental benefits of the proposed anaerobic digestion plant. This document states that a key benefit of anaerobic digestion projects is the ability to deliver sustained renewable output for the short, medium and long term. It states that anaerobic digestion plants have a load factor (period that technology is operating at its full output level in terms of kilowatt of energy load) of 94-98%, which is significant when compared with other renewable technologies such as wind, solar and hydro which, if sited within the vicinity of Highwood Farm, would achieve a load factor of up to 20%. With the load factor being critical in terms of grid supply, impacting on security of supply, a consequence of using wind, solar and hydro power is that both the National Grid and Distribution Network operators are required to invest in additional infrastructure to accommodate these volatile technologies.

The document states that anaerobic digestion plants reduce global warming because gas generated through anaerobic digestion displaces gas generated from fossil fuels and thus reduces carbon dioxide emissions into the atmosphere. Specifically it states that in relation to the proposed anaerobic digestion plant at Highwood Farm, the carbon dioxide emissions displacement for electricity equates to 1,124 tonnes of carbon dioxide per annum and for gas equates to 4,725 tonnes of carbon dioxide per annum.

In addition, the document states that one of the by-products of the proposal will be the production of thermal heat. Through utilising heat as a by-product, the anaerobic digestion facility will substitute approximately 960MW of fossil fuel generated heat with thermal heat from a renewable source. Through the use of this heat in both the applicant's farm business and commercial business, a further saving of 346 tonnes of carbon dioxide per annum will be facilitated.

This document also states that an additional environmental benefit arises from the reduction of traffic movements to and from the site as it is currently operated. The installation of the anaerobic digestion plant will eliminate the current practice of transporting grain to the mill, which is located some 40 miles away, instead utilising the crops grown on site within the anaerobic digestion process, in turn resulting in the saving of approximately 5233 HGV road miles and 3000 litres of fuel per annum. The document states that this will equate to a carbon dioxide emission reduction of approximately 7,800 tonnes per annum.

Finally, this document states that the proposed development provides economic benefits through the provision of employment in both the long term (approximately 3 full-time and 2 part-time jobs to oversee the running of the anaerobic digestion plant) and short term (approximately 34 jobs during the construction phase). In addition, the proposal will offer local training and enterprise as well as employment opportunities. It is the aim to make the proposed facility a centre of excellence for renewable energy within the local area, eventually offering community engagement as well as school programme opportunities.

The Council's Development Strategy team have been consulted on the application. They state that whilst it is clear that the proposal would cause harm to the Green Belt, the principle of development should be judged by weighing up the benefit gained from a renewable energy source against the harm to the Green Belt. Taking into account the justification submitted within the document entitled 'Environmental Benefits of Proposal', they consider that, on balance, the proposal would provide significant benefits to renewable energy which could be 'very special circumstances' as outlined within the NPPF. It is therefore concluded that if it is considered that the benefits of the proposal outweigh the harm to the Green Belt, the application should be approved.

In addition, they recognise the benefit of employment created both in the short and longer term. Whilst they note that this should be given limited weight given that in the long run a minimal number of employees would be required for the day-to-day running of the farm, it is still considered to be relevant in the assessment of the application.

Taking into account the above, it is considered that whilst the proposal comprises inappropriate development in the Green Belt, the document entitled 'Environmental Benefits of Proposal' submitted with the application demonstrates wider environmental benefits associated with increased production of energy from renewable sources which sufficiently outweighs the harm that this particular scheme would have on the Green Belt.

Whilst it is considered that sufficient very special circumstances have been demonstrated, an assessment must also be made to the impact that the development will have on the openness of the Green Belt. By virtue of its size, siting and design it is not considered that it can be concluded that the proposed development will not have some impact on the openness of the Green Belt.

The proposed tanks (the largest of the structures proposed within the development) are sited to the south of the existing farm buildings, and sited on a section of land the level of which falls some 7.5m in a southerly direction. The largest of the proposed structures, the one digester tank (diameter of 33.66m and maximum height of 12.5m) and two digestate storage tanks (diameter of 29.36m and maximum height of 9.5m), will be sited toward the southern end of the site where the land level is lower. Furthermore, the tanks will be sunk into the



existing ground level by a maximum of some 2m. Taking into account the varying land levels within the site, coupled with the specific design of the proposal, the impact of the tanks and their associated structures on the openness of the Green Belt will be reduced. In addition, the tanks, with their colour finish and dimensions appear largely akin to typical agricultural buildings which represent characteristic forms of development within the Green Belt. Furthermore, the northern end of the site will be excavated to provide a silage clamp area. Whilst it remains the case that the proposed development will impact upon the openness of the Green Belt, it is considered that this will serve to lessen the impact that the development as a whole will have on the openness of the Green Belt. Taking the above into account, it is not considered that on balance the proposed development would have a significant impact on the openness of the Green Belt so as to justify a refusal of planning permission.

It is therefore considered that the application complies with Policy CS1 of the Core Strategy, Saved Local Plan Policy GP5 and the contents of the NPPF.

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

Part 7 of the NPPF (Requiring Good Design) emphasises the importance of good design and 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.

A Design Statement has been submitted with the application which includes photographs to indicate views to the site available from both Heath Lane and Fosse Way. No photographs are provided from Coventry Road as, being at a lower level than Coventry Road and sited to the rear of the existing grain store, the site is not visible from any vantage points along this public highway. Due to the topography of the application site along with the design of the structures which make up the anaerobic digestion facility and the proposed excavation into the sloping landform, the visual impact of the structures to be erected as part of the proposal will be minimised.

Whilst views to the site are relatively limited, having regard to the size and design of the proposed structures to be erected as part of the proposal it is considered that they will represent notable forms of development within the site and will be visible from its wider surroundings. However the green finish to both the elevations and roof of the most bulky structures will ensure that they appear in keeping with the rural surroundings, akin to typical agricultural buildings which would characteristically be sited within this Green Belt/countryside location. In addition, the siting of the structures is well-related to the existing buildings which make up Highwood Farm further reducing their prominence within the site and the wider landscape.

As existing, a significant proportion of the application site is used for outdoor storage which largely consists of bare metal, including steel girders and surplus steel left over from the construction of the buildings at Highwood Farm, and redundant agricultural plant and machinery. Supporting information submitted with the application states that the site will be cleared and these items removed to accommodate the development. The adjacent Brinklow Quarry will be used to recycle any surplus overburden materials from the project – the quarry is fully licenced and has procedures in place for the sampling and inspection of recyclable materials. Any material that is unsuitable for recycling by Brinklow Quarry will be removed from the site and recovered at an alternative licenced facility.

It is considered that the removal of this metal and redundant agricultural plant and machinery will significantly enhance the visual amenity of the site and its surroundings and as such the development of the site represents a significant planning gain in this respect.

In light of this, it is considered that the visual impact of the proposed development has been minimised as far as possible (cutting it into the existing sloping landform and finishing the more bulky structures in a dark green colour) and that, through the removal of the existing scrap metal/redundant agricultural equipment, it actually represents an improvement to the visual amenity of the site.

In addition to the design of the structures themselves, the existing perimeter bund will be extended and planted with appropriate hedgerows and trees to provide screening around the proposal. The Council's Landscape Officer has assessed the proposed landscaping plans and considers them to be acceptable.

It is therefore considered that the proposed development represents good quality design which will not have an adverse impact on the qualities, character and amenity of the areas in accordance with Part 7 of the NPPF and Policy CS16 of the Core Strategy.

#### 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 nearest residential dwelling (aside from Highwood Farm house itself), Highwood Bungalow, is sited some 400m away from the proposed development. This distance is sufficient to prevent any undue loss of amenity arising to neighbouring properties by way of either overbearing or overshadowing.

The Council's Environmental Health department have been consulted on the application. Having assessed the impact of the proposed development in terms of noise, odour and contamination, subject to appropriate conditions and informatives, it is not considered that the proposal will cause significant harm with regard to these factors.

Subject to these conditions, it is not considered that the development will have a significant impact on the amenity of nearby residential properties, complying with the NPPF and relevant section of Policy CS16 of the Core Strategy.

#### Impact on protected species

Part 11 of the NPPF (Conserving and Enhancing the Natural Environment) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, among other things. In addition, Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance.

An Ecological Statement, Ecological Appraisal and Reptile Survey have been submitted with the application. County Ecology consider them to be acceptable to evidence that the proposed development will not have a significant impact upon biodiversity subject to the attachment of condition. As the site does offer potential for nesting birds, reptiles and amphibians the condition requires that a detailed schedule of protected species mitigation measures are submitted to the Council for written approval and that subsequently the site is developed in accordance with the agreed measures.

Subject to the attachment of this condition, in addition to informatives relating to nesting birds and native planting, it is not considered that the proposal will adversely impact upon biodiversity in accordance with the NPPF and Saved Local Plan Policy E6.

### Impact on highway safety

A Transport Statement has been submitted with the application which gives details relating to transport movements during the construction phase of the development as well as the transport movements anticipated during the normal operational stage of the anaerobic digestion plant.

Having assessed this Transport Statement, County Highways have raised no objection to the proposal subject to the attachment of an informative. It is noted that measured visibility exceeds the minimums required at the site access and that no injury accidents have been recorded adjacent to the site which could be attributed to the access.

They state that whilst the Transport Statement shows an apparent trip reduction as a result of the proposals, this is so small that it would not, in effect, be noticeable or have a material impact upon the highway. They confirm that they are satisfied that the existing site access is acceptable to serve the proposals without any alteration.

In light of this, it is not considered that the proposed development will have an adverse impact on highway safety in accordance with the NPPF and Policy CS11 of the Core Strategy.

### Impact on landscaping/trees

Saved Local Plan Policy GP2 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design and that the landscape character of the area should be retained and, where possible, enhanced.

A landscaping scheme has been submitted with the application which the Council's Landscape Officer has been consulted on. Having assessed the proposed scheme, it is considered to be sufficient, and as such subject to condition to ensure that the scheme is implemented no later than the first planting season following the time at which the anaerobic digestion plant is first brought into use, the proposal is considered to comply with the contents of Saved Local Plan Policy GP2.

### **Recommendation:**

Subject to the referral of the application to the National Planning Casework Unit, as the development results in inappropriate development in the Green Belt that will have a floor space greater than 1,000 square metres, the Head of Planning & Culture be granted delegated powers to grant planning permission for the proposed development

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R13/0308

### **DATE VALID**

05/08/2014

### **ADDRESS OF DEVELOPMENT**

HIGHWOOD FARM  
COVENTRY ROAD  
BRINKLOW  
RUGBY  
CV23 0NJ

### **APPLICANT/AGENT**

Mr Barney Mckevitt  
ERES Ltd  
Mourne House  
41-43 Downshire Road  
Newry  
Down  
BT34 1EE     On behalf of Mr Dale Aston

## **APPLICATION DESCRIPTION**

Proposed erection of on-farm anaerobic digestion plant with associated infrastructure and perimeter bund

## **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, letter from the agent 'European Renewable Energy Solutions Ltd' dated and received by the Local Planning Authority on 8 July 2014, documents entitled 'Executive Summary', 'Introduction and Background', 'Design Statement', 'Planning Policy Statement', 'Technical Process Statement', 'Transport Statement', 'Access Statement', 'Landscape Statement', 'Noise and Odour Statement', 'Ecological Statement', 'Archaeological Statement', 'Ground Pollution Prevention and Control Statement' and plan no.PL-01, PL-02, PL-03, PL-04, PL-05, PL-06, PL-07, PL-08, PL-09, PL-10, PL-11, 5409-L-101 and 5409-L-102 received by the Local Planning Authority on 8 July 2014, plan no.PL-12 received by the Local Planning Authority on 5 August 2014, document entitled 'Environmental Benefits of Proposal' received by the Local Planning Authority on 19 September 2014, letter from the agent 'European Renewable Energy Solutions Ltd' dated and received by the Local Planning Authority on 23 September 2014 and documents entitled 'Ecological Appraisal: Site at Highwood Farm, Brinklow' and 'Reptile Surveys: Site at Highwood Farm, Brinklow Warwickshire' received by the Local Planning Authority on 1 October 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:**

No development shall commence unless and until full details of the colour, finish and texture of all new materials to be used on the external surfaces of the tanks and containers hereby approved, together with 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 in the interests of the visual amenities of the locality.

#### **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, 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 5:**

Prior to the anaerobic digestion plant being first brought into use, full details of the plant to be used in the CHP hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to such plant being installed. The details shall include manufacturer's specifications to demonstrate that the plant will comply with the unattenuated noise levels as detailed in Table 1 of the document entitled 'Technical Process Statement' received by the Local Planning Authority on 8 July 2014.

**REASON:**

In the interests of the amenities of residential properties.

**CONDITION 6:**

The development hereby permitted shall not commence unless and until a detailed schedule of protected species mitigation measures produced by a suitably qualified ecologist (to include supervision of site clearance works) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

**REASON:**

To ensure that protected species are not harmed by the development.

**CONDITION 7:**

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 8:**

The anaerobic digestion plant (to include all tanks and areas of hardstanding) shall be removed from the site and the land made good in accordance with the submission of a method statement, which shall be submitted to and approved in writing by the Local Planning Authority (to include a timescale for those works) in the event that the facility is no longer required.

**REASON:**

In the interests of the visual amenities of the locality and character of this countryside location.

**CONDITION 9:**

The landscaping scheme as detailed on plan no.5409-L-101 and 5409-L-102 received by the Local Planning Authority on 8 July 2014 shall be implemented no later than the first planting season following the time at which the anaerobic digestion plant is first brought into use. 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:**

Unless otherwise agreed in writing by the Local Planning Authority, the energy crops to be used in the anaerobic digestion plant hereby approved shall only be sourced from fields located within a 10 mile radius of the application site.

**REASON:**

To ensure the proposal represents a sustainable form of development within the Green Belt and in the interests of the amenities of the locality

**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 development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. The applicant is advised to contact our environmental permitting team on 03708 506 506 to discuss the issues likely to be raised.

**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 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 4:**

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. road sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

**INFORMATIVE 5:**

All works to be carried out in the vicinity of the National Grid Distribution High Pressure Gas Pipeline are required to conform to the standards as outlined within the National Grid Engineering Standard T/SP/SSW22 'Specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties'.

**INFORMATIVE 6:**

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 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 7:**

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 have a far higher value for local wildlife than cultivated, non-native plants.



**Reference number:**

R14/0217

**Site address:**

Former Peugeot Sites A & B, Oxford Road, Ryton on Dunsmore, CV8 3EA

**Description :**

Outline planning application for the use of land for Class B2 (General Industry) & Class B8 (Storage, Warehouse & Distribution) employment purposes together with ancillary offices, gatehouses, car parking and associated road infrastructure and landscaping, including access.

**Case Officer Name & Number:**

Richard Holt 01788 533687

**Description of Site:**

The application site overlaps what is now known as Site A and Site B of the Former Peugeot Works complex. The site lies within the designated West Midlands Green Belt and is allocated as a Strategically Significant Employment & Major Development Site in the Green Belt in the Rugby Borough Core Strategy 2011.

Overall the site is generally flat and 'L-shaped.' To the north-west is the remainder of Site A where Unit DC6 (UK Mail) is currently being constructed. To the south-east is industrial Unit DC4 occupied by LG, whilst to the east is Unit DC2 occupied by Network Rail and Unit DC5 occupied by Freeman. To the north east lies the A45(T) dual carriageway. To the south-west and south is the A423 Oxford Road, including an existing roundabout that will be the main access to the site. There is an existing emergency access on to the Oxford Road close to an existing electricity sub-station. Also to the south-west and south is a mix of commercial, industrial, and residential properties and agricultural land. Site C of the former Peugeot Works lies to the far south-east of Site B and has received planning permission for up to 40,000 sqm of employment floorspace.

Along the Oxford Road there is existing hedging and trees and a landscaped bund has been formed next to the roundabout which serves the new development on Site B.

**Description of Proposals:**

This is an outline planning application for 10.27ha of Class B2 (General Industrial) and Class B8 (Storage, Warehousing & Distribution) with ancillary offices, plus vehicle parking, circulation space and landscaping with a maximum amount of floorspace of 45,000m<sup>2</sup>. Access is to be considered as part of this submission with matters relating to appearance, landscaping, layout and scale to be addressed at the reserved matters stage. Outline planning permission previously on the site limited the amount of Class B2 use to 30% overall based on the West Midlands Regional Spatial Strategy. However, following the revocation of that document and change in the economic market the applicant now wishes to keep their options open.

A Parameters Plan has been submitted with the proposal which indicates a large Core Development Area which will contain up to 3 buildings with a ridge height no greater than 15 metres above ground level. To the south-west, south and south-east will be an Outer Development Area, along with a thin strip on the north-west boundary, which will act as a zone for parking and circulation. Structural landscaping will be provided within the

Landscape Area to the south western, southern, south-eastern and north-eastern boundaries.

The applicant's agent envisages that the proposed development could yield a minimum of 640 jobs, which is likely to be greater if there are Class B2 uses on site and it is understood the site would operate 24 hours a day, 7 days a week.

A Design & Access Statement, Planning Statement, Transport Assessment, Landscape & Visual Impact Assessment, Noise Assessment, Air Quality Assessment, Drainage Philosophy Statement, Flood Risk Assessment, Heritage Statement, Remediation Statement and a Phase 1 Habitat Statement have been submitted with the application.

As this is an outline planning application on an allocated strategic employment area with planning permission granted previously for industrial purposes the application would ordinarily be considered under delegated powers. However, as the development will have a floorspace greater than 1,000m<sup>2</sup> within the Green Belt the application would have to be referred to the National Planning Casework Unit if approved and therefore the proposal needs to be considered by the Planning Committee.

### **Relevant Planning History:**

The application site has an extensive planning history over many years with its origins in car manufacturing dating back to 1945. In 2007 the site was split into three separate areas known as A, B & C. The recent site histories relating to Sites A, B & C most relevant in the consideration of this application and they are detailed below.

#### Site A:

Full Application for redevelopment of Northern part of site for storage & distribution (Class B8) with ancillary offices and associated vehicle maintenance unit & fuelling & washing facility, security lodge, vehicle parking, landscaping & emergency access.  
Approved 30/04/2008

Outline application for 13.39HA of the northern part of the 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 vehicle parking and landscaping with access from existing roundabout. Approved 05/09/2012

Approval of reserved matters for a sortation facility (Class B8) relating to appearance, landscaping, layout and scale against outline application (R12/0600) for 13.39 ha of northern part of former Peugeot Works Site for up to 51,860sqm of employment comprising of up to 47,756sqm of Class B8 (warehouse & distribution) with ancillary offices and up to 4,104sqm of Class B1c/B2/B8 (light industry/general industry/warehouse & distribution with ancillary offices), including vehicles parking and landscaping with access from existing roundabout (Unit DC6). Approved 23/12/2013

#### Site B:

Outline planning permission for redevelopment of 25.93 HA for storage and distribution (Class B8) and General Industry (Class B2) (With up to 30% B2) up to a total maximum of 120,770m<sup>2</sup> including new access on to Oxford Road (A423). Approved 18/04/2008

Erection of an enclosed and covered structure to provide acoustic screening to external storage area (Unit 1). Approved 07/01/2009

Approval of reserved matters for Unit 1 relating to layout, height, width, length, external appearance and landscaping against outline planning permission R07/2010/OPS for storage, distribution and general industry. Approved 07/01/2009

Approval of reserved matters for Units 2 and 3 relating to layout, height, width, length, external appearance and landscaping against outline planning permission R07/2010/OPS for storage, distribution and general industry. Approved 18/02/2009

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]. Approved 12/12/2011

Renewal of extant planning permission R08/1454/MAJP for the erection of an enclosed and covered structure to provide acoustic screening to external storage area. Approved 26/03/2012

Approval of reserved matters for the internal site road layout against outline planning permission R10/1972 for storage, distribution and general industry. Approved 07/08/2012

Approval of reserved matters for Units 3&4/Plot 3 relating to layout, appearance, landscaping and scale (Application D) 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 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]. Approved 20/05/2013

Approval of reserved matters for Unit/Plot 3 relating to layout, appearance, landscaping and scale (Application C) 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 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]. Approved 11/06/2013

Approval of reserved matters for Unit/Plot 1 relating to layout, appearance, landscaping and scale (Application B) 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 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]. Approved 12/06/2013

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 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] & Condition 5 of R10/1972 (associated with Plot 1 - Unit DC5). Approved 28/08/2013

Application for Reserved Matters Approval for Unit DC1 relating to appearance, landscaping, layout, and scale, including ancillary car parking, loading areas, gatehouse and sprinkler tanks (Application F), 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 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] & Condition 5 of R10/1972 (associated with Unit DC1).  
Approved 30/04/2014

Site C:

Use of land for the parking and storage of heavy goods vehicles and trailers with alterations to access and formation of access ramp into the site, plus ancillary development.  
Approved 16/11/2012

Outline planning application for redevelopment of 16.69ha of the southern part of the former Peugeot Works site for up to 40,000 square metres for Class B8 (storage & distribution) and B1c/B2 (light & general industry) with up to 20% B1c/B2, including vehicle parking and landscaping; vehicle access from the A423 Oxford Road; importation of c50,000 cubic metres of material to raise ground levels; retention of areas of nature conservation, biodiversity enhancements and improvements to public footpaths. Approved 18/12/2013

**Technical Consultations:**

|  |   |
|--|---|
| Coventry Airport   | Content with advice given in Design & Access Statement in relation to landscaping |
| NATS/NERL Safeguarding   | No safeguarding objection   |
| Natural England  | No objection  |
| WCC Ecology<br>informatives  | No objection, subject to a condition and  |
| Environment Agency   | No comments received to date  |
| RBC Environmental Services<br>informatives   | No objection, subject to conditions and   |
| RBC Environmental Services (Air Quality)<br>and additional air quality assessment. | Holding objection, subject to further clarification                               |
| WCC Fire & Rescue Services   | No objection, subject to a condition  |
| Warwickshire Police  | No objection, subject to informatives   |
| Highways Agency  | No objection, subject to a condition  |
| WCC Highways<br>informative  | No objection, subject to conditions and an  |
| WCC Archaeology  | No objection, subject to a condition  |
| Coventry City Council  | No comments   |

**Third Party Consultations:**

Ryton on Dunsmore Parish Council                      No comments received to date.

Neighbours (1)                      Comment                      Developers need to produce decent cycle routes to site from Ryton and Toll Bar End.

**Relevant Planning Policies & Guidance:**Rugby Borough Council Local Plan, 2006 Saved Policies:

|     |           |  |
|-----|-----------|--|
| GP2 | Complies  | Landscaping  |
| E6  | Complies  | Biodiversity   |
| T5  | Complies  | Parking Facilities   |
| T13 | Complies  | Airport Flight Paths   |
| ED4 | Conflicts | Major Developed Sites in the Green Belt                          |
| ED5 | Complies  | Retention of Existing Strategically Significant Employment Sites |

Rugby Borough Core Strategy 2011:

|      |          |  |
|------|----------|--|
| CS1  | Complies | Development Strategy                                 |
| CS2  | Complies | Parish Plans   |
| CS10 | Complies | Developer Contributions                              |
| CS11 | Complies | Transport & New Development                          |
| CS14 | Complies | Enhancing the Strategic Green Infrastructure Network |
| CS16 | Complies | Sustainable Design                                   |
| CS17 | Complies | Reducing Carbon Emissions                            |

National Planning Policy Framework, 2012

National Planning Practice Guidance, 2014

Rugby Borough Council Planning Obligations Supplementary Planning Document, 2012

Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document, 2012

Ryton on Dunsmore Parish Plan, 2012

**Assessment of Proposals:**General Principles & Green Belt:

The application site lies within the designated West Midlands Green Belt and formed part of the former Peugeot Car Works complex and is allocated as a Strategically Significant Employment and Major Development Site in the Rugby Borough Core Strategy 2011.

The previous buildings on the former Peugeot Works site had evolved over many years so there was a variety of heights, building materials and styles, but on average ranged between 10 to 12 metres to the eaves. The previous chimney stacks dominated the skyline and were visible from many public vantage points. However, very few structures and buildings occupied Site C and this area, subject to the current application, was mainly used for the parking/storage of cars associated with the car production plant.

The previous Peugeot buildings had a combined floorspace of approximately 143,064m<sup>2</sup> over both application sites A and B. The current planning permissions for both Site A & Site B permits buildings with a total floorspace of 172,630m<sup>2</sup>, which includes the approved application for Site A that reflected the approximate 20% increase in floorspace over the original buildings. An application for up to 40,000m<sup>2</sup> of industrial floorspace has also been granted on Site C of the former Peugeot Car Works site, which when taking into account the approved floorspace from Sites A & B, the increase in floorspace over the original buildings would now be around 49%. In both cases the Secretary of State for the Communities & Local Government considered that these increases were acceptable and did not call-in the applications for determination. It is proposed that any buildings on the site would have a maximum ridge height of 15 metres to ridge which will enable a clear internal height of 12.5 metres which would accord with the previously approved reserved matters applications for Sites A & B.

Policy CS1 steers development to the most sustainable locations within Rugby Borough, namely the town centre and urban area of Rugby. As the site lies within the Green Belt this is the least preferred location for new development and Policy CS1 states that new development will be resisted in such areas unless national policy on Green Belts would permit such development.

Both the proposed Core & Outer Development Areas of the proposed development lie within the Strategically Significant Employment & Major Development Site in the Green Belt allocation. Therefore, Saved Local Plan Policy ED4 states that planning permission will only be granted for redevelopment if it does not result in built development occupying a larger area than was previously the case or the height of the existing buildings being exceeded, unless there would be an overall landscape benefit. It is clear that the proposed development does occupy a larger area than those buildings that were previously across the site and would be greater than the height of the previous buildings based on the extant planning permissions which exist.

It is necessary therefore to establish if there would be an overall landscape benefit. It is accepted that the proposed development will provide modern buildings broken up with parking, circulation areas and that there could be the opportunity to have soft landscaping around the buildings. However, soft landscaping already lies to the north-eastern and south-western boundaries of the site and whilst these areas of landscaping will be enhanced by additional planting belts as indicated on the Parameters Plan, it is not considered that this overall landscape benefit would be on a level sufficient enough to outweigh the impact of the extent and height of the intended buildings across the site based on the built form which previously occupied the site. On this basis, whilst the principles of saved Policy GP2 would be addressed, the development would not therefore result in an overall landscape benefit and the proposal is not compliant with saved policy ED4.

The approach outlined within saved policy ED4 is linked to aspects of the previous Planning Policy Guidance Note 2: Green Belt which is no longer adopted national planning policy and this approach has not been included within the National Planning Policy Framework (NPPF). Although saved policy ED4 is part of the Development Plan, para 215 of the NPPF implies consideration of this policy should not have equal weight to consideration of the NPPF given the variances in approach.

Para 89 of the NPPF states that complete redevelopment of previously developed sites would not be inappropriate development provided that there would be no greater impact on the openness of the Green Belt. It is considered that the proposal will have a greater impact upon the openness of the Green Belt, when taking into account the previous development across Sites A, B & C. However, the approved floorspace across Sites A & B equates to 172,630m<sup>2</sup> and 40,000m<sup>2</sup> for Site C. To date 100,675m<sup>2</sup> of industrial floorspace has been or is currently being constructed on Sites A & B. Based on the position of these buildings the remaining area of underdeveloped land comprises of the 'L-shaped' portion that this current outline application relates equating to a balance of 71,955m<sup>2</sup> of approved floorspace across Sites A & B. This current application is for a maximum of 45,000m<sup>2</sup> and would overlap the previous permissions, so based on the latest submission would actually result in a total built area for Sites A & B of 145,675m<sup>2</sup>. Whilst this would represent less than a 2% increase based on the original floorspace of 143,064m<sup>2</sup> of the former Peugeot Works buildings, 40,000m<sup>2</sup> of floorspace has been granted on Site C. Site C cannot be judged in isolation to Sites A & B and therefore based on the revised figures above and this latest application the total floorspace that would result would be 185,675m<sup>2</sup> which equates to an increase of 42,611m<sup>2</sup>, c30% over the original floorspace.

Although the development would result in a greater impact of built form cumulatively across the entire former Peugeot Works site compared to the original buildings on site, the proposed development would not have significant impact on the openness of Green Belt based on the extant planning permissions that currently cover the site.

Notwithstanding the previous extant permissions this increase in floorspace would constitute inappropriate development and therefore, as required by paras 87 and 88 of the NPPF, very special circumstances will therefore be required in order to outweigh the potential harm by reason of inappropriateness. The proposal would lead to the effective use of previously developed land and whilst the proposal will further increase the amount of built development on the former Peugeot site compared to the original layout, it will not have a greater impact on the purposes of including land within the Green Belt as set out in para 80 of the NPPF, particularly owing to its status as a Strategically Significant Employment & Major Development Site in the Green Belt.

As stated above, the principle of economic development of this site has long been accepted both by the previous use of the site and its allocation as a Major Developed and Strategically Significant Employment site in the Green Belt within the previous Local Plan. Whilst it is acknowledged that the previous floorspace of the Peugeot Works buildings on site has been exceeded by new development schemes and this proposal would also increase it, it would effectively result in a reduction in the amount of approved floorspace from 212,630m<sup>2</sup> to 185,675m<sup>2</sup> across the entire site.

It was previously acknowledged within the revoked West Midlands Regional Spatial Strategy that the provision of employment uses on this site would contribute to the delivery of Coventry City Council's employment targets and this is noted within the Core Strategy in the supporting text to Policy CS1. Whilst the level of employment land initially envisaged at Sites A & B has been exceeded this does not reduce the economic benefits that the proposals would bring and the sub-regional nature of these benefits should be recognised by potentially contributing to both Coventry and Rugby's future employment need and thus carries significant weight as part of this decision. This is reiterated by the NPPF which strongly focuses on proactively supporting sustainable economic development on previously developed land by placing significant weight on proposals that encourage economic growth and states that they should be approved without delay where they accord with the Development Plan.

The applicant's agent considers that the development will have substantial benefits to the economy both through direct capital investment and through the creation of jobs with a wide range of skill levels. They also consider that owing to the nature of some of the jobs and the high levels of shift work it is usually the case that the workforce tends to be very locally based. They also consider that numerous indirect benefits would occur through significant construction jobs during the build phase, employment growth through supply chains, potential boost in local spending by those employed at premises, assist in attracting new investment to local area and the potential reduction in crime by providing more jobs and making area more prosperous. These factors together with the extant allowance of floorspace across Sites A & B are considered to represent very special circumstances and would clearly assist the Government's policy on promoting growth.

In relation to other recent planning applications on the Former Peugeot Works site the Council has seen correspondence from Jones Lang LaSalle, specialist property advisors, who still consider that the West Midlands remains a focus for the logistics sector and state a recent pick up in the level of activity is now resulting in a number of major new facilities being constructed for occupiers, eg Site B at Ryton. They consider that large distribution buildings should be the principal focus of any masterplan for the site, but that an allowance should be made for Class B2 uses, particularly on the back of major expansion plans of Jaguar Land Rover who are generating a significant amount of demand in the logistics and industrial sector. Therefore, it is important that a future developer has the flexibility to meet the demand from that sector in the future. This factor also contributes to very special circumstances, particularly as para 14 of the NPPF states that at its heart is a presumption in favour of sustainable development.

Saved Local Plan Policy ED5 of the Local Plan, Strategically Significant Employment Sites, protects the site and seeks to ensure that the employment use of the site is retained to provide an overall range and mix of uses that maintain the local economy. Policy ED5 states that uses B1, B2 and B8 will be permitted but that development for other purposes will not be permitted. The supporting text to this policy emphasises that the retention of such sites is an essential complement to the allocation of new employment sites, and seeks to minimise development of Greenfield land for employment use. This application therefore complies with policy ED5.

Section D9 of the Ryton on Dunsmore Parish Plan refers to 81% of respondents feeling there should be more encouragement for jobs and home based working. Therefore, it is considered that the proposal does not conflict with the Parish Plan and accords with Policy CS2.

In conclusion the site will have an impact on the Green Belt through the introduction of new built development on the site. However, this impact needs to be balanced against the proposal making efficient use of a previously developed site which is aligned to its designation as an allocated employment site together with an actual reduction in the impact on the openness of the Green Belt resulting in a decrease in the level of floorspace previously approved and that it will potentially provide the opportunity for at least 640 new jobs which, as detailed in the NPPF, should be given significant weight.

#### Highways:

The site will be served by the existing roundabout on the A423 Oxford Road that has been constructed to serve Site B of the Former Peugeot Works. Unit DC6 (UK Mail) will solely utilise the existing roundabout at the north western end of Oxford Road.



The submitted Transport Assessment demonstrates that based on the level of vehicle trips generated by the previously approved outline applications the current proposal would generate less thereby resulting in a material negative impact on the surrounding highway and transportation network and thus would not intensify traffic above the levels previously approved.

The Transport Assessment refers back to the previous Transport Assessments prepared for Sites A & B and that it considers the majority of traffic routing will be to the north to join the primary road network (eg A45). Concerns have previously been raised at the level of heavy goods vehicle movements that may head south-eastwards along Oxford Road and utilise Leamington Road in Ryton on Dunsmore. However, contained within the Section 106 legal agreements for both Sites A & B a clause was included that ensured HGVs exiting the sites turned right onto the A423 Oxford Road and thereby travelled upto the Toll Bar junction to access the A45 rather than go through Ryton on Dunsmore village. These HGV movements were also to be monitored by CCTV. For completeness and for the avoidance of doubt across the former Peugeot Works site, it is considered expedient that these measures are also secured as part of a legal agreement associated with this current application.

Appendix 2 of the Planning Obligations Supplementary Planning Document 2012 indicates that the standards for commercial vehicle parking for the proposed development are considered on the basis of individual applications. A Parameters Plan together with illustrative masterplans in the Design & Access Statement provides an indication of how the site could be developed within the core and outer development areas and then with 2 or 3 buildings on site but no specifics have been given in relation to parking levels for heavy goods vehicles, cars or cycles. Nevertheless, the masterplans of the 2 and 3 buildings are purely indicative and ultimately the layout will be determined at the reserved matters stage, together with associated parking levels.

Sustainable development underpins the core principles of planning and the need to encourage sustainable modes of transport is key in order to address the causes and potential impacts of climate change through reducing carbon emissions and reducing the dependence on the private car. The submitted Transport Assessment makes reference to a Travel Plan and that they are an important tool to help deliver accessible and sustainable communities by increasing travel awareness and manage and reduce single occupancy car use. It concludes that the agreed framework of the Travel Plan already in place on site with other users can be utilised to develop it for the proposed units and that this is expected to be secured via a Section 106 legal agreement.

The Highways Agency has confirmed they raise no objection subject to a condition relating to external lighting. WCC Highways has also raised no objection to the scheme subject to conditions in relation to mud on the road, a Green Travel Plan and Heavy Goods Vehicle (HGV) routing. With regards to the Green Travel Plan and HGV routing these will be addressed via a Section 106 legal agreement to be consistent with other decisions on the Former Peugeot Works site. Despite the comments raised by a third party, Warwickshire County Council Highways Department has not requested any further contribution to highway improvements, including improved cycle path works.

Off site contributions have already been received in connection with improving the highway network and the public rights of way network in the vicinity of the site associated with the original outline planning application for Site B. As this current application does not increase the floorspace across Site B over and above that which has already been approved then a further contribution in relation to these matters is not justified.

Overall based on the site's location to the strategic road network, proximity to the city of Coventry, adjacent to a relatively frequent bus route along the A45 (every 2 hours, Monday to Saturday) and based on the past use of the wider former Peugeot site and planning

policies affecting the site, the development is considered to be sustainable. Therefore, it is considered that the proposals would comply with saved policy T5, policies CS10 & CS11 and the NPPF.

#### Amenity:

The most affected residential properties by the proposed development are those along the south-western side of Oxford Road. The closest residential building to the intended Core Development Zone is the Lilacs whose front elevation lies approximately 63 metres away, although it does lie within 35 metres of the application site boundary.

The Local Planning Authority does not have any specific guidelines for the distance between residential and industrial/commercial buildings. However, the British Research Establishment (BRE) Guidelines on assessing proposals against daylight and sunlight advise that when new buildings are located directly opposite existing habitable room windows, the highest part of the new building should not intersect an angle greater than 25 degrees as measured from the midpoint of the lowest window of the affected neighbouring residential property. If that notional line is intersected by the proposed building then the existing property is likely to suffer from a loss of light. In the case of the residential properties adjacent to the site, namely those along Oxford Road and in particular the Lilacs, any buildings up to a height of 15 metres above ground level within the proposed Core Development Zone would be sited well beyond that 25 degree angle. A series of cross-sections have been prepared between several of the properties along Oxford Road and the Core Development Zone on the site as part of the Landscape & Visual Impact Assessment to illustrate the aforementioned relationships.

A noise assessment has been produced which concludes that the noise emissions from the proposed development is likely to be lower than those previously assessed, except at four locations namely 2 Glenfern Gardens, Tyne Hill and Blenheim on Oxford Road and Redland Lane. The report notes the greatest increase in noise level would be +0.3dB in the day time at Tyne Hill and that the maximum noise levels associated with the use of the site are likely to relate to the release of air from heavy goods vehicle airbrake systems and/or slamming of car doors. In order to address this potential increase and where heavy goods vehicle access roads and service yards are less than 114 metres from off-site receptors (ie dwellings) mitigation measures will need to be put in place. The report recommends as with Site A this could include the provision of a 4 metre high acoustic fence as well as where possible the configuration of the buildings on site in a manner to maximise acoustic screening. The location and height of any acoustic fences will be dependent on the final layout considered at the subsequent reserved matters stage, but these final details can be addressed by condition. A series of other noise mitigation conditions have been recommended by the Council's Environmental Services Section including fixed plant and machinery details, broadband reversing alarms, construction method statement and hours of construction.

An air quality report was also submitted with the application. This considers that background concentrations at the site result in relatively good air quality, however monitoring in the wider area has shown exceedences of the annual mean nitrogen dioxide air quality standard, particularly at roadside locations. Nevertheless the report concludes that with the operation of the proposed development, pollution concentrations are expected to remain below the UK air quality standards at all of the modelled receptors and it is not expected to put any existing receptors at an unacceptable risk from polluted air. However, the Council's Environmental Services have raised a holding objection subject to further clarification and additional assessment to provide more robustness to the air quality report and its findings, particularly in relation to receptors along Oxford Road.

As detailed above, this application will overall result in a reduction in the amount of approved industrial floorspace across the Former Peugeot Works site. It will also permit a greater percentage of Class B2 (General Industrial) uses across the site removing the reliance of Class B8 (Warehouse, Storage & Distribution) uses which Environmental Services indicate generally have higher pollution potential because of the higher number of HGVs associated with Class B8 uses. Therefore, it is anticipated that the applicant's agent should be able to address the concerns raised by Environmental Services by the time the application is presented to Planning Committee and an update will be provided verbally.

In terms of ground contamination and other associated reports, but not air quality, that accompanied the application, the Council's Environmental Services Section accepts their findings and considers that appropriate measures can be adequately addressed by condition.

Large areas of external artificial lighting are already present relatively close to the site from Coventry City, Middlemarch Business Park, Coventry Airport and the A45 all adding to skyglow. Nevertheless, the site is within the Green Belt and areas of open countryside lie to the south and south west together with residential properties to the south west. On this basis, it is considered that a comprehensive external lighting scheme would need to be submitted to ensure that the provision of such lighting does not adversely affect the amenity of surrounding properties and land uses. Environmental Services are content for this to be dealt with as a condition.

Overall, subject to the matters being addressed in relation to air quality, it is considered that the amenities of the residents of those existing properties adjacent to the site are not adversely affected to such an extent to warrant a reason for refusal. On this basis it is considered that the likely scale, appearance and layout of the buildings to be submitted as part of a reserved matters application would not over dominate or result in a significant loss of light to those neighbouring residential properties and the proposal would accord with policies CS11 & CS16 and the NPPF, subject to conditions.

#### Visual Appearance, Landscaping & Ecology:

The site lies within an area identified as Dunsmore Plateau Fringe in the Landscape Assessment prepared by Warwickshire County Council in 2006. This considers it to be a rather variable landscape with an undulating landscape characterised by both intensively farmed agricultural land with poorly defined field patterns. Reference is also made to meandering river valleys, such as the Avon, with large arable fields and is generally considered to be in decline.

A Landscape & Visual Impact Assessment (LVIA) has been submitted which considers the site is most visible from the west. Fundamentally it considers the visual sensitivity of the site at present is reduced due to the site being seen in context with an existing industrial development, but it acknowledges those properties along Oxford Road have generally high/medium visibility of the site but that the existing vegetation does provide a substantial screen. The overall visual context is judged to be characteristic of an urban/rural fringe landscape although the presence of large industrial buildings does detract from the visual unity of the rural landscape beyond. It acknowledges that the character of the site currently represents a post-demolition cleared plot of land located within a newly developed business park that will benefit from the implementation of its own landscape scheme.

In the LVIA 40 viewpoints were assessed up to 3km (1.8 miles) from the site including from Willenhall and Toll Bar as well as Bubbenhall, Brandon Marsh, Ryton Pools Country Park and from the edge of Ryton on Dunsmore village, including the Coventry Way. These points have all been individually assessed in terms of their visual sensitivity and significance of visual effect from the intended development. Overall the LVIA outlines that due to the

retention of the existing tree and vegetation planting along Oxford Road and the proposed structural landscape zones the impact of this latest scheme is not significant, however, the south-eastern elevation may be slightly more prominent during the winter months and when viewed through the gaps of existing vegetation. The LVIA considers that the increase in built form in close proximity to the rural areas will have a minor adverse effect on the Dunsmore Plateau character areas as well as from the footpaths to the west and A423, Oxford Road. From Ryton on Dunsmore village and Dunsmore Parklands character areas the view is considered to have a negligible neutral effect.

The LVIA states that provided mitigation measures in terms of landscaping are provided and maintained it will limit the residual effects of the development in those localised areas, especially along Oxford Road and overall there would be no significant landscape and visual effects for the proposed development. In addition, it considers that over time as the proposed planting matures it will help the new development assimilate into its immediate surroundings which in turn will improve its ecological value and provide an attractive and welcoming environment sympathetic with the existing landscape character of the area.

Accompanying the LVIA is a tree survey which identifies elements of minor works that are required to the trees along the south-western and north-eastern boundaries. However, this survey also includes a plan depicting root protection zones for the trees which will be critical in order to ensure their long term survival during and after development. This matter can be satisfactorily addressed by condition.

The external appearance of the buildings is not to be considered as part of this application and will be assessed in due course at the reserved matters stage. However, the site has historically had industrial buildings on the site and the provision of more modern streamlined buildings compared to the previous assortment of buildings is considered to warrant a significant improvement.

Natural England has confirmed that they are satisfied with the proposed development and that the Ryton Wood, Ryton & Brandon Gravel Pits & Brandon Marsh Sites of Special Scientific Interest (SSSIs) do not represent a constraint in determining the proposal and thereby raise no objection. The updated phase 1 habitat survey submitted with the application identifies no great crested newts, reptiles or badgers on site. Warwickshire County Council (WCC) Ecology Unit considers the habitats on site are unlikely to support great crested newts or badgers, but owing to the presence of nesting sand martins on site whose nesting habitat will be destroyed as part of the works an artificial nesting bank is sought on site. This matter can be addressed by condition and on this basis WCC Ecology raise no objection. Therefore, it is considered that the impact on ecological matters can be adequately addressed and therefore the proposal would accord with saved Policy E6 and the NPPF.

The site lies within the Princethorpe Woodland biodiversity opportunity area. Policy CS14 refers to enhancing the Green Infrastructure Network and where appropriate new developments must provide suitable Green Infrastructure linkages throughout the development and link into adjacent strategic and local Green Infrastructure networks or assets, where present. The majority of the existing landscaping around the perimeter of the site will remain and will be strengthened by the provision of two landscape areas on the north-eastern and south-western edges ranging between 10 to 28 metres in depth within the site. This Council is considering the potential for the Community Infrastructure Levy to create a fund for the enhancement of Strategic Green Infrastructure in the future. This matter is ongoing and to date nothing has been finalised. Therefore, it is considered that the degree of landscaping being retained and enhanced would accord with the principles of Policy CS14. In addition, the existing and proposed landscaping at the perimeter of the site will also assist in reducing the visual intrusion of the development on neighbouring uses and countryside and when the reserved matters on landscaping are considered they can ensure

any new native species of ecological value are used as requested by WCC Ecology. On this basis, the proposal would also comply with the general principles of saved Policy GP2.

#### Sustainable Design & Construction:

Core Strategy policies CS16 and CS17 refer to sustainable design and reducing carbon emissions. The Sustainable Design & Construction Supplementary Planning Document, 2012 states that the Council believes major development proposals provide a valuable opportunity to maximise the potential for reducing carbon emissions through improved energy efficiency in both construction and design.

Policy CS16 states that sustainable drainage systems (SUDS) should be used and development should meet specified water conservation levels. Opportunities for utilising SUDS are also referred to in saved Policy GP2. The application included both a Flood Risk Assessment and a Drainage Philosophy Statement. The former document refers to SUDS in facilitating flood or pollution control but that they can be diverse. As the site is a former car plant infiltration is not considered suitable and ground conditions also indicate low permeability. Therefore, it is understood a regime has been agreed with the Environment Agency to reduce outfall discharge flow rates and this has not been disputed by them. Overall it is considered no increased risk of flooding will occur as a result of the development. Policy CS16 also states that all new non-residential development shall demonstrate water efficiency of the relevant BREEAM (Building Research Establishment Environmental Assessment Method) very good standard. The submitted documents imply that the buildings will achieve this rating and therefore a condition can be imposed to any planning permission securing these requirements.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that as a minimum all new development of 1000 sqm of non-residential floor space or more shall include equipment to reduce carbon dioxide emissions by at least 10%. It is accepted that as the application is in outline form only details of the design and construction of the proposed buildings is not known at this stage and therefore an assessment cannot therefore be made as to what types of technology or equipment would be most appropriate in order to achieve the required reductions in carbon emissions. Nevertheless, within the submitted Design & Access Statement it refers to a reduction in energy consumption that will exceed Building Regulations and that the applicant has done a BREEAM pre-assessment for the intended buildings that would achieve a 'very good' rating. Overall, the finer details of such matters can be addressed at the reserved matters stage and via conditions.

#### Other Matters:

The site lies relatively close to the take-off/approach path at Coventry Airport. Coventry Airport and NATS/NERL Safeguarding have confirmed that they raise no objection to the application, however, in order to be consistent with other outline planning permissions granted on the former Peugeot Works site it is considered expedient to impose various informatives on any decision in order to safeguard aircraft flying in the vicinity and therefore would accord with saved policy T13.

Despite high levels of disturbance across the site, WCC Archaeology considers that there is potential for archaeological deposits to have survived across parts of the site. The Heritage Statement submitted with the application also confirms that there is the potential for the survival of archaeological remains outside the footprint of the former car plant. It is understood that previous fieldwork across the site has identified Roman features whilst fieldwork near to the site has also identified archaeological features associated with the occupation of this area during the Iron Age period. Nevertheless, WCC Archaeology considers their comments can be addressed by condition thereby satisfying the NPPF.

The site lies within Flood Zone 1 where there is a 1 in 1000 year (0.1%) chance of flooding from rivers in any one year. A Flood Risk Assessment was submitted with the application and this concluded that the development will not be affected by current or future flooding from any source and nor would it increase flood risk elsewhere. As detailed above SUDs would not be appropriate for the site but satisfactory measures can be put in place. The Drainage Philosophy Statement has been submitted outlining how surface water and foul sewage will be dealt with across the site, together with a maintenance regime. Ultimately, the more technical arrangements of the drainage systems will be addressed by condition.

On previous applications for Site B reference was made to the erection of building Unit DC2 on Site B affecting the television reception of nearby dwellings. The NPPF states that Local Planning Authorities need to consider the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services. No further guidance is given on this matter, however, the superseded Planning Policy Guidance Note 8 on Telecommunications considered that digital television signals are far more robust than analogue and as viewers change to digital this should eliminate such problems of interference. It is clear that such interference had occurred to digital signals but has now been rectified in conjunction with the applicant for other schemes on Site B. It is understood that the applicant for various buildings on Site B set up a direct contact at their company for local residents to liaise with if they were experiencing reception issues who would then send out a local television aerial company to remedy the problem at no cost to the resident. It is considered that these measures would address this potential issue if it should arise again.

Human Rights, particularly with regard to Article 1 of the First Protocol (protection of property) and Article 8 (right to respect private and family life) forms part of the overall assessment of the planning application in the headings above and it is considered that these adequately address individual resident's rights under the European Convention on Human Rights, including those of individuals living adjacent to the former Peugeot Works site.

#### Conclusion:

The development remains inappropriate owing to its greater impact on the openness of the Green Belt based on the previous use of the site. However, as detailed above it is considered that very special circumstances do exist, particularly when assessed in conjunction with the previously approved extant planning permissions as well as the main aims of the National Planning Policy Framework 2012, which overall justify a recommendation of approval of planning permission.

#### **Recommendation:**

Subject to the concerns raised by Rugby Borough Council Environmental Services Section being addressed in relation to air quality, plus any additional conditions and informatives they seek, and the referral of the application to the National Planning Casework Unit, as the development results in inappropriate development in the Green Belt that will have a floorspace greater than 1,000 square metres, the Head of Planning & Culture be granted delegated powers to grant planning permission subject to a Section 106 legal agreement to secure a Green Travel Plan and HGV routing, conditions and informatives.

**DRAFT DECISION**

**APPLICATION NUMBER**

R14/0217

**DATE VALID**

26/08/2014

**ADDRESS OF DEVELOPMENT**

FORMER PEUGEOT SITES A & B  
OXFORD ROAD  
RYTON-ON-DUNSMORE  
CV8 3EA

**APPLICANT/AGENT**

Mrs Sara Jones  
Delta Planning  
1 Chester Court  
1677a High Street  
Knowle  
Solihull  
West Midlands  
B93 0LL  
On behalf of , ProLogis UK Limited

**APPLICATION DESCRIPTION**

Outline planning application for the use of land for Class B2 (General Industry) & Class B8 (Storage, Warehouse & Distribution) employment purposes together with ancillary offices, gatehouses, car parking and associated road infrastructure and landscaping, including access.

**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 on a plot by plot basis with their associated curtilage or as a whole, before the development to which each submission relates is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a) layout;
- b) scale;
- c) appearance; and
- d) landscaping, including any bunding.

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:

Air Quality Assessment ref RE00025 - Rep I Rev0 dated August 2014 by Resound Environment;

Drainage Philosophy Statement ref NK017770 dated June 2014 by RPS Group;

Flood Risk Assessment ref AAC5138 Issue 2 dated July 2014 by RPS Group;

Updated Phase 1 Habitat letter ref 3784 dated 18th July 2014 by FPCR;

Heritage Position Statement ref NS/08349 dated July 2014 by CgMs Consulting;

Landscape & Visual Impact Assessment ref 1430/14-RP02 dated August 2014 by Barry Chinn Associates Limited;

Noise Assessment ref RA00322 - Rep I Rev0 dated August 2014 by Resound Acoustics; &

Remediation Strategy letter ref JKC\NK017770 dated 11th July 2014 by RPS Planning & Development Limited;

all of the above received by the Local Planning Authority on the 14th August 2014;

Plans ref 30714-PL-227B, 30714-PL-228C & 30011-FE-283 received by the Local Planning Authority on 22nd August 2014;

Transport Assessment ref NK017853 TA dated August 2014 by RPS Planning & Development Limited received by the Local Planning Authority on 26th August 2014; &

Email from the Agent to the Local Planning Authority dated 8th October 2014 [11:10] re stockpiles and contaminated land.

REASON:

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

CONDITION 5:

The reserved matters to be submitted in relation to Condition 3 above shall have regard to the principles set out in the Design & Access Statement by Michael Sparks Associates ref Application G 30011 dated July 2014 received by the Local Planning Authority on 14th August 2014, particularly in relation to maximum floorspace and maximum heights.



REASON:

For the avoidance of doubt and in the interests of the amenities of the locality.

CONDITION 6:

No development shall commence on any building or structure unless and until full details of the colour, finish and texture of the materials to be used on all external surfaces, together with samples of the facing materials, for that building or structure have been submitted to and approved in writing by the Local Planning Authority. The development of that building or structure 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 7:

Full details (including elevations) of the design and appearance of the treatment of the site boundaries, including walls, fences, railings and gates shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced for that plot/phase. Details agreed in accordance with this condition shall be carried out prior to the date on which the development for that plot/phase is first occupied.

REASON:

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

CONDITION 8:

Notwithstanding the details and reports submitted and unless otherwise agreed in writing with the Local Planning Authority, no development shall commence on any plot/phase until details, including full calculations, elevations and siting, of acoustic fencing/landscape bunding have been provided to and approved in writing by the Local Planning Authority for that plot/phase. The acoustic fencing/landscape bunding shall then be installed prior to the first occupation of that plot/phase and remain in place in perpetuity.

REASON:

In the interests of the residential amenities of the locality.

CONDITION 9:

No development shall commence on any plot/phase until details of a Construction Method Statement, Construction Management Plan and Construction Noise Assessment (type BS5228) have been submitted to and approved in writing by the Local Planning Authority. Construction works shall be implemented in accordance with the approved details for that plot/phase and no construction work, excluding internal finishing works (eg electrics & plumbing), shall take place on site other than between the hours of 07.30 and 18.00 on Mondays to Fridays and between 08.00 and 13.00 on Saturdays, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of the amenities of the locality.

CONDITION 10:

Prior to the installation of any external lighting on any plot/phase, full details of the design and appearance of the lighting columns, fixtures and fittings together with their associated angle, fall, spread, intensity and maintenance thereafter, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each individual building. The scheme shall be implemented in accordance with the approved details.

REASON:

To avoid unnecessary light pollution in this Green Belt location, in the interests of the amenities of the locality and to enable the A45 Trunk Road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980 and to protect the interests of road safety.

CONDITION 11:

Full details of any refrigeration or air handling 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 in writing by the Local Planning Authority prior to such plant or other equipment being installed. The plant or equipment shall then be installed in accordance with the approved details.

REASON:

In the interests of the amenities of the locality.

CONDITION 12:

Broadband reversing alarms shall be fitted and operated on all forklift trucks and mobile plant in the external areas of the site, including delivery bays, and trailers shall only be manoeuvred on site using vehicles from the site which have broadband reversing alarms, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of the amenities of the locality.

CONDITION 13:

No development shall commence on any plot/phase until a scheme for the provision of a suitable nesting bank for sand martins has been submitted to and approved in writing by the Local Planning Authority and shall include details of construction materials and a long term maintenance plan. Unless otherwise agreed in writing with the Local Planning Authority, the nesting bank shall be installed prior to the relevant plot/phase being first occupied. Thereafter, the bank shall be installed and maintained in perpetuity.

REASON:

In the interests of the biodiversity of the site.

CONDITION 14:

No building shall be first occupied on any plot/phase 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 on any plot/phase until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety.

CONDITION 15:

Before any development commences on any plot/phase, measures shall be put in place to ensure that the root protection zone of the existing trees on and adjacent to the site are protected for the duration of the construction works as identified on the Tree Constraints Plan ref 01 in the Pre-Development Tree Survey by Midland Tree Surgeons which formed part of the Landscape & Visual Impact Assessment as detailed in Condition 4 above.

REASON:

In the interests of visual amenity.

CONDITION 16:

No development shall commence on any plot/phase 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 17:

No development shall commence on any plot/phase 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 for that plot/phase shall be implemented in accordance with the approved details before first occupation of that plot/phase.

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 minimise the risk of pollution.

CONDITION 18:

Prior to the first occupation of each building, details of the equipment and technology to be incorporated into the design of each building to achieve carbon emission reductions, including the submission of an Energy Performance Certificate, shall be 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 19:

Prior to the first occupation of each building, details of water efficiency measures to be incorporated into the design of that building to meet the standards below in accordance with Policy CS16 shall be submitted to and approved in writing by the Local Planning Authority. These approved measures shall then be incorporated in to the design of each building prior to their first occupation and then retained in perpetuity. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall be equivalent to BREEAM very good standard.

REASON:

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

CONDITION 20:

Prior to the first occupation of each building, details including appearance and location of secure and covered cycle storage facilities for both staff and visitors shall be submitted to and approved in writing in accordance with the Council's adopted cycle parking standards. The cycle provision shall be implemented in accordance with the approved details and made available for use prior to the first occupation of the each building.

REASON:

In the interests of promoting sustainable transport measures.

CONDITION 21:

Before development commences on each building and in accordance with Condition 3a) above, details for the parking of cars and commercial vehicles associated with that building, including the loading and unloading of vehicles, in accordance with the Local Planning Authority's standards together with detailed plans indicating the extent and position of such accommodation, shall be submitted to and approved in writing by the Local Planning Authority. The parking, unloading and loading areas shall be implemented in accordance with the approved details and permanently retained for such purposes.

REASON:

In the interests of public and highway safety.

CONDITION 22:

No part of the site shall be used for external storage purposes, in addition to vehicular parking, including cycles and Heavy Goods Vehicle tractors and trailers, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of the visual amenities of the locality and to protect the openness of the designated Green Belt.

CONDITION 23:

The landscaping scheme, as detailed on the approved plans and submitted as part of Condition 3d) above, shall be implemented no later than the first planting season following first occupation of the building/plot/phase. 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.

**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 application is subject to a Section 106 legal agreement.

**INFORMATIVE 2:**

Owing to the proximity of the development to Coventry Airport, the applicant's attention is drawn to the following Airport Operators Association & General Aviation Awareness Council Advice Notes, which can be found at [www.gaac.org.uk](http://www.gaac.org.uk):

Note 1 - Safeguarding - An Overview

Note 2 - Lighting near Aerodromes

Note 3 - Potential Bird Hazards from Amenity Landscaping & Building Design

Note 4 - Cranes & Other Construction Issues

Note 6 - Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)

**INFORMATIVE 3:**

Separate advertisement consent may be required from the Local Planning Authority for any proposed signage.

**INFORMATIVE 4:**

The applicant/developer is advised that if there are any subsequent changes to the Core & Outer Development Zones as depicted on approved plan 30714-PL-228C received by the Local Planning Authority on 22nd August 2014, a revised noise report is likely to be required to be submitted to the Local Planning Authority for further consideration.

**INFORMATIVE 5:**

Warwickshire Police wish to make the following advisory comments to the applicant/developer:

1. Boundary fencing or railings shall be tested and certified to LPS 1175 Security Rating 2 and to a height of 2.4 metres. Gates, pedestrian and/or vehicular, should also achieve LPS 1175 Security Rating 2;
2. Roller shutter vehicle access doors shall be tested and certificated to LPS 1175 Security Rating 2 (Minimum). If the Roller shutter vehicle access door is vulnerable to a 'ram-raid' attack it should be further protected by a security gate, barrier or bollard(s). All such products shall be certified to BS PAS 68: 2007 'Specification for vehicle security barriers' or Sold Secure Gold;

3. Roller shutters/grilles protecting pedestrian access doors shall be tested and certified to LPS1175 security rating 2 (minimum) and installed in accordance with the manufacturers specifications. Roller shutters/grilles protecting windows shall be tested and certified to LPS1175 security rating 1 (minimum) (Level 2) and installed in accordance with the manufacturers specifications;
4. All external and emergency egress doorsets not protected by a roller shutter or grille shall be tested and certificated to LPS 1175 Security Rating 2 (Minimum);
5. Ground floor windows and those easily accessible above ground floor, shall be Certificated (BSI Kitemark or similar) to PAS 24 'Specification for enhanced security performance of casement and tilt/ turn windows for domestic applications' or Loss Prevention Certification Board standard LPS 1175 Security Rating 1;
6. Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489:2013;
7. Appropriate CCTV coverage for the whole site with dedicated cameras on the entrance road with the facility to record number plates;
8. Cycle and motorcycle shelters should be visible from the security hut and have appropriate lighting and are covered by CCTV; &
9. Security barriers should be at the entrance.

#### INFORMATIVE 6:

In accordance with Condition 9 above the Construction Noise Assessment shall include details of vibration if pile driving is to be undertaken. As part of any assessment, including a vibration assessment for pile driving, consideration should be given to BS5228 2009 'Code of practice for noise and vibration control on construction and open sites' - Part 1, Noise; and Part 2, Vibration & BS6472 2008 'Guide to evaluation of human exposure to vibration in buildings - Vibration sources other than blasting;'

The Construction Method Statement/Management Plan as part of Condition 9 above shall include:

- the control of noise and vibration emissions from construction activities including groundwork's and the formation of infrastructure including arrangements to monitor dust 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, including perimeter palisade fence screening; &
- measures to reduce mud deposition offsite from vehicles leaving the site, including type, method of operation and control of use.

#### INFORMATIVE 7:

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)

#### INFORMATIVE 8:

In accordance with Condition 11 above, all fixed plant should be rated not to operate above the existing lowest measured background noise level (as detailed in Table 2.1 of the Resound Acoustics, dated August 2014, Ref RA00332 Rep I Rev0). This is in order to prevent the total combined cumulative external plant noise from the permitted development to negatively impinge on increasing an already loud noise environment and aim to prevent increasing background noise levels further.

#### INFORMATIVE 9:

With regard to Condition 10 above, the applicant/developer 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.

#### INFORMATIVE 10:

The applicant/developer 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 11:

Warwickshire County Council (WCC) Ecology Unit advise that the applicant/developer should be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds and if not a qualified ecologist should be appointed by the applicant to inspect the banks of the drainage pit for evidence of nesting birds immediately prior to works commencing. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist.

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.

#### INFORMATIVE 12:

WCC Ecology Unit also advise that where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. As such the applicant is respectfully advised that additional planting within the site would be suitable in place of the hedgerow removal and if additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants have a far higher value for local wildlife than cultivated, non-native plants.

In addition, particular care should be taken when clearing ground prior to development, and if evidence of badger, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badgers, snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.

**INFORMATIVE 13:**

With regard to Condition 21 above, the applicant/developer is encouraged to include electric vehicle charging points as part of the parking layout.

**INFORMATIVE 14:**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at gov.uk.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

**INFORMATIVE 15:**

Notwithstanding Condition 9 above, 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:** R14/1315

**Site address:** Land off Langlands Place, Coton Park, Rugby, CV23 0JG.

**Description :** Erection of 26 dwellings and associated garages, access, parking and landscaping – substitution of house types and part re-plan of plots 22 – 47 inclusive approved under approval of details ref. R11/0014, dated 25 January 2012 (Coton Park East)

**Case Officer Name & Number:** Steve Parkes 01788 533633

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### **Authorised Use**

Residential

### **Relevant Decisions**

Outline planning application for a maximum of 165 dwellings, complete with associated open space and infrastructure (Pins ref. APP/E3715/A/09/2113178) (LPA ref. R09/0188/MEIA)  
Appeal allowed 29.06.10

Submission of reserved matters comprising access, appearance, landscaping, layout and scale and discharge of related conditions for the erection of a maximum of 165 dwellings (LPA ref. R11/0014) Approved 25.01.12

### **Technical Consultations**

|                 |                      |  |
|-----------------|----------------------|--|
| WCC – Highways  | no objection         | advises that it will be necessary for the developer to submit revised S38 Agreement adoption drawings                  |
| WCC – Ecology   | no objection         | providing the development is carried out with regard for protected species   |
| WCC – Planning  | no response received |  |
| Housing Manager | no objection         | comments that is satisfied that proposed (RBC) changes do not impact on the number of affordable units or their tenure |

### **Third Party Consultations**

|                |                      |   |
|----------------|----------------------|---|
| Parish Council | no response received |   |
| Neighbours     | objection            | property will now face an access road (1 letter) with associated traffic and will also be opposite rented dwellings |

## **Other Relevant Information**

### Background

Outline planning permission with all matters reserved for subsequent approval for a residential development of up to 165 dwellings was allowed on appeal in June 2010. The application was supported by a full environmental impact assessment and permission was granted subject to a Section 106 Agreement covering the provision of affordable housing and public open space and contributions to meet education, public transport, libraries and public rights of way requirements. Reserved matters for 163 dwellings were subsequently approved in January 2012 and development commenced in July 2012. A large part of the development is complete apart from that in the north-east and eastern areas of the site.

The southern boundary of the site runs along the rear gardens of properties on Gentian Way. To the west are properties on Poppy Drive and Foxglove Close. The Great Central Walk lies in a cutting along the eastern boundary. At its meeting on 2<sup>nd</sup> July 2014, the Committee resolved that outline planning permission be granted subject to a Section 106 Agreement for the development of land immediately adjoining to the north of the site for residential purposes comprising a maximum of 110 dwellings with associated open space and infrastructure (LPA ref. R10/0905).

### The Application

The proposal comprises a full application for the substitution of house types and part re-plan of an area in the north-east of the larger site. The 26 dwellings comprise a mix of 2, 3 and 4 bedroomed detached, semi-detached and terraced properties. There are 4 no. 4 bed dwellings proposed (4 no. originally approved), 10 no. 3 bed dwellings (9 no. originally approved) and 12 no. 2 bed dwellings (13 no. originally approved). The house types remain as originally approved though the re-arrangement of the plots increases the number of detached dwellings by 1. Of the 26 dwellings proposed, 15 are affordable units (12 no. 2 bed and 3 no. 3 bed) again comprising the same mix of house types originally approved except that 1 no. 2 bed unit has been substituted for a 3 bed unit.

The scheme amends the siting of a number of the units originally approved by fronting all dwellings onto either the highway or public domain and removing four plots which previously fronted onto a parking court. The affordable units are also more closely grouped together. The primary highway layout remains unchanged though access to various properties and parking spaces has been re-arranged. The main alteration is a reduction in the length of the northern private drive to meet building regulation requirements in respect of access for a fire appliance and incorporation of a second private drive from the primary street serving 7 dwellings. The affordable dwellings are served by a combination of the northern private drive and a parking court. The re-plan has also resulted in an increase in the total number of parking spaces from 51 to 63.

## **Relevant Planning Policies**

National Planning Policy Framework, March 2012 (NPPF)

- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment

Local Development Framework Core Strategy, June 2011(LDF)

CS10                      conforms                      developer contributions

|      |          |                           |
|------|----------|---------------------------|
| CS16 | conforms | sustainable design        |
| CS17 | conforms | reducing carbon emissions |
| CS19 | conforms | affordable housing        |
| GP2  | conforms | landscaping               |
| E6   | conforms | biodiversity              |
| T5   | conforms | parking facilities        |

Housing Needs SPD, March 2012

Sustainable Design and Construction SPD, February 2012

Planning Obligations SPD, March 2012

### **Determining Considerations**

#### Principle of Development

Though the site lies beyond the urban edge of Rugby as defined in policy CS1 of the LDF Core Strategy, the principle of the development of the larger site of which it forms a part for residential purposes is established by way of the grant of outline planning permission on appeal and the subsequent approval of reserved matters. It is therefore only the details of the proposed development which are to be considered in this case having regard to government policy contained in the NPPF and related guidance, policies controlling development contained in the Council's LDF Core Strategy including "saved" policies and any other material considerations.

#### Amount

The proposals essentially comprise what are considered minor revisions to the approved scheme on this part of the larger site. In terms of the amount, size, type, tenure and mix of housing, the only change is accounted for by the substitution of a 2 bed affordable dwelling with a 3 bed affordable property. The proposals form part of the larger approved residential development which is delivering a wide choice of homes to meet local demand in accordance with the requirements of the NPPF. The affordable housing forms part of the 40% level of provision across the larger site comprising 75% shared ownership and 25% social rented properties in accordance with the original outline proposals and related S106 Agreement allowed on appeal and in conformity with Core Strategy policy CS19. The affordable housing mix remains essentially the same as originally approved and the Council's Housing Manager has raised no objection to the scheme.

#### Layout, Access and Parking

With regard to layout, the main changes are primarily in respect of access and parking arrangements and consequent re-siting of some of the dwellings. The perimeter block approach is maintained, however, having regard to secure by design principles with the dwellings fronting onto the hierarchy of roads and green space providing strong frontage development and continuity in the street scene. The siting of dwellings close to the back of footways provides enclosure whilst appropriate variation is maintained to provide interest. The minor alteration to access arrangements with the addition of a second private drive to serve a small number of dwellings is satisfactory in terms of design and highway safety. The Highway Authority has confirmed that it has no objection to the revisions to the layout whilst the re-plan ensures that all plots are building regulations compliant in respect of access for

fire appliances. The relationship of dwellings to each other also maintains acceptable levels of privacy and amenity and ensures that there is no overbearing impact.

The convenient location of parking spaces either on plot predominantly between dwellings or in the parking court to the rear of properties maintains the original approach of encouraging off-street parking with a view to minimising the impact of parking in the street scene. The increased level of parking provision has regard to local circumstances and will ensure that all two bed dwellings have 2 parking spaces and the majority of three bed and all four bed dwellings will have 3 spaces available. The site is in an area of low accessibility and though the original S106 Agreement includes a financial contribution towards public transport, the level of parking provision proposed in the context of the larger site and neighbouring Coton Park development is considered acceptable in accordance with saved policy T5 and the Council's standards contained in the Planning Obligations SPD.

### Scale and Appearance

With regard to scale, the dwellings are between 2 and 2.5 storeys as originally approved forming part of the mix across the larger site which adds to variety and interest on the development. In terms of appearance, the design and architectural style of the dwellings is of a traditional nature and unchanged to that originally approved. The same mix and types of external materials and surface treatments are also retained with boundary treatments incorporating brick walls where visible in the public realm. The design, appearance and materials to be used in the construction of the affordable dwellings also reflects that of the market housing such that they will be largely indistinguishable and well assimilated into the overall development. The dwellings will be of sustainable design and construction to meet energy conservation requirements in accordance with the Building Regulations and Core Strategy policy CS17. As such, the revised scheme will readily assimilate and harmonise with neighbouring development across the larger site. It is considered that the proposals maintain the requirement for high quality, inclusive and sustainable design in accordance with government policy contained in the NPPF and Core Strategy policy CS16.

### Other

The originally approved detailed landscaping scheme has been amended to take account of revisions to the layout as an integral part of the development of the larger site in accordance with saved policy GP2 having regard to the urban edge/rural fringe character of the locality.

The applicant has confirmed that required mitigation across the larger site in respect of great crested newts has been carried out under licence from Natural England and that there is no conflict in this regard with the NPPF and saved policy E6 which seek to safeguard biodiversity and conserve and enhance the natural environment.

The development of the larger site as a whole incorporates a sustainable urban drainage system (SUDs) which this scheme will link into in accordance with the requirements of the NPPF to meet the challenge of climate change and flooding, and Core Strategy policy CS16.

In the event that the Committee resolves that the application be approved, it will be necessary to ensure that the development is bound by the same obligations contained in the original Section 106 Agreement by way of a deed of variation to mitigate against the impact of the development in accordance with Core Strategy policy CS10.

### Third Party Representation

With regard to the one representation received, it should be noted that the objector's property is not directly opposite the access road (private drive) referred to. It is considered that the use of the private drive will not have any significant or seriously detrimental impact on the residential amenities the occupiers of the objector's property can reasonably expect

to enjoy. The scheme ensures that acceptable levels of amenity are maintained in accordance with Core Strategy policy CS16. It should also be noted that the relationship with affordable dwellings in terms of proximity is essentially unchanged in comparison with the originally approved scheme. The affordable houses nearby are all shared ownership properties.

#### Conclusion

The proposed scheme comprises a minor revision to details originally approved. It will deliver a choice of high quality homes as part of a larger sustainable development in accordance with national and local planning policy. There are no technical objections to the proposals and no material considerations which weigh against the development. The application is therefore recommended for approval subject to conditions and subject to the completion of a deed of variation to the original S106 Agreement.

#### **Recommendation:**

The application be approved subject to the completion of a deed of variation to the Section 106 Agreement in respect of outline planning permission ref. APP/E3715/A/09/2113178 (LPA ref. R09/0188/MEIA) and subject to the conditions below.

#### **DRAFT DECISION**

#### **APPLICATION NUMBER**

R14/1315

#### **DATE VALID**

15/09/2014

#### **ADDRESS OF DEVELOPMENT**

Land off Langlands Place  
Coton Park  
Rugby  
CV23 0JG

#### **APPLICANT/AGENT**

Mr Ricky Smith  
David Wilson Homes (East Midlands) Ltd  
Forest Business Park  
Cartwright Way  
Bardon Hill  
Leicestershire  
LE67 1GL

#### **APPLICATION DESCRIPTION**

Erection of 26 dwellings and associated garages, access, parking and landscaping - substitution of house types and part re-plan of plots 22 - 47 inclusive approved under approval of details ref. R11/0014, dated 25 January 2012.

#### **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:

### Layout Plans

|                     |   |
|---------------------|---|
| S4618/500/01.3      | Site Location Plan  |
| S4618/100/01 Rev C1 | Planning Layout   |
| S4618/100/01 Rev C1 | Planning Layout with Proposed Finished Floor Levels             |
| S4618/500/02 Rev N  | External Materials Layout                                       |
| S4618/500/03 Rev E  | Boundary Treatments Layout                                      |
| S4618/500/04 Rev E  | Eaves Treatments, Chimney Allocation & Acoustic Ventilator Plan |
| S4618/500/05 Rev F  | Surface Treatments Layout Hard Landscaping                      |
| GL0312 01           | Soft Landscape Proposals Plots 22 - 47                          |

### House Types

|                 |   |
|-----------------|---|
| P231 BVD5 (AS)  | Floor Plans & Elevations dwg.nos P231.13 and 14 |
| SH17 BE-5 (AS)  | Floor Plans & Elevations dwg.nos SH17.01 and 02 |
| SH17 BE-5 (OPP) | Floor Plans & Elevations dwg.nos SH17.03 and 04 |
| SH17 BI-5 (AS)  | Floor Plans & Elevations dwg.nos SH17.05 and 06 |
| P341-E-5 (OPP)  | Floor Plans & Elevations dwg.nos P341.07 and 08 |
| P341-WD5 (OPP)  | Floor Plans & Elevations dwg.nos P341.11 and 12 |
| T310-E-5 (AS)   | Floor Plans & Elevations dwg.nos T310.01 and 02 |
| T310-E-5 (OPP)  | Floor Plans & Elevations dwg.nos T310.03 and 04 |
| H406--5 (OPP)   | Floor Plans & Elevations dwg.nos H406.03 and 04 |
| H436--X5 (AS)   | Floor Plans & Elevations dwg.nos H436.01 and 02 |
| H436--X5 (OPP)  | Floor Plans & Elevations dwg.nos H436.03 and 04 |
| H469--X5 (OPP)  | Floor Plans & Elevations dwg.nos H469.07 and 08 |

### Garage Types

|                     |                                      |
|---------------------|--------------------------------------|
| G1B Single Garage   | Floor Plan & Elevations dwg.no G1B   |
| G2A Double Garage   | Floor Plan & Elevations dwg.no G2A   |
| G2A W Double Garage | Floor Plan & Elevations dwg.no G2A W |

G3A Triple Garage            Floor Plan & Elevations dwg.no G3A

Standard Details

Country Style Railings      dwg.no SD14-008

1800 Brick Screen Wall      dwg.no SD14-014

450 Knee Rail Fence        dwg.no SD14-018

1800 Close Boarded Timber Fence   dwg.no SD14-015

1800 Hit and Miss Fence Details    dwg.no SD/600/14

REASON:

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

CONDITION: 3

All garages and parking spaces shown on the approved layout drawing and on approved floor plans shall be provided before the dwellings they are intended to serve are first occupied and shall thereafter be retained permanently for the accommodation of vehicles of persons residing in or calling at the properties and shall not be used for any other purposes.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority and to avoid the obstruction of surrounding streets by parked and waiting vehicles in the interests of public and highway safety.

CONDITION: 4

The approved walls, fences and railings shown on the boundary treatments layout drawing. Ref.no S4618/500/03 Rev E shall be erected concurrently with the remainder of the development. The boundary treatments shall be retained thereafter and shall not be replaced at any time other than with walls, fences and railings in the positions approved and of identical design, height, materials and finish.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority in the interests of the amenities of the area.

CONDITION: 5

Notwithstanding the provisions of Class A, Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, other than those fences or walls shown on the plans hereby approved, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of or to the side of the proposed dwellings without the prior permission of the Local Planning Authority.

REASON:

In the interests of the visual amenities of the locality.

CONDITION: 6

No gates or barriers shall be erected across vehicular access driveways/hardstandings serving individual dwellings any closer than 5.5 metres to the near edge of the public highway or private drives and any such gates or barriers shall not open outwards towards the highway or private drive.

REASON:

In the interests of public and highway safety.

CONDITION: 7

The soft landscaping scheme as detailed on the approved plan 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 approval to any variation.

REASON:

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

CONDITION: 8

Notwithstanding the provisions of Class F, Part 1 of the Schedule to The Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 and Class B, Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting those Orders, no hard surface shall be constructed within the open frontage landscape areas in front of, or to the side of the dwelling houses and no new means of vehicular or pedestrian access constructed to the adjoining public highway without the prior permission of the Local Planning Authority.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority and in the interests of the visual amenities of the locality.

CONDITION: 9

Notwithstanding the provisions of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995, as amended by the Schedule to 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 Class B, Part 1 of the Order without the prior permission of the Local Planning Authority.

REASON:

In the interests of the residential amenities of the proposed and neighbouring properties.



CONDITION: 10

Unless prior approval has been given in writing by the Local Planning Authority no construction shall be carried out outside of the following hours:

0730 - 1730 Mondays - Fridays

0730 - 1200 Saturdays

and not at all on Sundays or Public Holidays.

REASON:

In the interests of the amenities of the locality.

CONDITION: 11

No dwelling shall be occupied until an Energy Performance Certificate has been issued for it under the Building Regulations.

REASON:

In the interests of energy conservation.

INFORMATIVE: 1

The applicant's attention is drawn to the residential travel plan ref JNW 7037-RPT-A01 dated December 2008 contained in appendix 11.2 in the Transport Assessment (Environmental Statement, Vol 3) which accompanied the original outline application for the development of the larger site of which this proposal forms part (under outline planning application ref. R09/0188/MEIA).

INFORMATIVE: 2

The Highway Authority advises that it will be necessary for revised plans to be submitted for approval and subsequent insertion into the Section 38 Agreement.

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:** R14/1791

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

**Case Officer:** Chris Davies 01788 533627

**Description:** Amendments to planning permission reference R14/0183 (proposed first floor extension and infill extension to the ground floor) dated 03 April 2014, to allow the ridge height of the approved first floor extension to be slightly increased.

**History:**

R14/0183 Amendments to planning permission reference R14/0183 (proposed first floor extension and infill extension to the ground floor). Approved 03/04/14

**Proposal:**

Having recently gained planning consent to erection of a first floor side extension and a ground floor infill extension, the applicant seeks to raise the ridge height of the approved first floor extension. As this materially alters the design from that previously approved, further consent is required, hence the application.

**Relevant Information:**

This application is brought before the Committee for consideration as the applicant is related to a Council employee.

Staverton Leys forms part of the Hillside estate, a large housing estate built out in the late 1970's/early 1980's. The estate is typified by open frontages and varying house types. Properties on Staverton Leys are typically set back from the highway by 5m or more of front garden and/or of street parking areas.

No.10 is a detached two storey dwelling, with a front garden and a double width driveway that currently leads to 2no. integral garage bays. Work is already underway on the approved scheme, with the walls of the single storey element built up to approximately 2m+ from DPC level.

To the right of the property is No.8, a detached two storey dwelling orientated such that it presents roof plane on to the highway (unlike No.10, which presents gable end on to the highway). The approved single storey extension can be seen from the rear garden of No.8, but the first floor extension to be amended by this application is screened from view by No.10 itself.

To the left is No.12, a detached bungalow orientated gable end on to the highway. It is set away from the boundary with No.10 by a flat roof attached garage. The first floor element of the approved scheme faces over the flat roof of this garage towards the blind roof plane of No.12. The property has primary side facing windows, but these are set forward of the garage and so forward of the proposed extension scheme.

**Technical Consultation Responses:**

WCC Ecology - Comments made in response to R14/0183 still stand (notes required re bats and nesting birds)

**PLEASE NOTE THAT THE CONSULTATION PERIOD ON THIS APPLICATION DOES NOT EXPIRE UNTIL 29 November 2014. ANY CORRESPONDENCE RECEIVED AFTER PUBLICATION OF THIS REPORT WILL BE VERBALLY REPORTED AT THE PLANNING COMMITTEE MEETING ON 5 NOVEMBER 2014.**

**Ward Consultation Response:**

PLEASE NOTE THAT THE CONSULTATION PERIOD ON THIS APPLICATION DOES NOT EXPIRE UNTIL 29 November 2014. ANY CORRESPONDENCE RECEIVED AFTER PUBLICATION OF THIS REPORT WILL BE VERBALLY REPORTED AT THE PLANNING COMMITTEE MEETING ON 5 NOVEMBER 2014.

**Neighbour Consultation Responses:**

PLEASE NOTE THAT THE CONSULTATION PERIOD ON THIS APPLICATION DOES NOT EXPIRE UNTIL 29 November 2014. ANY CORRESPONDENCE RECEIVED AFTER PUBLICATION OF THIS REPORT WILL BE VERBALLY REPORTED AT THE PLANNING COMMITTEE MEETING ON 5 NOVEMBER 2014.

**Planning Policy:**

National Planning Policy Framework March 2012 (NPPF) Complies

Rugby Borough Core Strategy 2011

CS16: Sustainable Design Complies

Rugby Borough Local Plan 2006 Saved Policies

E6: Biodiversity Complies

**Considerations:**

The approved scheme has already been assessed and found to be acceptable in planning terms.

The key considerations in determining *this* application are limited to the impact of increasing the ridge height of the approved first floor extension on a) the character and appearance of the property and the locality, b) neighbouring residential amenity, and c) biodiversity.

**Character and Appearance**

The proposal is to increase the height of the ridge by approximately 1m, meaning the overall height of the first floor extension rises from approximately 6m to approximately 7m.

The design of the roof remains in keeping with the main dwelling, with the gable end and pitch of the roof still reflecting those of the existing dwelling and of the previously approved scheme.

It is not considered that a comparatively minor alteration such as this would alter the overall appearance of the extension to the point where it would no longer be in keeping with the style and scale of the property or that it would cause it to become a dominant or incongruous feature within the streetscene of Staverton Leys.

It is still proposed to use the same materials as previously approved, and this would be conditioned to ensure compliance.

The scheme therefore complies with the elements of policy CS16: Sustainable Design of the Rugby Borough Core Strategy 2011 that relate to appearance and design.

## **Residential Amenity**

As mentioned above, this element of the proposed scheme was screened from view from No.8 by the existing dwelling (No.10). The proposed increase in height would not lead to a material change in this level of masking. It is therefore considered that the proposed works would have no material impact on the amenities of occupants of No.8.

The only other property with potential to be affected would therefore be No.12. Again as mentioned above, the first floor element faces onto the flat roof and blind side roof plane of No.12, and as such affords no views into the private garden area to the rear. The proposed side elevation of the extension is to be blind, and this would be conditioned to remain so in order to avoid overlooking from a side facing window installed in this location.

The scheme therefore complies with the elements of policy CS16: Design of the Rugby Borough Core Strategy 2011 that relate to residential amenity.

## **Biodiversity**

WCC Ecology Unit has raised no objections to the development, and has not requested any restrictive or compensatory conditions relating to habitat protection or regeneration.

They have recommended advisory notes regarding bats and nesting birds to guide the applicants, which would be included in the event of an approval.

The development therefore complies with Saved Policy E6 of the Rugby Borough Local Plan 2006, which seeks to preserve and protect habitats, and guidance set out in Part 11 of the NPPF.

## **Recommendation:**

Approve subject to appropriate conditions.

## **DRAFT DECISION**

### **APPLICATION NUMBER**

R14/1791

### **DATE VALID**

08/10/2014

### **ADDRESS OF DEVELOPMENT**

10 Staverton Leys  
Rugby  
CV22 5RD

### **APPLICANT/AGENT**

Mr Jonathan Cunningham  
10 Staverton Leys  
Rugby  
Warwickshire  
CV22 5RD

## **APPLICATION DESCRIPTION**

Amendments to planning permission reference R14/0183 (proposed first floor extension and infill extension to the ground floor) dated 03 April 2014, to allow the ridge height of the approved first floor extension to be slightly increased.

## **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 plan numbers ROC\575\PD\002a and ROC\575\PD\003a, received by the Local Planning Authority on 02 October 2014.

### REASON:

For the avoidance of doubt.

#### 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 prior to installation.

#### 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



**AGENDA MANAGEMENT SHEET**

|                                    |   |
|------------------------------------|---|
| <b>Name of Meeting</b>             | Planning Committee  |
| <b>Date of Meeting</b>             | 5 <sup>th</sup> November 2014   |
| <b>Report Title</b>                | Planning Appeals Update   |
| <b>Portfolio</b>                   |   |
| <b>Ward Relevance</b>              | All   |
| <b>Prior Consultation</b>          | None  |
| <b>Reporting Director</b>          | Head of Planning and Culture  |
| <b>Contact Officer</b>             | Greg Vigars Tel: Ext.3621   |
| <b>Report Subject to Call-in</b>   | N/A   |
| <b>Report En-Bloc</b>              | N/A   |
| <b>Forward Plan</b>                | N/A   |
| <b>Corporate Priorities</b>        | <p>This report relates to the following priority(ies):</p> <p>Ensure all the Borough's residents are aware of our services and can access and influence them. Enable the delivery of excellent Value for Money services in line with our corporate plans.</p> |
| <b>Statutory/Policy Background</b> | The Planning Appeals procedure which came into effect on 6 <sup>th</sup> April 2009.  |
| <b>Summary</b>                     | This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/07/2014 to 30/09/2014.  |



|  |  |
|--|--|
| <b><i>Risk Management Implications</i></b> | There are no risk management implications arising from this report.  |
| <b><i>Financial Implications</i></b>       | Increases the scope for related costs claims within the Planning Appeals process.  |
| <b><i>Environmental Implications</i></b>   | There are no environmental implications arising from this report.  |
| <b><i>Legal Implications</i></b>           | Advice/support with regard to Cost Claims and any subsequent Costs awards.   |
| <b><i>Equality and Diversity</i></b>       | No new or existing policy or procedure has been recommended.   |
| <b><i>Options</i></b>                      | N/A  |
| <b><i>Recommendation</i></b>               | The report be noted.   |
| <b><i>Reasons for Recommendation</i></b>   | To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals. |

**Planning Committee – 5<sup>th</sup> November 2014**

**Planning Appeals update**

**Report of the Head of Planning and Culture**

**Recommendation**

The report be noted.

This report provides information to update the Planning Committee on the position with regard to planning appeals. It is intended that this will continue to be produced on a quarterly basis.

**1.1 Appeals determined**

During the last quarter (1<sup>st</sup> July to 30<sup>th</sup> September 2014) a total of 8 planning appeals were determined, of which 2 were allowed, 5 were dismissed and 1 was a split decision (part allowed, part dismissed). A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

**1.2 Appeals outstanding/in progress**

As at 30<sup>th</sup> September 2014 there were 12 planning appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee  
Date Of Meeting: 05<sup>th</sup> November 2014  
Subject Matter: Planning Appeals  
Originating Department: Head of Planning and Culture

### **LIST OF BACKGROUND PAPERS**

\* There are no background papers relating to this item.

(\*Delete if not applicable)

**APPENDIX A**

**PLANNING APPEALS DETERMINED FOR THE PERIOD: 1<sup>st</sup> July 2014 - 30<sup>th</sup> September 2014**

| <b>Appeal Site Location</b>  | <b>Description of Development</b>  | <b>Case Officer<br/>Planning Ref No.<br/>Planning Inspectorate<br/>Ref No.</b> | <b>Date of Refusal<br/>and Type of Appeal</b>   | <b>Appeal<br/>Outcome</b>  |
|--|--|--|---|--|
| Land South Side of Top Road<br>Barnacle<br>CV7 9FS                                   | The mixed use of land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relate to the creation of 2 pitches only. | Nathan Lowde<br>R12/0833<br>APP/E3715/A/13/2192742                             | Delegated Refusal<br>09/11/2012<br><br>Hearing  | <b>Allowed<br/>05/08/2014</b><br><br><b>Recovered by<br/>Secretary of<br/>State<br/>(Traveller Site<br/>in Green Belt)</b> |
| 2 Colledge Close<br>Brinklow<br>CV23 0NT   | Erection of 1 bedroom dwelling (re-submission of R13/1673)   | Richard Redford<br>R14/0250<br>APP/E3715/A/14/2217851                          | Committee Refusal<br>02/04/2014<br><br>Written Reps   | <b>Dismissed<br/>08/08/2014</b>  |
| Staddlestones<br>Collingham Lane<br>Broadwell<br>CV23 8HL                            | Retention of a mobile home and use as a dwelling for a temporary period of four years.   | Chris Davies<br>R11/2061<br>APP/E3715/A/14/2212502                             | Delegated Refusal<br>22/07/2013<br><br>Hearing  | <b>Dismissed<br/>13/08/2014</b>  |
| Morris Homes<br>(Midlands) Ltd<br>Unit 15 Davy Court<br>Castle Mound Way<br>CV23 0UZ | Retention of no. 3 fascia signs (one non-illuminated, one externally illuminated and one internally illuminated) and no. 4 of flag adverts   | John Wilbraham<br>R14/0311<br>APP/E3715/H/14/2219052                           | Delegated Split Decision<br>11/04/2014<br><br>(Part approved, part refused)<br><br>Written Reps | <b>Split Decision<br/>21/08/2014</b><br><br><b>(Part<br/>approved,<br/>part refused)</b>                                   |
| 37 Clement Way<br>Cawston<br>CV22 7FH  | Retention of picket fence 0.90m in height to the front of the property.  | Nathan Lowde<br>R14/0826<br>APP/E3715/D/14/2221345                             | Delegated Refusal<br>22/05/2014<br><br>HAS<br>Householder Appeal Service                        | <b>Dismissed<br/>26/08/2014</b>  |

| Appeal Site Location                        | Description of Development  | Case Officer<br>Planning Ref No.<br>Planning Inspectorate<br>Ref No. | Date of Refusal<br>and Type of Appeal                                    | Appeal<br>Outcome                     |
|---|---|--|--|---------------------------------------|
| 54 Rugby Road<br>Binley Woods<br>CV3 2AX    | Conversion of existing detached garage to a dwelling, including raising the roof and provision of a new dropped kerb.   | Chris Davies<br>R14/0592<br>APP/E3715/A/14/2220568                   | Delegated Refusal<br>02/05/2014<br><br>Written Reps                      | <b>Allowed</b><br><b>01/09/2014</b>   |
| 21 Paradise Street<br>Rugby<br>CV21 3SZ     | Demolition of existing building and erection of a detached two storey dwelling.   | Brian Slater<br>R13/2128<br>APP/E3715/A/14/2221088                   | Delegated Refusal<br>31/12/2013<br><br>Written Reps                      | <b>Dismissed</b><br><b>16/09/2014</b> |
| Cromwell House<br>Fosse Way<br>Princethorpe | Erection of a single storey extension (including demolition of existing extension, garage and workshop, amendments to planning permission reference R09/0033/HOUS, dated 06/02/12). | Chris Davies<br>R14/0196<br>APP/E3715/D/14/2222053                   | Committee Refusal<br>03/07/2014<br><br>HAS<br>Householder Appeal Service | <b>Dismissed</b><br><b>22/09/2014</b> |

## APPENDIX B

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 30.09.2014

| Appeal Site Location  | Description of Development  | Case Officer<br>Planning Ref No.<br>Planning Inspectorate Ref No. | Date of Refusal                 | Type of Appeal  |
|---|---|---|---------------------------------|---|
| Site at Land at Gypsy Lane<br>Wolvey<br>CV13 0JA                    | Change of use of land for the siting of two mobile home, and one day room for a gypsy traveller family, together with the formation of a hardstanding area, and parking provisions (resubmission of previously withdrawn application ref: R12/0025 dated 28th March 2012) | Nathan Lowde<br>R12/0972<br>APP/E3715/A/13/2192798                | Delegated Refusal<br>26/09/2012 | <b>Hearing</b><br><br><b>(Taken place - awaiting decision)</b>      |
| Cherry Tree Acres<br>Fosse Way<br>Stretton on Dunsmore<br>CV23 9JF  | Proposed infill building to create a games room, a new bedroom and associated en suite facilities.  | John Wilbraham<br>R14/0300<br>APP/E3715/D/14/2219664              | Delegated Refusal<br>09/05/2014 | <b>HAS</b><br><b>Householder</b><br><b>Appeal</b><br><b>Service</b> |
| Lynton House<br>Withybrook Lane<br>Shilton<br>CV7 9HY               | Erection of two-storey side and rear extensions, front porch and external alterations   | Martin Needham<br>R14/0550<br>APP/E3715/D/14/2220313              | Delegated Refusal<br>22/04/2014 | <b>HAS</b><br><b>Householder</b><br><b>Appeal</b><br><b>Service</b> |
| 3 Turchil Road<br>Cawston   | Retention of hard-surfacing to front of property  | Nathan Lowde<br>R13/2262<br>APP/E3715/D/14/2221422                | Delegated Refusal<br>19/05/2014 | <b>HAS</b><br><b>Householder</b><br><b>Appeal</b><br><b>Service</b> |
| Site at 5 Helmdon Close<br>Rugby<br>CV21 1RS                        | Change of use of dwelling to a house in multiple occupation and extension of hard surfacing to front (part-retrospective)   | Alice Cosnett<br>R14/0391<br>APP/E3715/A/14/2222650               | Committee Refusal<br>02/07/2014 | <b>Written Reps</b>   |
| Thistle Farm<br>280 London Road<br>Stretton on Dunsmore<br>CV23 9HX | Waiver of Condition 4 of planning permission reference R12/1852 (Erection of a replacement dwelling including demolition of the existing dwelling, dated 16/04/13) to retain full Permitted Development Rights.   | Chris Davies<br>R14/0590<br>APP/E3715/A/14/2222772                | Delegated Refusal<br>15/05/2014 | <b>Written Reps</b>   |

| <b>Appeal Site Location</b>   | <b>Description of Development</b>  | <b>Case Officer<br/>Planning Ref No.<br/>Planning Inspectorate Ref No.</b> | <b>Date of Refusal</b>          | <b>Type of Appeal</b>                             |
|---|--|--|---------------------------------|---|
| Thistle Farm<br>280 London Road<br>Stretton on Dunsmore<br>CV23 9HX | Erection of a replacement dwelling including demolition of the existing dwelling.                | Karen McCulloch<br>R14/0729<br>APP/E3715/A/14/2222766                      | Delegated Refusal<br>15/05/2014 | <b>Written Reps</b>                               |
| 44-46 Regent Street<br>Rugby<br>CV21 2PS                            | Demolition of outbuilding to rear and formation of parking area                                  | Alice Cosnett<br>R14/0681<br>APP/E3715/A/14/2223156                        | Delegated Refusal<br>22/07/2014 | <b>Written Reps</b>                               |
| 153 Townsend Lane<br>Rugby<br>CV23 9DE                              | Part Ground Floor and First Floor Rear Extension   | Duncan Jordan<br>R14/1221<br>APP/E3715/D/14/2224167                        | Delegated Refusal<br>25/07/2014 | <b>HAS<br/>Householder<br/>Appeal<br/>Service</b> |
| 3 Vale Close<br>Rugby<br>CV21 4HB                                   | Erection of detached dwelling together with the formation of a new vehicular access              | Nathan Lowde<br>R14/0297<br>APP/E3715/A/14/2224696                         | Delegated Refusal<br>15/04/2014 | <b>Written Reps</b>                               |
| 31 The Crescent<br>Brinklow<br>CV23 0LG                             | New dwelling in rear garden, alteration to site access and replacement of vehicular access gates | Alice Cosnett<br>R12/1983<br>APP/E3715/A/14/2225372                        | Committee Refusal<br>14/05/2014 | <b>Written Reps</b>                               |
| Site at Four Winds<br>Moat Lane<br>Wolvey<br>LE10 3HP               | Retention of summerhouse   | John Wilbraham<br>R14/0973<br>APP/E3715/D/14/2225957                       | Delegated Refusal<br>01/07/2014 | <b>HAS<br/>Householder<br/>Appeal<br/>Service</b> |

**AGENDA MANAGEMENT SHEET**

|                                     |   |
|-------------------------------------|---|
| <b>Name of Meeting</b>              | Planning Committee  |
| <b>Date of Meeting</b>              | 5 <sup>th</sup> November 2014   |
| <b>Report Title</b>                 | Delegated Decisions – 26 <sup>th</sup> September 2014 to 16 <sup>th</sup> October 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>    | N/A   |
| <b>Report En-Bloc</b>               | N/A   |
| <b>Forward Plan</b>                 | N/A   |
| <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 – 5<sup>th</sup> November 2014**

**Delegated Decisions – From 26<sup>th</sup> September 2014 to 16<sup>th</sup> October  
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: 05.11.2014  
Subject Matter: Delegated Decisions – 26.09.2014 to 16.10.2014  
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.

\* Exempt information is contained in the following documents:

| Document No. | Relevant Paragraph of Schedule 12A |
|--------------|------------------------------------|
|--------------|------------------------------------|

\* 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 26/09/2014 TO 16/10/2014

**A. APPLICATIONS – DELEGATED**

|   |   |   |
|---|---|---|
| <b>Applications Refused</b>                 |   |   |
| <i>R13/1814<br/>Refused<br/>01.10.2014</i>  | Brickyard Cottage<br>Monks Kirby Lane<br>Monks Kirby  | Retention of use of existing building for retail A1 [ online and calling visitors ] for retail sale of bicycles and retention of domestic store and provision of gravel drive and provision of new footpath |
| <i>R14/1723<br/>Refused<br/>03.10.2014</i>  | 14 Bulkington Road<br>Shilton                         | Single storey side extension and retention of new canopy roof over existing bay window and door (resubmission of planning application reference R13/2302)   |
| <i>R14/1752<br/>Refused<br/>08.10.2014</i>  | Oxburgh<br>Fosse Way<br>Stretton on Dunsmore          | Erection of a first floor front and side extension.   |
| <i>R14/0453<br/>Refused<br/>10.10.2014</i>  | Four Winds<br>Montilo Lane<br>Harborough Magna        | Single storey rear extension  |
| <i>R14/1732<br/>Refused<br/>10.10.2014</i>  | Land rear of Dundykes<br>Draycote Road<br>Draycote    | Erection of a detached two storey dwelling and a detached double garage.  |
| <i>R13/2049<br/>Refused<br/>13.10.2014</i>  | 119 Lytham Road<br>Rugby                              | Erection of a pair of semi-detached dwellings   |
| <b>Applications Approved</b>                |   |   |
| <i>R14/1632<br/>Approved<br/>25.09.2014</i> | Laurel Farmhouse<br>58 Daventry Road<br>Rugby         | Erection of building for ancillary residential purposes and part use for dog grooming business (partly retrospective application)   |
| <i>R14/1681<br/>Approved<br/>29.09.2014</i> | Old Marton Glebe Farm<br>Stockton Road<br>Birdingbury | Demolition of existing flat roof car port and stores to be replaced by new pitched roof car port and stores.  |
|   |   |   |

|   |   |  |
|---|---|--|
| <i>R13/2316<br/>Approved<br/>29.09.2014</i> | Lineside Nursery<br>Rugby Road<br>Church Lawford  | Replacement of existing mobile home with agricultural workers dwelling   |
| <i>R14/1389<br/>Approved<br/>30.09.2014</i> | 12 <sup>th</sup> Rugby Scout HQ<br>Boughton Leigh School<br>Wetherell Way<br>Brownsover | Construction of paved area to rear of scout building   |
| <i>R14/1643<br/>Approved<br/>30.09.2014</i> | 26 Oulton Road<br>Rugby   | Erection of single storey rear extension and conversion of part of existing tandem garage to playroom  |
| <i>R14/1048<br/>Approved<br/>30.09.2014</i> | 28 Buchanan Road<br>Bilton  | Retention of first floor extension   |
| <i>R14/1372<br/>Approved<br/>30.09.2014</i> | Garden House<br>Lower Road<br>Barnacle  | Variation of Condition 3 of planning permission reference R00/0548/16632/P, dated 15/11/00, to allow the use of alternative facing and roofing materials.  |
| <i>R14/1350<br/>Approved<br/>30.09.2014</i> | 2 St Michaels Close<br>Brownsover   | Erection of a single storey rear extension.  |
| <i>R14/1529<br/>Approved<br/>30.09.2014</i> | 36 Bawnmore Road<br>Bilton  | Erection of detached dwelling house with suspended drive and vehicle parking area [Variation of conditions 2, 8 and 9 of planning permission ref no R14/0023 dated 24/2/2014 ] to allow re-arrangement of internal layout of dwelling , change to parking layout and tree protection measures. |
| <i>R14/1594<br/>Approved<br/>30.09.2014</i> | 8 Lower Street<br>Hillmorton  | Erection of part two-storey and part single-storey side extension  |
| <i>R14/1701<br/>Approved<br/>30.09.2014</i> | 32 Ratliffe Road<br>Rugby   | Erection of a single storey rear extension.  |
| <i>R14/1694<br/>Approved<br/>01.10.2014</i> | Unit 7<br>Triton Park<br>Swift Valley Industrial<br>Estate<br>Rugby                     | Installation of two windows to the side elevation of premises.   |

|   |  |   |
|---|--|---|
| <i>R14/1390<br/>Approved<br/>01.10.2014</i> | 88 Monks Road<br>Binley Woods                                    | Outline application for erection of replacement dwelling  |
| <i>R14/1656<br/>Approved<br/>01.10.2014</i> | 3 Brooklime Drive<br>Brownsover                                  | Erection of a first floor side extension.   |
| <i>R14/1558<br/>Approved<br/>01.10.2014</i> | 4 St Matthews Street<br>Rugby                                    | Change of use of ground floor of existing premises from Use Class [A1 Retail ] to A4 [Drinking establishment]   |
| <i>R14/1704<br/>Approved<br/>01.10.2014</i> | 1A Bagshaw Close<br>Ryton on Dunsmore                            | Demolition of existing timber store and erection of a two storey extension with an office (use class B1) at ground floor level with a single 1 bedroom residential unit above.  |
| <i>R14/1500<br/>Approved<br/>02.10.2014</i> | Coombe Abbey Farm<br>Coombe Fields Road<br>Binley                | Conversion of existing farm house to form 2no. dwellings, including elements of demolition, extension and external alterations.   |
| <i>R14/1402<br/>Approved<br/>02.10.2014</i> | Cromwell House<br>Fosse Way<br>Princethorpe<br>CV23 9QH          | Erection of a single storey extension (including demolition of existing extension, garage and workshop, amendments to planning permission reference R09/0033/HOUS, dated 06/02/12) (resubmission of planning application number R14/0196). Retention and extension of timber decking and associated works. Provision of front, side and rear boundary fencing, including provision of access gates to the side. |
| <i>R14/1680<br/>Approved<br/>03.10.2014</i> | Stokes<br>19 Market Place<br>Rugby                               | Installation of new shopfront, sunblind and HVAC system   |
| <i>R14/1386<br/>Approved<br/>03.10.2014</i> | Napier Associates<br>Limited<br>47A Rowland Street<br>New Bilton | Conversion of the existing building to 2 No. one bed flats  |
| <i>R13/0930<br/>Approved<br/>06.10.2014</i> | Rear of 25 Lawford Road<br>New Bilton                            | Demolition of bungalow and erection of part single-storey and part two-storey 8no. Bedroom (7 resident and 1 staff) residential care home (Use Class C2), with associated access, boundary and landscape works.   |
| <i>R14/1569<br/>Approved</i>                | Cottage Farm<br>Woolscott Road                                   | Retention of a stable building and a haystore building.   |

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| 06.10.2014                               | Willoughby  |  |
| R14/0128<br>Approved<br>07.10.2014       | Welcome Lodge<br>Main Street<br>Thurlaston                                | Erection of first floor side/rear extension, alterations to front dormer window, erection of rear conservatory, external alterations.  |
| R14/0734<br>Approved<br>07.10.2014       | Redundant Farm<br>Buildings to the rear of<br>77 Coventry Road<br>Pailton | Conversion of 2 outbuildings to provide 2 dwellings with associated parking and amenity space.   |
| R14/1012<br>Approved<br>07.10.2014       | 31 Cymbeline Way<br>Bilton  | Proposed front extension   |
| R14/1586<br>Approved<br>08.10.2014       | 19 Princes Street<br>Rugby  | Retention of a 1.9m high fence and gates   |
| R14/1268<br>Approved<br>10.10.2014       | American Amusements<br>Unit 7 Junction One<br>Leicester Road<br>Rugby     | Variation of Conditions 4 and 5 of approval R13/2084 (Change of use from Leisure (Use Class D2) to Retail (Use Class A1) and associated external alterations) to allow for the addition of a mezzanine to be used for storage and ancillary facilities |
| R14/1208<br>Approved<br>14.10.2014       | UKVS Commercials<br>Railway Siding<br>17 Church Road<br>Coventry          | Retrospective: Change of use from 24hr Storage and Distribution to Vehicle storage, internet sales and vehicle leasing   |
| R14/1778<br>Approved<br>15.10.2014       | B J House<br>Bath Street<br>Rugby   | Erection of external enclosed staircase (amendments to previously approved planning permission R13/0386 dated 21st June 2013) (retrospective)  |
| R13/2275<br>Approved<br>15.10.2014       | Barn Off<br>Frankton Lane<br>Highfield<br>Frankton                        | Proposed conversion of barns to a dwelling   |
| <b>Prior Approval Applications</b>       |   |  |
| R14/1712<br>Prior Approval<br>02.10.2014 | Unit 13 Webb Ellis<br>Industrial Estate<br>Woodside Park<br>Rugby         | Prior approval application for the change of use from offices (use class B1a) to 3 residential flats (use class C3)  |

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| <i>R14/1710<br/>Prior Approval<br/>02.10.2014</i>          | Unit 12 Webb Ellis<br>Industrial Estate<br>Woodside Park<br>Rugby | Prior approval application for the change of use from offices (use class B1a) to 3 residential flats (use class C3)  |
| <i>R14/1507<br/>Prior Approval<br/>02.10.2014</i>          | Unit 11 Webb Ellis<br>Industrial Estate<br>Woodside Park<br>Rugby | Prior approval application for the change of use from offices (use class B1a) to 3 residential flats (use class C3)  |
| <i>R14/1607<br/>Prior Approval<br/>02.10.2014</i>          | Barn at Gate Farm<br>Main Street<br>Bourton on Dunsmore           | Prior notification application for the change of use of an agricultural building to 2no. Residential dwellings (use class C3) with associated building operations (resubmission of application R14/1213 to include details regarding design and external appearance) |
| <i>R14/1797<br/>Prior Approval<br/>14.10.2014</i>          | Amberleigh House<br>Main Street<br>Bourton on Dunsmore            | Prior Approval application for a single storey rear extension projecting 4.65 metres from the original rear elevation of the dwelling, 3.15 metres to the eaves with a maximum height to the ridge of 3.4 metres and covering 4 metres in width.                     |
| <b>Listed Building Consents</b>                            |   |  |
| <i>R14/0652<br/>Listed Building Consent<br/>30.09.2014</i> | The Cottage<br>1 Bawnmore Road<br>Bilton                          | Listed Building Consent to carry out works to the chimney stack and minor remedial works to surrounding roof and adjoining masonry wall  |
| <i>R14/1535<br/>Listed Building Consent<br/>07.10.2014</i> | Manor House<br>28 Church Hill<br>Stretton on Dunsmore             | Listed Building Consent for Proposed Internal and External Works to the Dwelling   |
| <b>Advertisement Consents</b>                              |   |  |
| <i>R14/1661<br/>Advertisement Consent<br/>03.10.2014</i>   | Natwest<br>9 North Street<br>Rugby                                | Provision for the display of 1no. Internally illuminated fascia sign, 1 no. internally illuminated projecting sign, 2no. Full internally illuminated ATM surrounds and 1no. Nameplate.   |
| <i>R14/1679<br/>Advertisement Consent<br/>03.10.2014</i>   | Stokes<br>19 Market Place<br>Rugby                                | Installation of 1 no. externally illuminated fascia sign, 1 no. externally illuminated projecting sign and 2 no. non-illuminated internal window graphics  |



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| <i>R14/1601<br/>Temporary<br/>Advertisement<br/>Consent<br/>15.10.2014</i>      | Rugby Gateway –<br>Employment<br>A426 Leicester Road<br>Rugby | Retention of two advertisement boards with associated structures.  |
| <b>Certificate of Lawful Use or Development</b>                                 |   |  |
| <i>R14/1696<br/>Certificate of Lawful<br/>Use or Development<br/>30.09.2014</i> | Ashgrove<br>Frankton Lane<br>Rugby                            | Certificate of Lawful Development to confirm that the residential use of The Wooden Bungalow has not been abandoned  |
| <i>R14/1759<br/>Certificate of Lawful<br/>Use or Development<br/>13.10.2014</i> | Annex Long Acre<br>Heath Lane<br>Brinklow                     | Certificate of lawfulness for proposed development - single storey front, side and rear extensions   |
| <i>R14/1562<br/>Certificate of Lawful<br/>Use or Development<br/>13.10.2014</i> | Unit 3<br>Imperial Road<br>Oxford Road<br>Ryton on Dunsmore   | Certificate of lawfulness for a proposed use to occupy Unit DC3 for operations under use Class B2  |
| <b>Approval of Details/<br/>Materials</b>                                       |   |  |
| <i>R12/1824<br/>Approval of Details<br/>25.09.2014</i>                          | Tebbs Nurseries<br>59-67 Hillmorton Road<br>Rugby             | Demolition of the existing glasshouses and erection of 9 No. 2 bed apartments and 5 No. 4 bed terraced townhouses and associated car parking.  |
| <i>R14/0241<br/>Approval of Details<br/>29.09.2014</i>                          | 9 Lower Street<br>Hillmorton                                  | Variation of condition 2 of planning permission R10/0528 (Erection of 4 houses (accessed from Constable Road) and 1 bungalow (accessed from Lower Street) - amendment to planning permission reference 210 to show amended siting of bungalow, revised rear garden boundaries for proposed houses and amended site boundary) to make alterations to approved dwellings on plots 1, 2, 3 and 4 including amending design of front elevation, increasing width and height of dwellings, omitting ground and first floor windows in side elevations and altering window configurations in rear elevations |
| <i>R13/0978<br/>Approval of Details<br/>30.09.2014</i>                          | 22 <sup>nd</sup> Rugby Scout Group<br>Scout Hut<br>The Kent   | Erection of a replacement Scout Hut (resubmission of planning permission reference R12/0266, dated 15/06/12).  |

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|   | Hillmorton  |  |
| <i>R12/1559<br/>Approval of Details<br/>07.10.2014</i>              | Hallmark Care Homes<br>Anya Court<br>286-290 Dunchurch<br>Road<br>Rugby | Erection of a three-storey 70 bedroom residential care home (Class C2) with associated parking, landscaping, access and highway works.   |
| <i>R14/1233<br/>Approval of Details<br/>09.10.2014</i>              | 2 Johnson Avenue<br>New Bilton  | Two storey rear extension and new site vehicular access  |
| <i>R14/0275<br/>Approval of Details<br/>09.10.2014</i>              | Bilton High School<br>Lawford Lane<br>Rugby                             | 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.   |
| <i>R10/2298<br/>Approval of Details<br/>09.10.2014</i>              | Top Park<br>Top Road<br>Barnacle  | The retention of the use of land and ancillary operational development as a residential caravan site (renewal of planning permission (Appeal) reference APP/E3715/A/06/2030623 (R06/0743/PLN) dated 18th January 2008) including the erection of six temporary amenity blocks (resubmission of previously withdrawn application R10/0959 dated 26/11/2010) |
| <i>R13/1805<br/>Approval of Details<br/>14.10.2014</i>              | Brandon Grange Farm<br>Bretford Road<br>Brandon                         | Proposed on-farm anaerobic digestion plant and associated hard surfaced clamp area for the storage of maize  |
| <i>R11/2294<br/>Approval of Details<br/>15.10.2014</i>              | Abbotsbury<br>Pettiver Crescent<br>Hillmorton                           | Demolition of existing buildings and erection of three-storey buildings with 61 extra care units (Class C2) and associated communal areas, landscaping, parking, access and sub-station  |
| <b>Approval of non-Material Changes</b>                             |   |  |
| <i>R11/2246<br/>Approval of non-material changes<br/>06.10.2014</i> | 34 Portland Road<br>Rugby   | Two storey extension to side, single storey extension to rear.   |
| <i>R11/1297<br/>Approval of non-material changes<br/>13.10.2014</i> | Elliotts Field Retail Park<br>Leicester Road<br>Rugby                   | Redevelopment of Retail Park to include the demolition of existing units B1 to C2 and the erection of 12 new (class A1) retail units (with ancillary class A3); replacement structural frame to unit A2, the sub division of unit A2 and the installation of mezzanine floor space;  |

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|   |  | external alterations to unit A1; erection of 2 new cafe (class A3) units; reconfiguration of the car park layout; alterations and improvements to the access including 2 no. new service and delivery access off Old Leicester Road; alterations and enhancements to landscaping and associated works.  |
| <b>Approval of reserved matters</b>   |  |   |
| <i>R14/1070 &amp; R14/1071<br/>(Ref R11/0699)<br/>Approval of reserved matters<br/>02.10.2014</i> | Rugby Radio Station<br>(Key Phase 1)<br>A5 Watling Street<br>Clifton Upon Dunsmore<br>CV23 0AQ | Outline application for an urban extension to Rugby for up to 6,200 dwellings together with up to 12,000sq.m retail (A1), up to 3,500sq.m financial services (A2) and restaurants (A3 - A5), up to 3,500sq.m for a hotel (C1), up to 2,900sq.m of community uses (D1), up to 3,100sq.m assembly and leisure uses (D2), 31 hectares (up to 106,000sq.m) of commercial and employment space (B1, B2 and B8), and ancillary facilities; a mixed use district centre and 3 subsidiary local centres including retention and re-use of the existing buildings known as 'C' Station (Grade II listed), 'A' Station and some existing agricultural buildings; a secondary school and 3 primary schools; public art; green infrastructure including formal and informal open space and amenity space; retention of existing hedgerows, areas of ridge and furrow and grassland; new woodland areas, allotments and areas for food production, wildlife corridors; supporting infrastructure (comprising utilities including gas, electricity, water, sewerage, telecommunications, and diversions as necessary); sustainable drainage systems including ponds, lakes and water courses; a link road connecting the development to Butlers Leap, estate roads and connections to the surrounding highway, cycleway and pedestrian network; ground remodelling; any necessary demolition and any ground works associated with the removal of any residual copper matting, with all matters reserved for future determination except the three highway junctions on the A428, the two junctions on the A5 and the link road junctions at Butlers Leap and Hillmorton Lane. |
| <i>R12/1052<br/>Approval of reserved matters<br/>09.10.2014</i>                                   | 1 Park Road<br>Rugby   | Outline application with access, layout and scale for erection of building to provide 6 apartments.   |
| <b>Withdrawn/<br/>De-registered</b>   |  |   |

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| <i>R14/1510</i><br><i>Withdrawn</i><br><i>09.10.2014</i> | Barns at Burnhams Farm<br>9 School Street<br>Church Lawford | Prior approval application for the change of use of agricultural buildings to 3no. Residential dwellings (use class C3) with associated building operations |
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