

14th February 2011

PLANNING COMMITTEE - 23RD FEBRUARY 2011

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 23rd February 2011 in the Council Chamber, Town Hall, Rugby.

Andrew Gabbitas
Executive Director

Note: Members are reminded that, when declaring interests, they should declare the existence and nature of their personal interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a prejudicial 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 personal 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 2nd February 2011.
2. Apologies.
To receive apologies for absence from the meeting.
3. Declarations of Interest.
To receive declarations of –
 - (a) personal interests as defined by the Council's Code of Conduct for Councillors;
 - (b) prejudicial interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Delegated Decisions – 21st January 2011 – 10th February 2011.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2010/11 – 13) are attached.

Tea will be served in the Members` Room at 5.00 pm.

Membership of the Committee:-

Councillors Gillias (Chairman), Butlin, Cranham, Day, Lane, Lewis, Kirby, Mrs Parker, Ms Robbins, Roberts, Sandison and Whistance.

If you have any general queries with regard to this agenda please contact Claire Waleczek, Democratic and Scrutiny Services Officer (Team Leader) (01788 533524 or e-mail 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.

**RUGBY BOROUGH COUNCIL
PLANNING COMMITTEE – 23RD FEBRUARY 2011
REPORT OF THE HEAD OF PLANNING AND CULTURE
APPLICATIONS FOR CONSIDERATION**

Planning applications for consideration by Committee are set out as follows:

- (i) applications recommended for refusal with the reason(s) for refusal (pink pages)
- (ii) applications recommended for approval with suggested conditions (gold pages).

RECOMMENDATION

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for Refusal

No applications recommended for refusal to be considered.

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
1	R10/1281	Rugby Gateway Phase R1, Leicester Road, Rugby Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.	3
2	R10/1057	Part Cawston Local Centre, Land off Gerard Road (west of Scholars Drive), Cawston, Rugby, Warwickshire CV22 7GU Erection of single storey building comprising 4 No. units to be used for purposes within Classes A1 (retail), A3 (food & drink) and A5 (hot food takeaway) of the Town & Country Planning (Use Classes) Order 1987 (as amended) together with associated access arrangements, parking, serving and landscaping.	25
3	R10/1759	Land forming part of former Cattle Market, Railway Terrace, Rugby, CV21 3HR Erection of two storey building for use as a Community Centre for purposes within Classes D1 and D2 of the Town and Country Planning (Use Classes) Order 1987 as amended including ancillary offices, together with associated access, parking and landscaping.	38
4	R11/0019 (Planning Application 1 of 5)	8 Main Street, Bilton, Rugby Installation of new shop front	45

5	R11/0021 (Planning Application 2 of 5)	18 Main Street, Bilton, Rugby Installation of ATM machine	50
6	R11/0020 (Planning Application 3 of 5)	18 Main Street, Bilton, Rugby Alterations to the rear elevation and provision of a ramped access.	53
7	R11/0018 (Planning Application 4 of 5)	18 Main Street, Bilton, Rugby Installation of plant equipment	57
8	R11/0022 (Planning Application 5 of 5)	Main Street, Bilton, Rugby Display of 4no. internally illuminated fascia signs	61

Reference number: R10/1281

Site address: Rugby Gateway Phase R1, Leicester Road, Rugby

Description: Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.

Case Officers: Richard Holt (01788 533687) & Karen McCulloch (01788 533623)

Description of proposals

This is one of four applications which are currently under consideration on the Rugby Gateway site. This is a full application for the first phase of the residential development. The application is for 244 dwellings and also includes areas of landscaping, amenity green space, a play area and allotments. A new access is proposed from the Brownsover roundabout and a footpath/cycleway will link the site to a new bus stop on Leicester Road.

The main access road through the development would form the first phase of the spine road through the overall Gateway site if it is developed in the future. It has been designed to be suitable for use by buses if required.

The development includes a mix of detached, semi-detached and terraced houses and apartments. These range from 2 to 6 bedrooms in size and the application proposes 6 two-bedroom apartments, 48 two-bedroom houses and flats over garages, 82 three-bedroom houses, 77 four-bedroom houses, 19 five-bedroom houses and 12 six-bedroom houses. 48 units (19.7%) are proposed as affordable housing. These units will be a mix of tenures with 50% rented and 50% shared ownership.

The layout has been designed so that distinctive properties are located in key positions within the site and that dual aspect properties are used on corner plots. A range of materials are proposed including brick, render and boarding and features such as bay windows, gable features and chimneys are used to add interest to the streetscene.

To accompany the application the applicant's agent has submitted a Design & Access Statement, Drainage Strategy, Ecological Report, Archaeological Report, Archaeological Evaluation & Fieldwalk Reports, Tree Report, Climb & Inspect Tree Survey, Transport Statement with associated Technical Note, West Midlands Sustainability Checklist, Phase II Geo-Environmental Assessment and a Planning Statement.

Description of site

This application relates to the south eastern part of the Gateway site. The area is mostly agricultural land and includes hedgerows and trees on the field boundaries. The southern part of the site, close to the Brownsover roundabout is a wooded area with many mature trees. The majority of this woodland will be retained although the access to the site will be provided through the woodland.

The proposed allotment area will be located adjacent to Leicester Road and the existing hedgerow is to be retained.

The proposed amenity areas will be located to the west and south of the main residential development and Brownsover Hall, a Listed Building, and Brownsover Conservation Area are located to the south of the application site.

The only residential properties immediately adjacent to the site are Keepers Cottage and Home Farm Cottage to the north which front onto Leicester Road.

Other relevant planning applications

This is one of four applications relating to the Gateway site. The other applications currently under consideration are:

R10/1272 Outline application for residential development (up to 1300 units); employment development (up to 36ha in total, B2 – General Industrial & B8 – Storage & Distribution); community facilities (D1 – Non-residential Institutions) including primary school, nursery and health facility, retail premises (A1 – Retail, A3 – Food & Drink, A4 – Drinking Establishments & A5 - Hot Food Takeaway); open space; associated infrastructure and works including details of access into site (including alterations to highway and existing roundabouts). Demolition of existing buildings.

This outline application site includes the land that is subject to the other applications.

R10/1286 Phase R2 - Erection of 219 dwellings with associated open space, infrastructure and ancillary works.

R10/1298 Temporary stockpiling of material generated by earthworks associated with the development of phases R1 and R2 of Rugby Gateway.

Third party comments

Neighbours (1)

Objection

- Traffic noise currently causes disturbance to residents the situation will deteriorate further if plans are passed.
- Traffic figures are out of date and there has been a lot of recent development.
- Environmental Statement refers to construction traffic but not traffic when development completed, this will have a great impact in terms of noise and pollution.
- Traffic noise readings were taken on Coton Park Drive, they should have been taken nearer to the A426.
- Speed limit has increased to 60mph, this has increased noise and will not be accounted for in assessments.

Third party (1)

Comments

- Safe cycle route should be provided between Rugby and Magna Park.
- Development will increase traffic which will increase danger for cyclists.
- s106 money could contribute towards this route.

Churchover Parish Council

Objection

- Consider applications should be referred to Government Office.
- Consider timeframe to comment was insufficient.
- Have objected to Core Strategy which prioritises Greenfield land over Brownfield, this is contrary to national guidance.
- Abolition of housing targets has undermined the basis of the Core Strategy.
- Principle of proposed development is contrary to development plan policies and the Core Strategy will not be adopted before the application is determined – application should be refused on basis of prematurity.
- Consultation carried out by developers was inadequate.
- Environmental Statement should assess impact of possible windfarm.
- Photographs within Visual Assessment appear to have been taken with a wide angle lense and chosen to minimise the impact of the development.
- Do not consider impact of whole development could be considered moderate, large buildings will obscure view of the whole area adjacent to the M6. Landscape plans proposed will not mitigate for this impact.
- Swift Valley District Park will be adversely affect by the built development.
- Traffic assessment does not consider issues affecting Churchover residents. This includes vehicles travelling north of the M6 increasing the already dangerous situation at the Churchover

- Capacity analysis shows A426 will have capacity issues, development will add to this.
- Cycleway or bus provision should be included to link Churchover with Rugby.
- No details of earthworks to the north of the site, or how mounds will be kept weed free have been provided.

Technical consultation responses

Government Office	No comment	
Health & Safety Executive	No comment	
Central Networks	No objection	There is equipment within and close to the site
Environmental Health	No objection	Subject to conditions
Highways Agency	No objection	
Environment Agency	No objection	Subject to condition
Severn Trent	No objection	Subject to condition
Warks Fire Service	Comments	Fire hydrants should be provided

English Heritage Comments
 Impact on Scheduled Ancient Monument at Cosford has not been assessed

WCC Rights of Way Objection
 Require diversion and upgrading of existing routes to improve links to the wider area, underpass under Leicester Road should be utilised, request funding to allow improvements to rights of way.

Tree Officer No objection Subject to conditions

Warks Police No objection
 Development should meet Secured by Design Standards, recommend rear accesses are gated and that lighting is installed to rear courtyards and play area.

British Waterways Comments
 Contribution should be paid to maintain landscaping and SUDS

Natural England (Soils) No comments

Natural England Comments
 Impact on bats should be mitigated for, Habitat Scheme for Swift Valley and Environment & Species Protection Plan should be provided.

Warks Wildlife Trust Comments
 Impact on bats and Swift Valley Nature Reserve should be mitigated for, Environment & Species Protection Plan should be provided.

WCC Ecology Comments
 Impact on bats and Swift Valley Nature Reserve should be mitigated for, Environment & Species Protection Plan should be provided.

Warwickshire CC Comments
 Request contributions towards libraries & education, design should encourage community use, should provide job opportunities for local people.

WCC Archaeology No objection Subject to condition

WCC Highways No objection Subject to conditions, s106 & informatives.

Sustainability Officer Comments

Buildings should be built to higher sustainability standards than Building Regulations, could have higher energy efficiency on social housing or have pilot project high efficiency units, should include renewable energy equipment to reduce carbon emissions by at least 10%, renewable energy should be required for residential properties and the school, should consider funding for off site renewable energy, buildings should be orientated to take advantage of sunlight.

Community Development Officer Comments

Funding should be secured for youth workers and to support volunteers, Leicester Road prevents access to nearby areas, speed limit should be reduced and a bridge constructed, play areas are too close to houses.

Relevant policies and guidance

Rugby Borough Local Plan 2006 Saved policies

S1	Conflicts	Urban development priorities
S2	Conflicts	Release of development land
GP1	Complies	Appearance and design of development
GP2	Complies	Landscaping
GP3	Complies	Protection of amenity
GP4	Complies	Energy conservation
GP6	Complies	Safeguarding development potential
GP12	Complies	Air Quality Management Area
GP15	Complies	Planning obligations
E1	Conflicts	Development in the countryside
E5	Complies	Landscape and settlement character
E6	Complies	Biodiversity
E17	Complies	Development affecting parks, gardens and other aspects of the historic landscape
T1	Complies	Integrated and sustainable transport
T2	Complies	Travel plans
T3	Complies	Access and highway layout
T4	Complies	Cycle and pedestrian facilities
T5	Complies	Parking facilities
T8	Complies	Key transport corridors
H6	Complies	Affordable housing
H11	Complies	Open space provision in residential developments in the urban area
H12	Complies	Open space provision in residential developments in the rural area
LR1	Complies	Open space standards
LR5	Complies	Provision of open space as part of new development

Rugby Borough Council Local Development Framework, Proposed Submission Core Strategy, 2009

CS3	Complies	Gateway Rugby Sustainable Urban Extension
CS16	Complies	Green Infrastructure Allocations
CS18	Conflicts	Reducing Carbon Emissions

Planning Obligations SPD – June 2007

Sustainable Design & Construction SPD – June 2009

Affordable Housing SPD – June 2009

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS5: Planning for the Historic Environment
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPG17: Planning for open space, sport and recreation
PPS23: Planning and Pollution Control
PPG24: Planning and Noise
PPS25: Development and Flood Risk
West Midlands Regional Spatial Strategy

Assessment of proposals

The key issue to assess in relation to this application is whether the principle of development is acceptable in this location. Issues such as design, visual amenity, impact on neighbours, protected species, highway safety and other matters must also be assessed.

Principle of development

The application site is located outside of the urban area in the countryside where development would ordinarily be resisted on the basis of being contrary to policy E1 of the Local Plan.

Policy S1 sets out the development priorities within the area and identifies a hierarchy of locations. This states that the 1st priority for development is previously developed land within the urban area followed by green field sites in the urban area and then previously developed land and Greenfield locations in Long Lawford and Dunchurch. The 5th priority is extensions to Rugby urban area which are adjacent to transport corridors, can be integrated into the fabric of the town, are easily accessible to town centre services, are well served by public transport and are outside of the Green Belt. The explanatory text to this policy states that it is considered that the Borough's housing needs as identified in the Local Plan to 2016 can be met from 1st and 2nd priority locations.

Policy S2 seeks to direct development to 1st priority locations and states that development in lower priority locations will only be permitted where sites in higher priority locations have been implemented, or are shown to be undeliverable and where the need for further development has been identified in the Council's Annual Monitoring Report.

The Local Plan allocated land for residential development until 2016 and it is not considered that land outside of 1st and 2nd priority locations will be required to meet this housing target. The proposals are therefore contrary to policies S1 and S2 and have been advertised as a Departure from the Development Plan.

The Council has been carrying out work on the Core Strategy which will replace the Local Plan. This underwent a Examination in Public in December 2010/January 2011 and the Inspector's report is expected in April. The Core Strategy was informed by the West Midlands Regional Spatial Strategy (RSS) which allocated 10,800 dwellings to Rugby Borough from 2006-2026. On 10th November 2010 the Government wrote to Local Planning Authorities to state that despite a High Court ruling it was still their intention to abolish Regional Strategies in the Localism Bill and that this intention remained a material consideration in planning decisions. However, a fresh challenge has been lodged to the High Court against this letter and the Government has subsequently issued a statement saying that until this challenge has been heard Council's need to consider the existence of the legal challenge and how it affects the significance and weight given to planning applications.

Notwithstanding the issues relating to the RSS this Council has made a decision to support the level of development proposed within the RSS and emerging Core Strategy and this was formally confirmed by Cabinet.

Based on a housing requirement of 10,800 until 2026 and considering the number of completed dwellings the Council's Draft Core Strategy plans for an additional 7,500 dwellings until 2026. The

Strategic Housing Land Availability Assessment identified that this requirement could not be met entirely from sites within the Urban Area. The Draft Core Strategy identifies that this housing requirement could be met from Urban Extension sites, including the Gateway site.

PPS 3: Housing requires Council's to demonstrate a 5 year supply of deliverable housing land. Based on the strategic housing requirement of 10,800 this cannot be provided on existing or allocated sites. The current applications for phases R1 and R2 of the Rugby Gateway site propose a total of 463 dwellings which will result in a land supply of 5.45 years. Without these sites the Council would only have a land supply of 4.53 years.

It is therefore considered that the principle of this development is acceptable as this will allow an adequate land supply to be demonstrated in accordance with PPS3.

Guidance contained within the companion guide to PPS1: The Planning System: General Principles states that it may be justifiable to refuse planning permission on the grounds of prematurity where a Development Plan Document (such as the Core Strategy) is being prepared but has not yet been adopted. However, this goes on to state that this would be appropriate where the proposed development is so substantial or the cumulative effect would be so significant as to prejudice the Development Plan Document or decisions about the location of new development which are being addressed.

This application and the application currently under consideration for phase R2 are full applications which are served by a southern access from the Brownsover roundabout. It is considered that these sites could be developed independently of the wider Gateway site and would not prejudice the outcome of the Core Strategy examination.

The proposed layout has been designed to ensure that the roads etc could be extended into future phases of development, subject to the outcome of the Core Strategy, although the layout also works effectively as a stand alone development. The proposals would not prejudice the future development of adjacent sites and policy GP6 is therefore complied with.

Draft Core Strategy policies

Although the Draft Core Strategy has not yet been adopted it is in the final stages prior to adoption and it is considered that it should be afforded considerable weight. Specific policies within the Draft Core Strategy which relate to this site should therefore be considered in the determination of this application.

Draft Core Strategy policy CS3 refers to the Gateway site and sets out the development requirements for the Urban Extension site as a whole and details the information that would be required with applications. Some of these requirements relate to the wider site, which includes employment development and it is not considered that all of the information specified is required for this housing application.

Requirements that are applicable to this application are the provision of public transport links and cycle network, measures to mitigate transport impact, sustainable waste management facilities as appropriate, measures to reduce energy uses and a Green Infrastructure Network. It is considered that these requirements are met and these are assessed in more detail later in this report.

Other relevant policies in the Draft Core Strategy are CS16: Green Infrastructure Allocations and CS18: Reducing Carbon Emissions.

These policies and their specific requirements are assessed later in this report.

Design & Layout

The Rugby Gateway site is somewhat unusual as the built development will not be located immediately adjacent to existing development. Brownsover Hall and Brownsover to the south are separated from the

site by landscaped areas, housing development at Coton is located on the other side of the A426 and is screened by landscaping and existing development at Cosford and Swift Valley are some distance from the site. There are 2 properties on Leicester Road, Keeper's Cottage and Home Farm Cottage, which are located to the north of the development that is subject of this application.

It is therefore possible for the Gateway development to have its own distinct character rather than being designed to tie in with adjacent developments.

The scheme is lacking in innovative and imaginative design, however, the proposed dwellings are based on traditional dwellings with more contemporary features on some plots, particularly those in prominent locations, in order to add interest and distinctiveness to the street scene. These include the use of a range of materials including brick, cladding and render, the addition of balconies, bay windows, modern window treatments and glazed features, chimneys and windows on side elevations where properties are located on corner plots.

Different styles are used throughout the development with slightly different styles used on the main access roads, adjacent to wooded and open space areas and along smaller roads and cul-de-sacs. More contemporary buildings are proposed on the main routes, in feature squares and in prominent locations.

It is considered that the proposed dwellings do provide a scheme which has its own distinct character whilst reflecting the character of traditional buildings within the Rugby area.

The site is currently agricultural land with trees and hedgerows on the field boundaries. It is therefore inevitable that a housing development will significantly alter the character and appearance of the area. Many features of the application site have been incorporated into the proposed development where possible. Existing hedgerows are retained and the existing woodland to the south and south east of the site is also retained. The built development will be set back from Leicester Road and an area of allotments are proposed on land between the dwellings and Leicester Road. In addition the hedgerow on the Leicester Road frontage will be retained.

It is considered that this, and the retention of hedgerows and wooded areas will help reduce the visual impact of the development in the wider area.

The proposals are therefore considered acceptable in relation to the design and impact on visual amenity. Policy GP1 is therefore complied with.

The retention of the woodland and proposed landscaping to the south of the site will reduce the impact on Brownsover Hall, a Listed building, and the Brownsover Conservation Area. The impact on these elements of the historic landscape is considered acceptable in accordance with policies E17 and PPS5. English Heritage commented that the impact of the proposals on the shrunken village of Cosford had not been assessed. However, these comments related to the Gateway site as a whole and it is not considered this will be adversely affected by phase R1.

Warwickshire Police commented on the application and advised that they consider the development should be built to Secured by Design standards, that rear accessways should be gated and rear courtyards and parking areas should be lit. These suggestions have now been incorporated into the proposed layout.

Landscaping and ecology

As detailed above the existing areas of woodland and hedgerows are to be retained. In addition areas of amenity open space are proposed to the west and south of the proposed dwellings.

Plans of the proposed landscaping have been submitted and it is considered that these proposals are acceptable in accordance with policies GP2 and E5.

The Tree Officer has no objection to the proposals, subject to conditions to ensure that protected trees are not damaged during development.

In relation to the impact on protected species the application has been accompanied by an Ecology & Nature Conservation Assessment and the results of Climb & Inspect Tree Surveys where the potential for bats to roost in trees was assessed.

No evidence of protected species on this part of the site was found although parts of the site are used by foraging bats. The applicants have advised that they would be prepared to provide bat boxes etc to mitigate against the potential impact on protected species. This approach has been discussed with WCC Ecology, Warwickshire Wildlife Trust and Natural England and it is considered that details of bat mitigation can be secured by condition. Policies E6 and PPS9 are therefore complied.

Open space provision

The application proposes landscaped amenity areas to the south and west of the site, allotments adjacent to Leicester Road and an equipped play area. It is considered that a suitable level of on site open space is provided in accordance with policy LR5.

Policies LR1, H11 and H12 state that developments should also contribute to off site open space facilities including sports pitches, parks and cemeteries. The applicants have advised that they will pay a contribution towards the provision and maintenance of off site facilities and the on going maintenance of on site open space. These policies are therefore complied with.

The Green Infrastructure policy in the draft Core Strategy, CS16, states that development should balance public access with the protection of Green Infrastructure and that on the Gateway site as a whole the focus will be on wetland habitats with managed public access. The dwellings proposed in this application will be located some distance from the Swift Valley Nature Reserve. However, the landscaped amenity areas to the west will encourage the public use of this area.

Warwickshire Wildlife Trust have requested contributions towards the improvements and increased maintenance of Swift Valley Nature Reserve as the proposed development will place increased pressure on this area. Whilst it is considered that the direct impact on the Nature Reserve from the proposed 244 dwellings will be limited, future residents are likely to use the Nature Reserve. On this basis the applicants are prepared to make an off-site financial contribution towards the improvements and ongoing maintenance of Swift Valley Nature Reserve which in this instance is considered reasonable.

Natural England have commented that the on-going maintenance and management of this area can be controlled by a condition and it is therefore considered that this policy is complied with.

Impact on amenity

Policy GP3 states that the amenity of existing or future occupiers should not be adversely affected and makes specific reference to overlooking, loss of privacy or light, disturbance from traffic, noise & dust, fumes & smell or excessive illumination.

The proposed dwellings will be around 50m from Keeper's Cottage and Home Farm Cottage and 20m from the rear garden of the closest property. It is considered that there is sufficient separation between dwellings within the site and there will not be an adverse impact on existing or future residents in relation to overlooking, loss of privacy or light.

A neighbour has objected to the proposals on the grounds of noise disturbance from increased traffic on Leicester Road which will add to existing problems with traffic noise. Environmental Health have commented on the application and have no objection in relation to noise, subject to conditions, including a requirement for an acoustic fence on the Leicester Road frontage. This is in accordance with PPS 24.

As the proposed development is for residential dwellings it is not considered that dust, fumes or smell would be an issue following completion of the development. Environmental Health have requested a condition that a Construction Management Plan be submitted and it is considered that this will prevent these issues during construction.

The site is located within the Air Quality Management Area where air quality assessments are required. Although an assessment has not been submitted for this application this was included within the Environmental Statement submitted for the outline application. Environmental Health generally supported this report, subject to a condition relating to the routing of construction traffic. It is therefore considered that policy GP12 is complied with.

A condition can also be attached requiring details of external lighting to be agreed by the Council.

It is therefore considered that the development will not have an adverse impact on the amenity of existing and future occupiers and policy GP3 is complied with.

Sustainable design and construction

Policy GP4 of the Local Plan and the Sustainable Design and Construction SPD aims to ensure that development achieves the highest technically feasible and financially viable sustainability standards possible.

Policy CS18 of the Draft Core Strategy states that the development of Urban Extensions shall achieve the standards of Code Level 6 of the Code for Sustainable Homes. This also states that on other developments Code Level 3 shall be achieved and that low carbon energy equipment shall be used to reduce carbon emission.

The applicants have provided information to demonstrate that providing properties to Code Level 6, or Code Level 3, would impact on the viability of the development and that these standards could only be achieved if the levels of affordable housing or planning obligations are reduced.

The Council's preferred option is to provide a development with suitable levels of affordable housing together with other planning obligations outlined in this report. It is considered that to comply with the requirements in policy CS18 of the Draft Core Strategy would have an adverse impact on the development as a whole. Notwithstanding this, as the Core Strategy has not yet been formally adopted it is not considered reasonable to insist that these policy requirements are met.

Although the development will only be constructed to building regulations standards it is considered that the developers have demonstrated that these are the highest financially viable standards that R1 can be built to and policy GP4 is therefore complied with.

A West Midlands Sustainability Checklist has been submitted with this application as requested by the Sustainable Design and Construction SPD. It is considered that adequate justification is given to all applicable questions and it sufficiently serves its purpose in providing an explanation for the approach taken.

Transport, highways & parking facilities

The application has been accompanied by a Transport Assessment, as required by Local Plan policy T1. This details the current situation and explains measures that will be put in place as part of the development. These include bus stops and a pedestrian crossing on Leicester Road which will be linked to the site by a footpath and cycleway. This assessment also states that a Green Travel Plan will be produced and this is acceptable in accordance with policy T2.

Warwickshire County Council have requested contributions towards improved public transport services and to provide sustainability packs for each household.

In relation to the proposed layout and access from the Brownsover roundabout the Highway Authority, Warwickshire County Council have advised that they have no objection to the proposals.

The Highways Agency initially objected to the application, however following the submission of additional information they have removed their objection to phase R1.

The proposals therefore comply with policy T3, Access and highway layout.

Policy T8 refers to key transport corridors, such as the A426, Leicester Road and states where development will have a direct impact on these corridors contributions towards improvements will be sought. The applicants have been in discussions with Warwickshire County Council and financial contributions towards highway improvements will be secured through the highway agreements.

The proposals include a total of 554 car parking spaces, some of which are visitor spaces located within public areas. This results in a provision of 2.27 per dwelling, more than the maximum 1.5 spaces per dwelling which is contained in the Council's car parking standards. Although this is more than would usually be sought it is considered that on-street parking, particularly on the main road through the site and within the feature squares, would have an adverse impact on visual amenity. Furthermore on 3rd January 2011 PPG13: Transport, was revised abolishing limits on car spaces for new homes. It is therefore considered, in this instance, that the provision of car parking above the Council's standards is acceptable. Cycle parking can be accommodated within the garages and rear gardens of most properties and a condition can be attached requiring cycle storage for the block of 6 apartments to be agreed. Subject to this condition it is considered that suitable parking facilities can be provided in accordance with policy T5 and guidance contained within PPG13.

Facilities for cyclists & pedestrians

Comments received from Warwickshire County Council Rights of Way raised objections to all current applications on the Gateway site on the grounds that the proposals do not make adequate provision for access into the countryside surrounding the site. These made suggestions for alterations and upgrading of a range of Public Rights of Way. However, these are mainly to the north of the site and it is not considered reasonable to insist on these works in relation to the R1 application.

Policy T4 of the Local Plan states that development should incorporate facilities for cyclists and pedestrians which are well connected to other parts of the settlement. As detailed above the proposals include a pedestrian and cycle link to Leicester Road as well as links to other the amenity areas and the potential to connect to other parts of the site.

It is therefore considered that the pedestrian and cycle links proposed are acceptable and that policy T4 and guidance contained within PPG17 are complied with.

Affordable housing

Local Plan policy H6 states that on housing developments of this size a target of 40% affordable housing will be sought, however the supporting text to this policy and the Affordable Housing SPD state that this requirement may be reduced if the applicants demonstrate that the provision of affordable housing at this level will threaten the viability of the development.

The application proposes 48 dwellings, 19.7%, as affordable housing. These are to be a mix of 2 and 3 bedroom properties which will be spread throughout the northern part of the site. It is considered that the type and location of dwellings proposed is acceptable.

The applicants have provided financial viability information to demonstrate that providing 40% of the dwellings as affordable housing, combined with requests for financial contributions, would threaten the viability of the development. They consider this is particularly relevant as this is the first phase of the development which results in infrastructure costs being higher.

The submitted information has been independently assessed on behalf of the Council and further information was requested and provided. The applicants demonstrated that 19.7% of units could be provided as affordable housing, half as rented and half as shared ownership, without adversely affecting the viability of the proposed development.

Although this is significantly less than the affordable housing target this is in part due to the proposals being the first phase of a proposed larger development. Works have to be carried out in phase R1 to provide services such as drainage, sewerage, utilities and the roundabout access into the site and these works could serve the whole Gateway site.

It is therefore considered that it has been adequately demonstrated that 40% affordable housing cannot be provided for R1 and the proposed provision of 19.7% is considered acceptable and in accordance with policy H6.

Planning obligations

Local Plan policy GP15 states that development will only be permitted where the direct physical, social and economic needs of the development can be met or mitigated for.

Comments have been received from Warwickshire County Council who have advised that increased demand from the development will exceed the capacity of local education and library facilities and have requested contributions to meet this additional demand.

Rugby Borough Council's Sport and Recreation Section have requested a contribution towards the building of the Ken Marriott Leisure centre.

Circular 05/05 sets out the factors that must be considered in relation to planning obligations and these requirements are formalised in the Community Infrastructure Levy legislation. These requirements are that contributions must be:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

A formula to calculate education contributions is contained within the Council's Planning Obligations SPD. However, Warwickshire County Council commented that this formula is out of date and used an updated methodology based on the pupil yield on the Cawston Grange development. This results in a request for a higher education contribution. However, this Council are not satisfied that this new methodology has been fully justified, despite WCC providing some additional information. It is therefore considered that this request, based on the new methodology, is not directly related to the proposed development or fairly and reasonably related in scale and kind to the proposed development.

This Council consider that an education contribution based on the methodology within the adopted SPD with the formula updated to reflect current birth rates, pupil place costs and sixth form staying on rates is reasonable and complies with the tests contained within the Circular.

The request for library contributions is based on an assumption that 100% of new households on the development will use the library service and that this will increase demand on the service. However, no information to support this request has been provided to demonstrate that existing facilities are operating at capacity and that the proposed development would result in a need for additional books and equipment. It is therefore considered that the request is not directly relevant to the development and it is not reasonable to require this contribution.

This Council are currently proposing the redevelopment of the Ken Marriott Leisure Centre. This follows the production of the Council's Sports Facilities Strategy which identified a current shortfall in sports hall provision and that additional sports hall, pool and health and fitness provision will be required in the future due to additional demand which, in part, will be associated with the proposed urban extensions, such as the Gateway site. The Council considered whether this demand could be met through the refurbishment of existing facilities or a new build. Further assessment concluded that a new build would be a financially preferable option to the Council. A contribution towards the leisure centre has therefore been requested, based on the proportion of use that will derive from the development. It is considered that this request is directly related to the development and complies with the tests contained within the Circular.

It is therefore considered that, subject to the completion of a s106 agreement, the proposals are acceptable in relation to policy GP15.

Archaeology

The County Archaeologist initially objected to the application on the grounds that the site has significant potential for archaeological deposits and although a programme of fieldwork had been carried out the results of this had not been provided. The applicants have provided this further information and the County Archaeologist has confirmed this overcomes their objection, subject to a condition. This is therefore in accordance with guidance contained within PPS5.

Other matters

Environmental Health were consulted on the application and requested additional information to assess ground conditions. A Phase II Geoenvironmental Assessment was provided and Environmental Health have advised they have no comments regarding contaminated land or ground conditions. Guidance in PPS23 is therefore complied with.

In relation to the drainage of the site Severn Trent and the Environment Agency have no objection subject to a condition requiring details of drainage to be agreed. Guidance in PPS25 is therefore complied with.

Churchover does not have a Parish Plan.

Conclusion

The Local Planning Authority is currently unable to demonstrate a 5 year housing land supply in accordance with national planning policy. The Local Planning Authority has identified its intended area of growth in the future and the release of phase R1 Gateway at this time is not considered to prejudice the determination of the Core Strategy, based on its advanced stage, and R1 will go some way in addressing the shortfall. This overriding housing need together with on site provision of open space (including allotments and children's play area) and affordable housing and off-site financial contributions towards the highway and public transport network, leisure centre, open space (including cemeteries and outdoor sports) and education are, on balance, factors that cumulatively justify a departure from the Development Plan.

Recommendation

Approval – subject to s106 agreement and conditions

DRAFT DECISION

APPLICATION NUMBER

R10/1281

DATE VALID

02/09/2010

ADDRESS OF DEVELOPMENT

RUGBY GATEWAY PHASE R1
LEICESTER ROAD
RUGBY

APPLICANT/AGENT

Mr. M. Rose
Capita Lovejoy
Caxton House
1 Fore Street
Birmingham
B2 5ER
On behalf of , JS Bloor (Measham) Ltd & Cala
Management Ltd

APPLICATION DESCRIPTION

Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.

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:

Plan	Reference	Received
Red line application boundary – Phase 1	11050822/LE-004/C	19th August 2010
Proposed Site Plan – R1	189A78/100/M	10th February 2011
Proposed Elevations – R1	189A78/102/C	1st December 2010
Streetscene Elevations Plots 44, 53-62	GR_SC_02 RevB	24th November 2010
Streetscene Elevations Plots 50, 68-70	GR_SC_03 RevC	1st December 2010
Streetscene Elevations Plots 111-113, 117-119	GR_SC_04 RevD	1st December 2010
Streetscene Elevations Plots 233-241	GR_SC_01 RevC	1st December 2010
Southern Access Roundabout General Arrangement	11050822/GA-009D	7th January 2011
Link to A426 Leicester Road	FP/CY_LINK_01A	16th December 2010
Proposed Attenuation Details – Parts related to R1 ONLY	11050822/RP-006/A	19th August 2010
Detailed Soft Layout Proposals for plots	JBA10/180-05E	10th February 2011
Detailed Soft Layout Proposals for plots	JBA10/180-06D	10th February 2011
Detailed Soft Layout Proposals for plots	JBA10/180-07D	10th February 2011
Detailed Soft Layout Proposals for plots	JBA10/180-08D	10th February 2011
Detailed Soft Layout Proposals for plots	JBA10/180-09D	10th February 2011
Detailed Soft Layout Proposals for POS	JBA10/180-10D	10th February 2011
Detailed Soft Layout Proposals for POS & LEAP	JBA10/180-11E	10th February 2011
Detailed Soft Layout Proposals for POS	JBA10/180-12D	10th February 2011
Detailed Soft Layout Proposals for POS	JBA10/180-13D	10th February 2011
Detailed Soft Layout Proposals for POS	JBA10/180-14D	10th February 2011
Detailed Soft Layout Proposals for POS & LEAP	JBA10/180-15D	10th February 2011
Detailed Soft Layout Proposals for POS	JBA10/180-16D	10th February 2011

06.2B4P

2nd August 2010

06.3B5P		2nd August 2010
2 Bed Apartment Floor Plans	06.9303/Plans/650	24th November 2010
2 Bed Apartment Elevations	06.9303/Eles/650	24th November 2010
Arden	91.25/3254/982	2nd August 2010
Bampton	3250-RUG	10th November 2010
Clovelly	130.55/4261/1405	24th November 2010
GR_Didbrook Plots 226 & 233	GR4260_PLANS&ELEVATIONS Rev C	1st December 2010
Didbrook	160.12/4260/1723/B	1st December 2010
Dursley	108.24/4251/1165	2nd August 2010
Dursley (Boarded)	4251-RUG	10th November 2010
GR_Dursley (Render)	108.24/4251/1165	24th November 2010
Eastcote	149.02/4257/1604	2nd August 2010
Fairburn	70.08/2255/754	2nd August 2010
Fairburn (Option 1)	2255-RUG1	10th November 2010
Fairburn (Option 3)	2255-RUG3	10th November 2010
Farnham (Option 1)	2251-RUG1	10th November 2010
Fenwick (Boarded)	4253a-RUG/A	24th November 2010
Fenwick	114.69/4253/1235/A	24th November 2010
Hanbury	113.25/4252/1219/B	1st December 2010
GR_Hanbury	GR4252_PLANS&ELEVATIONS Rev C	1st December 2010
Oxbridge	106.34/3350/1145/B	24th November 2010
Oxbridge (Option 2)	3350-RUG2	10th November 2010
GR_Pickford	GR3302_PLANS&ELEVATIONS Rev B	24th November 2010
Pickford	06.3302PLANS&ELEVATIONS	24th November 2010
Queensbury	107.51/4250/1157	24th November 2010
Radleigh (Option 2)	2250-RUG2	10th November 2010
Sedgley	77.08/3252/830	2nd August 2010
Shenstone 1	33.70/4255/1439/B	1st December 2010
Shenstone (Boarded)	4255a-RUG/A	24th November 2010
Somerby	4256-RUG	10th November 2010
Willerby	5352a-RUG/A	24th November 2010
Bedale Plans	A-PD1	21st January 2011
Bedale Elevations	A-PD2	21st January 2011
Bedale 2 Plans	A-PD1	21st January 2011
Bedale 2 Elevations	A-PD2	21st January 2011
Bedale 3 Plans	A-PD1	21st January 2011
Bedale 3 Elevations	A-PD2	21st January 2011
Bray Plans	A-PD1/A	2nd August 2010
Bray Elevations	A-PD2/A	2nd August 2010
Carleton Plans	A-PD1	2nd August 2010
Carleton Elevations	A-PD2	2nd August 2010
Cotterdale Plans	A-PD1/A	2nd August 2010
Cotterdale Elevations	A-PD2/A	2nd August 2010
Dacre Plans	A-PD1/A	2nd August 2010
Dacre Elevations	A-PD2/A	2nd August 2010
Dacre 2 Plans	A-PD1/A	24th November 2010
Dacre 2 Elevations	A-PD2/A	24th November 2010
Datchet Plans	A-PD1	2nd August 2010
Datchet Elevations	A-PD2	2nd August 2010
Fulford Plans	A-PD1/A	2nd August 2010
Fulford Elevations	A-PD2/A	2nd August 2010
Fulford Plot 16 – Elevations	A-PD2	1st December 2010
Gloucester Plans	A-PD1/B	24th November 2010
Gloucester Elevations	A-PD2/B	24th November 2010

Gloucester 2 Plans	A-PD1/B	21st January 2011
Gloucester 2 Elevations	A-PD2/B	21st January 2011
Gloucester 3 Plans	A-PD1/B	21st January 2011
Gloucester 3 Elevations	A-PD2/B	21st January 2011
Grassington Plans	A-PD1/A	19th August 2010
Grassington Elevations	A-PD2/A	19th August 2010
Guildford Plans	A-PD1	2nd August 2010
Guildford Elevations	A-PD2	2nd August 2010
Helmsley 2 Plans	A-PD1/B	1st December 2010
Helmsley 2 Elevations	A-PD2/B	1st December 2010
Helmsley 3 Plans	A-PD1/B	1st December 2010
Helmsley 3 Elevations	A-PD2/B	1st December 2010
Helmsley 4 Plans	A-PD1/A	24th November 2010
Helmsley 4 Elevations	A-PD2/A	24th November 2010
Ingleton Plans	A-PD1/B	24th November 2010
Ingleton Elevations	A-PD2/B	24th November 2010
Ingleton 2 Plans	A-PD1	1st December 2010
Ingleton 2 Elevations	A-PD2	1st December 2010
Ingleton 3 Plans	A-PD1	1st December 2010
Ingleton 3 Elevations	A-PD2	1st December 2010
Ingleton Plot 2 Plans	A-PD1/B	6th December 2010
Ingleton Plot 2 Elevations	A-PD2	1st December 2010
Ingleton Plot 17 Plans	A-PD1	6th December 2010
Ingleton Plot 17 Elevations	A-PD2	6th December 2010
Ludlow Plans	PD1	2nd August 2010
Ludlow Elevations	PD2	2nd August 2010
Cala Homes Typical Garages	A-PD1/BA	21st January 2011
Bloor Homes Garages	GR_GAR01	19th August 2010

Following documents received by the Local Planning Authority on 2nd August 2010:-

WSP Technical Statement – Archaeology, July 2010
WSP Drainage Strategy, July 2010
WSP Ecology & Nature Conservation, July 2010
WSP R1 Transport Statement, July 2010

Following documents received by the Local Planning Authority on 10th November 2010:-

Cotswold Archaeology – Archaeological Evaluation ref CA Report: 10157, August 2010;
Cotswold Archaeology – Archaeological Fieldwalking Survey ref CA Report 10052, April 2010;
Pre-Construct Geophysics Geophysical Survey Rugby Urban Extension Vol I (of II) May 2010;
WSP Technical Note – Impacts on M6 Junction 1, November 2010;
Andrew McCarthy Associates Climb & Inspect Tree Surveys ref A24.0760.00018 Rev 0, 22/10/2010;
WSP Ecology letter dated 10/11/2010 ref 12261440-001.

WSP Phase II Geo-Environmental Assessment R1, August 2010 21st September 2010.

Marishal Thompson Group Arboricultural Impact Assessment D0412091724, 29/10/2010 received 15th November 2010.

Bat Enhancement Strategy – R1 20th January 2011

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 all external surfaces, together with samples of the cladding, render, facing bricks and roof tiles have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION: 4

Full details of the siting, design and materials of the proposed bin and cycle stores to serve plots 130-135 shall be submitted to and approved in writing by the Local Planning Authority. The bin and cycle stores shall be provided, in accordance with the approved details before the first occupation of plots 130-135.

REASON:

In the interest of visual and residential amenity.

CONDITION: 5

No development shall commence unless and until details of all proposed walls, fences, railings and gates have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of visual amenity.

CONDITION: 6

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

REASON:

To ensure the proper development of the site.

CONDITION: 7

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

REASON:

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

CONDITION: 8

Prior to the occupation of the 100th dwelling the allotment area shall be provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include accesses, hardstandings, landscaping, boundary treatments and any buildings.

REASON:

In the interest of visual and residential amenity.

CONDITION: 9

No development shall commence unless and until a Woodland Management Plan relating to the woodland within the application site has been submitted and approved in writing by the Local Planning Authority.

Works to the woodland shall not be carried out other than in accordance with the approved plan.

REASON:

In the interest of health and safety.

CONDITION: 10

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting those orders, no development shall be carried out to the plots listed below which comes within Classes A or E of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

This condition relates to the following plots: 1, 8, 9, 14, 17, 25, 30, 40, 44, 47, 50, 53, 68, 74, 75, 76, 77, 79, 83, 84, 86, 95, 101, 104, 111, 119, 123, 125, 145, 155, 156, 163, 172, 179, 203, 211, 218, 223, 226, 233 & 241.

REASON:

In the interest of residential amenity.

CONDITION: 11

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting those orders, no development shall be carried out to any dwelling hereby approved which comes within Classes B, C or D of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION: 12

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

REASON:

In the interest of visual amenity.

CONDITION: 13

No dwelling shall be occupied until the estate roads including footways serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

REASON:

In the interest of highway safety.

CONDITION: 14

No dwelling shall be occupied unless and until the car parking facilities to serve that plot have been provided.

REASON:

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

CONDITION: 15

No development shall commence unless and until a scheme detailing the provision of bus stops, associated pedestrian crossing facilities and footway / cycleway improvements on the A426 has been

submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme is required to be implemented in full, prior to occupation of the first dwelling.

REASON:

In the interest of highway safety.

CONDITION: 16

The landscaping scheme, as detailed on the approved plans and approved in relation to condition 8, shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION: 17

No development shall commence unless and until a Landscape and Green Infrastructure Plan has been submitted to and approved in writing by the Local Planning Authority.
Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of biodiversity and amenity.

CONDITION: 18

Development shall not commence unless and until an Environment and Species Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority.
The surveys, mitigation, contingency measures and all construction activities shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

REASON:

To protect species and features of recognised nature conservation in accordance with PPS9.

CONDITION: 19

No development shall commence unless and until a Habitat Creation/Restoration scheme, including enhancements to be made to the Swift Valley Local Nature Reserve, have been submitted to and approved in writing by the Local Planning Authority. All habitat creation works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

REASON:

In the interests of biodiversity.

CONDITION: 20

No development shall commence unless and until details of measures to mitigate for the loss of habitat used by bats have been submitted to and approved by the Local Planning Authority.
No dwelling shall be occupied until the approved mitigation measures have been provided.

REASON:

To ensure protected species are not adversely affected by the development.

CONDITION: 21

No development shall commence unless and until an Arboricultural Implications Assessment and Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure retained trees are not adversely affected by the proposals.

CONDITION: 22

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS5837:2005 (Recommendations for Tree Work) and should be carried out before the commencement of development.

REASON:

In the interest of visual amenity.

CONDITION: 23

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

REASON:

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

CONDITION: 24

No development shall commence unless and until the applicant has submitted a construction method statement to be approved by the Local Planning Authority. All relevant developers, contractors and sub-contractors should sign up and agree with the statement. The statement should cover construction traffic routing, noise and dust mitigation measures covering all aspects of the development from earth working to construction and measures to ensure the environment is protected from pollutants and should include a BS5228 construction type noise assessment. The adoption of Best Practicable Means as defined in Section 72 of the Control of Pollution Act 1974 should be used as the basis for drafting and implementing the construction method statement. Development shall not be carried out other than in accordance with the approved method statement.

REASON:

In the interests of amenity.

CONDITION: 25

Work on site and deliveries must 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 or deliveries on Sundays or Bank Holidays

No piling on Saturdays, Sundays or Bank Holidays.

REASON:

In the interests of amenity.

CONDITION: 26

No development shall commence unless and until details of an acoustic fence to be erected on the Leicester Road frontage have been submitted to and approved in writing by the Council.

This fence shall be provided, in accordance with the approved details, prior to the first occupation of the development and shall be retained at all times.

REASON:

In the interests of residential amenity.

CONDITION: 27

No development shall commence unless and until an assessment of the glazing procurement and ventilation design required to reduce the impact of noise and meet BS8233 has been submitted to and approved in writing by the Local Planning Authority.

Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of residential amenity.

CONDITION: 28

No development shall commence unless and until an On-Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of sustainability.

CONDITION: 29

No development shall take place until the applicant, or their agents 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:

In the interests of archaeology.

CONDITION: 30

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

REASON:

In the interests of fire safety.

REASON FOR APPROVAL:

The development represents a departure from the Development Plan owing to its location within the countryside outside any defined settlement boundary and therefore conflicts with policies S1, S2 & E1 of the Rugby Borough Local Plan, 2006. However, the Local Planning Authority is unable to demonstrate a 5 year housing land supply in accordance with PPS3. Through the emerging Core Strategy the Local Planning Authority has identified its intended area of growth in the future and the release of Phase R1 Gateway at this time is not considered to prejudice the determination of the Core Strategy, based on its advanced stage, and justifies a departure from the Development Plan.

On balance, the design, siting and external appearance, including energy conservation, of the development would not cause significant harm to the amenities of nearby properties or to the appearance and character of the locality or the setting of the Brownsover Conservation Area or the Listed Building of Brownsover Hall and as such would comply with policies GP1, GP3, GP4 & E5 of the Rugby Borough Local Plan 2006, PPS1 & PPS5.

The proposal has demonstrated that sufficient protection and mitigation can be provided to flora and fauna and therefore the proposal would accord with policies GP2 & E6 of the Rugby Borough Local Plan 2006 & PPS9. The provision of public open space on site together with off-site financial contributions for Swift Valley Nature Reserve and both outdoor and indoor sports facilities means the proposal would not conflict with policies H11, H12, LR1 & LR5 of the Rugby Borough Local Plan and PPG17.

Subject to improvements, an acceptable highway access can be achieved with an adequate layout and parking provision within the site. Together with the submission of a Green Travel Plan, the proposal will accord with policies T1, T2, T3, T4, T5 & T8 of the Rugby Borough Local Plan, 2006 and PPG13.

Adequate mitigation measures can be put in place to safeguard matters in relation to archaeology, flood risk, drainage, noise, air quality and contamination. Therefore, the proposal will accord with PPS5, PPS23, PPG24 & PPS25.

The provision of on-site affordable housing and off-site contributions towards education together with the other obligations stated above would result in the compliance with policies H6 & GP15 of the Rugby Borough Local Plan, 2006.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Local Plan, 2006 Saved policies S1, S2, GP1, GP2, GP3, GP4, GP6, GP12, GP15, E1, E5, E6, E17, T1, T2, T3, T4, T5, T8, H6, H11, H12, LR1, LR5

Rugby Borough Council Local Development Framework, Proposed Submission Core Strategy, 2009 policies CS3, CS16, CS18

Planning Obligations SPD – June 2007

Sustainable Design & Construction SPD – June 2009

Affordable Housing SPD – June 2009

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG17: Planning for open space, sport and recreation

PPS23: Planning and Pollution Control

PPG24: Planning and Noise

PPS25: Development and Flood Risk

West Midlands Regional Spatial Strategy

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

INFORMATIVE: 1

Warwickshire Police recommend that the development is built to Secured by Design Standards.

INFORMATIVE: 2

i) The applicant/developer is advised to contact the British Waterways Works Engineering Team in order to ensure that any necessary consents are obtained and that the works comply with "Code of Practice for Works affecting British Waterways."

ii) British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

INFORMATIVE: 3

Public Right of Way, RB1, shall not be obstructed during the course of development or following its completion.

INFORMATIVE: 4

This development is subject to a s106 legal agreement.

INFORMATIVE: 5

The estate roads including footways, cycleways, verges and footpaths should be designed, laid out and constructed in accordance with the Highway Authority's specification. 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. An application to enter into a Section 38 Highway Works Agreement should be made to the Development Group, Warwickshire County Council, Environment and Economy Directorate, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE: 6

The approved plans require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Development Group, Warwickshire County Council, Environment and Economy Directorate, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE: 7

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

Reference No. R10/1057

Site Address: Part Cawston Local Centre
Land off Gerard Road (west of Scholars Drive)
Cawston Rugby Warwickshire CV22 7GU

Description: Erection of single storey building comprising 4No. units to be used for purposes within Classes A1 (retail), A3 (food & drink) and A5 (hot food takeaway) of the Town & Country Planning (Use Classes) Order 1987 (as amended) together with associated access arrangements, parking, serving and landscaping.

Case Officer Greg Vigars Tel: 01788 533621

This application is placed before the Planning Committee for determination at the request of Councillor Stokes.

The Site

The application site forms part of a larger area of land located centrally within the residential development known as Cawston Grange.

This land, which is currently undeveloped and reserved to retain potential for providing local centre facilities, is bounded by an existing public footpath/bridleway (R166) to the west, a pedestrian footpath to the north and has frontages to the south and the east to Gerard Road and Scholars Drive respectively.

Scholars Drive is a cul de sac which, in addition to providing access to existing dwellings, also serves Cawston Grange Primary School and the local Nursery located immediately to the north. Existing residential properties are located to the east and west of the site.

The land is enclosed by 1.2m high timber post and rail fencing, is fairly level, down to grass and does not contain any significant features or trees worthy of retention. Vehicular access points and sewerage connections have been constructed to serve this land and are available off both Gerard Road and Scholars Drive.

The application site itself comprises some 2737 sq. metres located in the south-eastern corner of the larger local centre area with frontages to Scholars Drive and Gerard Close and includes the existing vehicular access point off Gerard Road.

The Proposal

Original submission:

The application, as originally submitted, sought full planning permission for the erection of a low profile, single storey 'L' shaped building with a pitched roof comprising four separate units to be used for purposes within Classes A1 (retail), A2 (financial & professional services), A3 (food & drink), A5 (hot food takeaway) and D1 (non-residential institutions).

Amended Scheme

Subsequent negotiations with officers have resulted in the following amendments:

- a) deletion of Classes A2 and D1 from the proposals. Therefore the scheme to be determined now relates to the proposed units being used only for purposes within Classes A1(retail), A3 (food & drink) and A5 (hot food takeaway), and
- b) revised design of the building comprising a slight increase in the roof pitch and change in the external roofing materials to echo the design and appearance of the roofs of the adjacent existing school buildings.

The treatment of the external walls of the building includes use of facing brick and rendering. The design includes designated zones for future signage and scope for the provision of internal security shutters. The larger unit (Unit 1) is indicated on the submitted drawings as being designed to accommodate a retail facility for a specific tenant – ‘one stop’.

The proposed building is positioned within the site with the larger of the units (Unit 1) set towards the south-east corner and the smaller attached units (Units 2,3 & 4) being set back from Gerard Road to part enclose and frame the proposed on-site car parking provision set within the site frontage.

The scheme includes the on-site provision of 27no. car parking spaces, 2no. disabled person parking spaces and covered cycle parking with planting proposed adjacent to the site frontages.

Vehicular access is proposed via the existing access point off Gerard Road to serve the proposed car parking and enclosed service yard/refuse storage areas to the rear of the building. A new gated vehicular access on to Scholars Drive is proposed to provide an exit point only from the service yard area.

It is intended that the rear service yard area be enclosed with a 2 metre high brick screen wall along the site boundary with gates at each end.

Relevant Planning History

L A Ref No. R/95/0313/21371/OP

In respect of the development comprising Cawston Grange, outline planning permission for ‘Use of land for residential development, associated open space, school site, local centre, drainage works and highway works including connection to the A4061 and temporary access to Lawford Lane’ was granted subject to conditions on 17th November 1998.

The outline planning permission approved a master plan for Cawston Grange which included land for a local centre This decision was issued following completion of a Section 106 Agreement to:-

- secure financial contributions towards off-site highway works and education
- provide a neighbourhood centre, social housing and public open space.

With specific reference to the neighbourhood centre, the Section 106 Agreement defines this as including a doctor's surgery site, a site for a public house and a neighbourhood shopping centre with all associated accesses and car parking.

It states, in addition to a site for a public house, that a neighbourhood centre means a site for shop or shop units for convenience retail purposes not exceeding 1000 square metres gross retail floor area including, if so desired and subject to planning permission, A3 Hot Food Takeaway shop or shops.

Over the years several varied proposals for development of the local centre land have been the subject of discussions but unfortunately none have come to fruition.

The current application is submitted by William Davis Ltd. who, it is understood, intend to build out the scheme if planning permission is forthcoming.

Consultation Responses

Technical Consultees

WCC Highways:	no objections	subject to conditions
Severn Trent Water:	no objections	subject to conditions
Environmental Services:	no objections	subject to conditions
WCC Archaeology:	no objection	subject to condition
WCC Ecological Services:	no objections	subject to conditions and advisory notes

Third Parties

Parish Council :	no objections	stating 'delighted to see application for long awaited commercial facilities' but have particular concerns regarding – aesthetics of the development/external roof materials not in keeping/roof should be tiled/ design should reflect that of adjacent school buildings/appropriate landscaping& planting should be incorporated/delivery times of service vehicles should be restricted to avoid school arrival & departure times/adequate fencing needs to be provided around remainder of local centre site/refers to Cawston Parish Plan drawing attention to facilities parishioners would prefer to see
Local Residents: (2 via email)	object	hot food takeaway inappropriate/lead to noise & disturbance at unsocial hours/ problems of smell and rubbish/will lead to increased

traffic attracted to local centre from outside the area/sufficient fast food outlets in the vicinity/inappropriate to the character of the area/ attract antisocial behaviour as experienced in other local centres in the urban area.

Head Teacher
Cawston Grange
Primary School:
taken

no objections

subject to safety of school children being being into account/restriction on opening hours/restriction on delivery times/design in keeping with the school/restrict hours to the hot food takeaway/ construction traffic times. should be restricted

Councillor Stokes: no objections in principle

but major application that should be considered by the Planning Committee/ impact on Cawston Grange Primary School should be taken into account.

Relevant Planning Policies

RBLP Policy	TCR7	Local Shops & Community Services	complies
RBLP Policy	GP1	Design & Appearance	complies
RBLP Policy	GP2	Landscaping	complies
RBLP Policy	GP3	Protection of Amenity	complies
RBLP Policy	GP4	Energy Conservation	complies
RBLP Policy	T3	Access & Highway Layout	complies
RBLP Policy	T5	Parking Facilities	complies
PPS1 - Delivering Sustainable Development			
PPS 4 - Planning for Sustainable Economic Growth			
PPG13 - Transport			

Determining Considerations

The key determining considerations to be taken into account in assessing the proposed development relate to the principle of development, its design, appearance and impact on the visual amenities and character of the immediate locality, its relationship to adjacent development and protection of amenity, highway safety and other associated technical considerations.

In terms of the principle, the site forms part of land designated for development of local centre facilities within the originally approved masterplan for Cawston Grange.

Ideally it would have been preferable to be able to consider a comprehensive scheme for the whole 'local centre' site but given economic circumstances and difficulties experienced over recent years in securing proposals to develop out the total site, it is considered reasonable to accept that part of the land, as contained in the application site, could be developed for

appropriate neighbourhood centre uses provided it does not jeopardise the future development of the remainder of the land. The Design and Access Statement accompanying the application includes an analysis of the site and proposed development in the context of the local centre as a whole. This indicates that the design approach to the layout for the latest scheme takes full account of the need to realise the future potential of the adjoining land and allows for flexibility in accessing this land.

With regard to the types of uses proposed, the range of uses initially included Class A2 (financial & professional services) and Class D1 (non-residential institutions). These two Classes have since been deleted from the development description. It is now proposed that the scheme be considered for the accommodation of Class A1, A3 and A5 uses only.

In principle, it is considered that these uses are appropriate for inclusion within the local centre and as such, subject to appropriate restrictive conditions, accord with saved local plan policy TCR7 which seeks to provide shops and services to meet the needs of the local communities.

With regard to design and appearance, the local centre land is located adjacent to, and relates closely with the existing school buildings. The proposed building is designed to complement these existing buildings with a view to ultimately creating a local centre with its own identity and forming a focal point within the overall Cawston Grange development. To this end the scheme proposes a low profile building, which has subsequently been amended by modifying the roof design, to reflect the design and appearance of the school buildings. This will not only be in keeping with the school buildings but being single storey will not unduly adversely impact on neighbouring residential properties.

In terms of layout, the building is designed in an 'L' shape. The larger element Unit 1 is set close to the corner of Gerard Road and Scholars Drive providing a visual closing feature as the site is approached from the east. The Scholars Drive frontage is proposed to be landscaped and planted to further enhance its appearance.

The three other units are located towards the rear of the site and together with Unit 1 are set fronting onto the landscaped parking area that is laid out within the site frontage.

A vehicular access way is proposed from the existing access point off Gerard Road. This extends to the rear of the site. It provides access to a gated/secure service yard at the rear of the building as well as serving the on-site parking area. It also allows for future access to the remaining local centre land immediately to the west and north of the application site.

The proposed service yard has a gated access that exits onto Scholars Drive. It is considered that appropriate conditions could be imposed to control hours of operation and delivery times in the interests of protecting amenity and to address the concerns raised by the Head of the nearby School.

In view of the above, it is considered that the proposed scheme as amended would not conflict with 'saved' adopted policies GP1, GP2 and GP3 of the Rugby Borough Local Plan 2006 in respect of design and appearance, landscaping and the protection of amenity.

In terms of Energy Conservation, the applicant's agents have confirmed within the accompanying Design and Access Statement that the design has had regard to the criteria set out in the Council's SPD on Sustainable Design and Construction and therefore accords with 'saved' policy GP4 of the Rugby Borough Local Plan 2006.

Furthermore, the proposed access and highway arrangements meet the requirements of the County Highway Authority which has confirmed it has no objections subject to conditions. An acceptable level of on-site car parking accommodation is proposed which meets the Council's standards and includes facilities for disabled persons parking and for covered cycle parking. The layout also includes pedestrian walkway links as part of the design. On this basis it is considered the proposals accord with 'saved' policies T3 and T5 of the Rugby Borough Local Plan 2006.

Overall the proposed development is acceptable in principle, does not conflict with relevant adopted policies and standards and accords with national planning policies and guidance. Therefore subject to appropriate conditions it is recommended that planning permission is granted.

Recommendation

APPROVE subject to conditions

APPLICATION NUMBER

R10/1057

DATE VALID

30/11/2010

ADDRESS OF DEVELOPMENT

LAND OFF GERARD ROAD
(west of Scholars Drive)
CAWSTON
RUGBY
CV22 7GU

APPLICANT/AGENT

Mr David Isherwood
ISHERWOOD Mccann
Rose Park
Lutterworth Road
Blaby
Leicestershire
LE8 4DP
On behalf of MR S KELLIE, WILLIAM DAVIS
LTD.

APPLICATION DESCRIPTION

Erection of single storey building comprising 4No. Units to be used for purposes within Classes A1(Retail), A3(Food & Drink), and A5(Hot Food Takeaway), of the Town & Country Planning (Use Classes) Order 1987 (as amended) together with associated access arrangements, parking, servicing and landscaping.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

The development shall not be carried out other than in accordance with the Amended Elevations, Building Floor Plan & Site Plan Drawing No. 29048-PL01 Rev C dated 10.01.11 and the Site Layout Plan No. 29048-PL02 dated 22.11.10.

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 units within the premises hereby permitted shall only be used for purposes within Class A1 (Retail) except that, in addition, of the units indicated as Nos.2,3 and 4 on the approved layout plan no more than one of these shall, at any time, be used for purposes within Class A3 (Food and Drink) and no more than one of these units shall, at any time, be used for purposes within Class A5 (Hot Food Takeaway).

REASON:

In the interests of the amenities of the locality.

CONDITION 4:

The units Nos. 1 to 4 inclusive, as indicated on the approved plan, shall not be amalgamated into larger units or subdivided into smaller units without the prior permission of the Local Planning Authority.

Reason:

To ensure that the development fulfils the function of providing for the day to day needs of the local population and to ensure the vitality and viability of existing centres.

CONDITION 5:

The service yard access on Scholars Drive shall only be used as an exit from the site for service vehicles and when egress is not taking place the service yard gates across this accessway shall remain closed.

REASON:

To ensure the details of the development are acceptable to the Local Planning Authority in the interests of public and highway safety and residential amenity.

CONDITION 6:

No deliveries shall be made to or dispatched from the site outside the hours of 0730 - 1800hrs Mondays to Saturdays, nor outside the hours of 0800 - 1300hrs on Sundays or Bank Holidays. Notwithstanding this, during these specified delivery times and only within school term times, the service yard access on to Scholars Drive shall not be used and the gates shall be kept closed between the hours of 0815 - 0845hrs and 1515 - 1545hrs.

REASON:

In the interests of public and highway safety and the amenities of the locality.

CONDITION 7:

The units hereby permitted shall not be open except between the hours of 0700 - 2300hrs.

REASON:

In the interests of residential amenity.

CONDITION 8:

The roof of the proposed building shall be finished with interlocking tiles as agreed by the applicant's agent in his email dated 27th January 2011. No development shall commence unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing bricks and roof tiles have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION 9:

Before any development is commenced a comprehensive scheme detailing both hard and soft landscaping shall be submitted to and approved by the Local Planning Authority and the works shall be carried out as approved. Such a scheme shall include planting plans with written specifications, a schedule of plants noting species, plant sizes, numbers and density, details of the surface treatment of pedestrian walkways, car parking areas and the service yard, together with an implementation programme.

REASON:

In the interests of the visual amenities of the locality.

CONDITION 10:

Trees and shrubs approved in accordance with Condition 9 above shall be planted no later than the first planting season following first occupation of the development and the trees and shrubs so planted shall be properly maintained. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies or in the opinion of the Local Planning Authority becomes 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 interests of visual amenity.

CONDITION 11:

Notwithstanding any indication given on the approved layout drawing, full details of the materials to be used in the surfacing of the access road, parking, servicing and turning areas and any other areas around the building, shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the approved surfacing thereafter completed before the development is occupied.

REASON:

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

CONDITION 12:

Notwithstanding any indication given on the approved layout drawing, full details of the treatment of site boundaries, including details of the design and appearance and materials to be used in the construction of any proposed walls, barriers, fences, gates, bollards, shall be submitted to and approved by the Local Planning Authority before the development is commenced and the approved walls, fencing, barriers,

bollards or other means of enclosure shall be erected concurrently with the remainder of the development.

REASON:

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

CONDITION 13:

Full details of the design and appearance of the proposed cycle shelter and bin stores shall be agreed in writing with the Local Planning Authority before development commences and the approved cycle shelter and bin stores shall thereafter be provided before the development hereby permitted is brought into use.

REASON:

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

CONDITION 14:

Details of the position, height, type and location of all sources of external lighting, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and shall be erected/installed to the satisfaction of the Local Planning Authority before the development is occupied.

REASON:

In the interests of the visual amenities of the locality.

CONDITION 15:

The accommodation for car parking and the loading and unloading of vehicles, shown on the approved plan No. 29048-PL02 shall be provided before the occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles 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 16:

No part of the site, other than within the proposed buildings, shall be used for storage purposes.

REASON:

In the interests of the visual amenities of the locality.

CONDITION 17:

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

REASON:

In the interests of fire safety.

CONDITION 18:

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

REASON:

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

CONDITION 19

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

a) A width of 6.0 metres with a gradient not steeper than 1 in 40 and hard surfaced in a bound material for a distance of 16.5 metres from the near edge of the carriageway of the spur road to be formed from Gerard Road.

b) Gates and barriers opening into the site at the service yard entrance off the spur road from Gerard Road and not being placed within the vehicular access any closer than 16.5 metres from the near edge of the highway carriageway.

c) The access not reducing the effective capacity of any highway drain, and not allowing surface water to run off the site onto the highway.

REASON:

In the interest of highway safety.

CONDITION 20:

No new building shall be occupied until pedestrian and vehicular access has been provided to the satisfaction of the Local Planning Authority. The development shall not be used for the purposes hereby permitted unless adequate vehicular turning space is provided and maintained within the site so that vehicles are able to enter and leave the highway in a forward gear.

REASON:

In the interests of public and highway safety.

CONDITION 21:

No loading or unloading of vehicles either calling at the premises or being in the control of the occupiers of the site shall be carried out other than within the curtilage of the site. No vehicles which have been left with or are in the control of the occupier or their employees, shall be stored or parked on the highway [Gerard Road or Scholars Drive].

REASON:

In the interest of highway safety.

CONDITION 22:

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

REASON:

In the interest of highway safety.

CONDITION 23:

Before the development hereby permitted is commenced, the written approval of the Local Planning Authority in consultation with the Highway Authority, shall be obtained for details of the design and construction of the proposed road and footways serving the development. These details shall include large scale plans and cross and longitudinal sections showing design, layout, construction of the accesses and road together with surface water drainage to outfall.

REASON:

The development hereby permitted shall not be occupied until the proposed road and footways have been constructed (up to base course level) in accordance with details approved in writing by the Local Planning Authority.

CONDITION 24:

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

REASON:

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

CONDITION 25:

No development shall commence unless and until a contaminated land assessment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and measures to avoid risk (to the site users, buildings and environment) when the site is developed. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION 26:

No construction traffic shall use Scholars Drive for ingress to and egress from the site. Construction work on site shall not occur outside the following hours:-

Monday - Friday	07.30 - 18.00hrs
Saturday	08.30 - 13.00hrs

No construction work shall be carried on on Sundays and Bank Holidays.

REASON:

In the interests of residential amenity.

CONDITION 27:

Full details of any refrigeration or airhandling plant, flues or other equipment to be located externally to the building, to include proposed measures for acoustically treating such equipment, shall be submitted to and approved by the Local Planning Authority prior to such plant being installed. Equipment shall then be installed in accordance with the approved details.

REASON:

In the interests of the amenities of neighbouring properties.

CONDITION 28:

Appropriate signage shall be erected giving notice of the presence of the local school within the vicinity of the site. Before any development is commenced, details of the design and location of such signage shall be submitted to and approved in writing by the Local Planning Authority. The agreed signage shall be installed prior to the development hereby permitted being brought into use and thereafter retained permanently and properly maintained to the satisfaction of the Local Planning Authority.

REASON:

In the interests of public and highway safety.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

TCR7, GP1, GP2, GP3, GP4, T3 & T5

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

REASON FOR APPROVAL:

The nature of the proposed development is considered appropriate given its siting within land designated for the purposes of a local centre to meet needs of the local community at Cawston. The design, appearance and layout of the proposed development and associated hard and soft landscaping will be in keeping with the character and appearance of the immediate locality and will not have an undue adverse impact on its visual amenities. It meets highway safety standards and accords with sustainable design and construction standards. Overall therefore the proposal complies with policies TCR7, GP1, GP2, GP3, GP4, T3 and T5 of the Rugby Borough Local Plan 2006 and PPS1 PPS4 AND PPG13.

INFORMATIVE A:

Before any improvement works required by this planning permission are commenced to the existing highway, the developer shall enter into an agreement under the Highways Act 1980 with the Highway Authority. (Warwickshire County Council)

INFORMATIVE B:

The applicant/developer is advised that the proposed road and footways serving the development hereby permitted should be designed in accordance with the requirements and standard specifications of the Highway Authority as described in 'Transport and Roads for Developments - The Warwickshire Guide 2001' (published by Warwickshire County Council) and any subsequent amendments.

INFORMATIVE C:

The Highway Authority will not consider drawings or inspect works relating to the adoption of highways under section 38 of the Highways Act 1980, unless all relevant details of the highways concerned have already been approved in writing by the Local Planning Authority in consultation with the Highway Authority as required by conditions imposed on the appropriate planning permission under the Town & Country Planning Act 1990. Developers are advised that no consideration of drawings for technical approval will be carried out until the developer has paid the non-returnable sum of £1000 in respect of the technical checks.

INFORMATIVE D:

The highway authority will not adopt any estate roads until they, together with the means of access to them, have been laid out and constructed in accordance with the principles and standards as set out in 'Transport and Roads for Developments-the Warwickshire Guide (published by Warwickshire County Council) and any subsequent amendments. An application to enter into a Section 38 Highway Works Agreement should be made to the Development Group, Warwickshire County Council, Environment and Economy Directorate, Shire Hall Warwick CV34 4SX. The applicant(s)/developer(s) are advised 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. Developers are advised that no inspection of highway works being proposed for adoption will be carried out until a Section 38 Agreement has been completed.

INFORMATIVE E:

Unless the developer has entered into an agreement with the appropriate Sewerage Authority or its agent authority for adoption, under Section 104 of the Water Industry Act 1991, of all sewers contained or passing within the limits of a highway, the Highway Authority will not complete an agreement to adopt that highway under Section 38 of the Highways Act 1980.

INFORMATIVE F:

Unauthorised signs are not permitted within the limits of any public highway. To discuss the provision of permanent signs in relation to a development a developer must apply in writing to Katrina Pediar, Traffic Projects Group, Environment & Economy Directorate, PO Box 43 , Shire Hall, Warwick CV34 4SX.

INFORMATIVE G:

The applicant/developer is advised that all waste drains serving the kitchen area of a Unit to be used for purposes within either Class A3(food & drink) or Class A5 (hot food takeaway) should be provided with grease traps and detritus traps prior to discharge to the sewer.

INFORMATIVE H:

With regard to condition 27, the applicants/developers are advised that full consideration should be given to the Chartered Institute of Environmental Health document entitled ' Guidance on the Control of Odour and Noise from Commercial Kitchen Extract Systems' dated January 2006.

Reference No. R10/1759

Site Address: Land forming part of former Cattle Market,
Railway Terrace Rugby CV21 3HR

Description: Erection of two storey building for use as a Community Centre for purposes within Classes D1 and D2 of the Town and Country Planning (Use Classes) Order 1987 as amended including ancillary offices, together with associated access, parking and landscaping.

Case Officer Greg Vigars Tel: 01788 533621

This application is placed before the Planning Committee for determination as the proposal affects land in the ownership of Rugby Borough Council and also constitutes 'major' development.

The Site

The site comprises land forming part of the former Cattle Market. It is basically rectangular in shape, has an area of approximately 2000 sq metres and a 35metre wide frontage to Railway Terrace, It is located opposite the junction of Railway Terrace with Omega Place which serves existing residential flats.

The land contained within the site is still in the ownership of Rugby Borough Council apart from a 5 metre wide strip of land running along its southern side which has been transferred to Barteak Developments Ltd. to facilitate provision of access to adjacent land at the corner of Railway Terrace and Craven Road.

The site is reasonably level, contains no significant landscape features and is predominantly hard surfaced having previously contained livestock pens and various associated sheds used in the operation of the former livestock market.

Immediately adjacent to the site, land to the north, east and south-east is reserved for the provision of public open space as part of the redevelopment proposals approved for the Cattle Market land. To the south there are proposals approved for development of a nursing home with vehicle access arrangements designed to be shared with and serve the application site from Railway Terrace.

Relevant Planning History

Outline Application (LPA Ref No. R08/1391/MAJP)

Outline planning permission for mixed use development comprising 155 no. residential units including 74 no. affordable units, sheltered housing, nursing home, 72 bed hotel and ancillary bar/restaurant, retail, employment and community uses, access, parking, public open space, landscaping and associated works –

Approved 27th May 2009

all matters reserved excluding access, and in the case of the public open space, residential, retail/hotel development excluding layout and scale

Hybrid' Application (part outline/part full)
(LPA Ref No. R09/0331/MAJP)

Mixed use development comprising:

Approved 1st September 2009

Part full planning permission for the erection of buildings for use as a 72 bed hotel with ancillary bar/restaurant (C1/A3) and 420 sq.m of retail floorspace (A1), an 80 bed nursing (C2), a 45 unit extra-care sheltered housing development (C3) and the erection of 47 no. affordable residential units (C3) together with associated access, parking and landscaping.

Part outline planning permission for the erection of 69 no. residential units (C3), the erection of buildings for employment use (B1 (a), (b) and (c) – maximum floorspace 3842sq.m gea) and community use (D1/D2 – maximum floor space 2250sq.m gea) and the provision of public open space (0.95 ha) – all matters reserved apart from access, and in the case of the residential units and public open space apart from layout and scale.

Part Reserved Matters Application
(LPA Ref No.R10/0746)

Erection of 69 residential units
2010

Approved 10th August

(51 no. two bed apartments and 18 no. one bed apartments)
– submission of reserved matters in respect of appearance and landscaping and discharge of related conditions nos. 6 (details of roads, footpaths, parking, drainage, fences and walls, levels, equipment located on the roof of buildings and refuse storage facilities), 18, 19 and 31 (hard and soft landscaping) and 30 (materials) pursuant to outline planning permission ref. R09/0331/MAJP, dated 01/09/2009.

Other Relevant Information

Background

This proposal forms part of the comprehensive redevelopment of the former Cattle Market site bounded by Craven Road, Railway Terrace and Murray Road. Following the grant of outline planning permission in May 2005, a 'hybrid' planning application (part outline/part full) was granted planning permission on 1st September 2009 for mixed use comprising affordable, sheltered and market housing, a hotel and retail development, nursing home, community facility, employment development and public open space.

The affordable and sheltered housing together with the the hotel/retail development were granted full planning permission. The hotel and retail developments have been completed and the affordable and sheltered housing are currently under construction and nearing completion.

Subsequently, details were approved on 10th August 2010 for 69 residential units contained in 3no. three storey blocks together with related infrastructure works.

Community Use

From the outset, the land contained within this current planning application site has always been included in the overall masterplan for redevelopment of the former cattle market site and reserved for 'community use'.

Recent Decision of Council

At a 'special meeting' held on 19th October 2010, Council considered a report of the Portfolio Holders for Economy, Development and Culture and Sustainable Environment in respect of giving consideration to the potential for accommodation of medical facilities at Brownsover and the former Livestock Market {agenda item 7(c)}.

Part (b) of that report specifically related to the former cattle market and in particular the 0.5 acres of land reserved to accommodate an inclusive 'community facility'. Council resolved that this land be made available to accommodate a proposed medical facility as put forward in the report. {Minute 48c-2010/11} (An application for planning permission in relation to these proposals has not yet been formally submitted)

With regard to the current application, the decision of Council does not prevent the Planning Committee from making a separate planning decision. Determination of this planning application should be properly assessed on planning grounds taking into account the appropriateness of the development in land use terms having regard to adopted planning policies and standards and national policies and guidance.

The applicants, 'The Gateway Management Group' have confirmed that they wish the application to proceed to determination.

The Application

The application seeks full planning permission for the erection of a part two storey/part single storey Community Centre building for use for purposes within Classes D1(non-residential institutions) and D2 (assembly and leisure) of the Town and Country Planning (Use Classes) Order 1987 as amended.

The applicants have explained in a supporting statement that the principle of 'The Gateway' building is to deliver activities and services that help support the community and develop their capacity. It is intended that the social and community activities that are currently delivered by The Benn Partnership Centre will be re-housed within the 'The Gateway' but will be changed in terms of scale and delivery because of additional space available. The community workshop space will be used primarily to house mainly non-statutory providers under one roof so that

planned/joined up use of resources can lead to delivery of holistic services to the community while supporting the operation of 'The Gateway'.

The building has been designed to accommodate the following types of (Class D1) uses for:

- the provision of non-residential education through supporting resources including IT suite of rooms of varying dimensions.
- the display of works of art produced by the community
- the housing of a multi-language community library
- the purposes of running a crèche if occasions demand
- incubation units for social enterprises
- drop-in advice, mentoring, guidance.

with ancillary uses that could include:

- conferences and seminars to support education
- liaison with relevant service providers from voluntary and community sector or regional charities.

together with facilities, including Hall and other rooms, for (Class D2) uses such as concerts, dance classes, indoor sports and recreational activities and rooms for social get-togethers, clubs etc.

Space could be used by social enterprises, charities, voluntary and community sector organisations that specialize in theatre, dance, and other arts related programmes.

The design of the proposed building is contemporary and responds to the need to accommodate the above alternative uses and in so doing has areas of flexible internal space.

The footprint of the building is set towards the western end of the site to present a street frontage to Railway Terrace but has its main entrance facing the proposed car park overlooking the adjacent public open space and the associated landscaped walkway which ultimately will provide a pedestrian link from the railway station through to the town centre.

Vehicular access is proposed from Railway Terrace to serve the car parking area. It is intended that the access will be shared with the neighbouring nursing home(yet to be built) and includes adequate on-site turning facilities.

The external appearance of the building complements the architectural style of the buildings already being developed on the Cattle Market site. It incorporates the use of stepped opposing mono-pitched roofs over the separate elements of the building. The single storey element, containing the multi-purpose function room, which sits adjacent to the northern boundary has its aspect on to the proposed public open space and incorporates a mono-pitch 'green roof' sloping towards the park. The two storey element sits adjacent to the proposed access way.

The design utilises alternative materials and colour to enliven the facades and create a distinctive, attractive and welcoming building.

The building is proposed to be designed to BREEAM excellent standard and will utilise better than 10% renewable energy. The building proposes to incorporate a number of ECO systems e.g.:-

- Photovoltaics (electricity generation)

- Solar powered natural ventilation towers
- Rainwater harvesting (green roof irrigation)
- Renewable energy heating/hot water systems biomass boiler installation.
- Daylight analysis lighting controls.

In addition to the Design and Access Statement a full energy statement has been submitted in support of the application together with a Green Travel Plan and Drainage Strategy.

With regard to contamination, the outline planning permission for redevelopment of the whole cattle market site agreed a Contaminated Land Remediation Strategy produced by Faber Maunsell on behalf of Barteak Developments. It is intended that the proposed development will adhere to the recommendations of this agreed strategy as they relate to the application site.

Technical Consultations

Wks CC Highways	no objections	subject to conditions & advisory notes
Wks CC Ecology	no objections	subject to informatives being added
Wks Police	no objections	
Environmental Services	no objections	subject to conditions & advisory notes

Third Party Consultations

Neighbours	no representations received
Murray Road Residents' Association	no representations received

Relevant Planning Policies

RBLP GP1	conforms	appearance and design of development
RBLP GP2	conforms	landscaping
RBLP GP3	conforms	protection of amenity
RBLP GP4	conforms	energy conservation
RBLP T2	conforms	travel plans
RBLP T3	conforms	access and highway layout
RBLP T5	conforms	parking facilities

PPS1 Delivering Sustainable Development
 Supplement – Planning and Climate Change

SPD Sustainable Design and Construction, June 2009

Determining Considerations

The principle of development of this part of the larger Cattle Market site for 'community use' purposes was accepted with the initial grant of outline planning permission. This was reinforced with the subsequent approval of the later 'hybrid' application for outline/full planning permission. The key planning considerations to be taken into account in assessing the current proposals therefore relate to design and layout, character and appearance, landscaping, impact on amenity, access and parking and energy conservation having regard to the relevant saved policies controlling development contained in the Rugby Borough Local Plan, government planning policy guidance and any other material considerations.

Design, Appearance, Layout & Landscaping.

Forming part of a larger redevelopment site, the detailed proposals for the application site have had full regard to the design approach reflected in the masterplan that formed the basis of the outline planning permission. In layout terms it relates well with the proposed adjacent public open space areas, provides a strong frontage to Railway Terrace and is designed to accommodate a shared access to serve both the site and the adjacent planned nursing home. Although the size of the site itself provides limited scope for soft landscaping it is set adjacent to large areas of proposed public open space. It is proposed to provide planting on the site frontage to Railway Terrace.

The design of the proposed building, its scale and massing reflects its function and as described earlier picks up on the architectural style and features of buildings already being constructed on the remainder of the Cattle Market site. The choice of materials to be used on the external surfaces of the building will complement those already being used in the new development, will enhance the visual character of the local area and are considered appropriate.

In view of the above, the overall design and appearance of the proposed building is considered acceptable. The design concept adheres to the approach adopted for the larger Cattle Market redevelopment scheme and the proposed development, together with other elements, will positively contribute to the creation of an attractive and diverse environment, harmonise with and enhance the surroundings and foster a sense of place and identity. It therefore accords with relevant criteria set out in saved Local Plan policies GP1, GP2 and guidance contained in PPS1 which seek the achievement of high quality design and appearance

The development has also had full regard to sustainability and energy efficiency in its design and construction in accordance with Local Plan policy GP4 and the Council's associated supplementary planning document.

Residential Amenity

The site forms part of a larger redevelopment of the former Cattle Market. In terms of protection of amenity, the scheme has been designed to meet the parameters set down at the outline planning stage and has been submitted following lengthy consultations by the applicants with the local community.

The nature of the development and its design reflects this. Furthermore, no representations opposing the scheme have been received from local residents. Environmental Services have requested particular conditions be included should the application be approved, but on balance it is not considered that the proposed development will have an undue adverse impact on residential amenity. It therefore conforms with saved policy GP3 of the Rugby Borough Local Plan 2006.

Highway Considerations

The size of the building, extent of floorspace and provision of on-site car parking accords with the limits set within the outline planning permission. The access arrangements meet adopted highway standards and a Green Travel Plan has also been submitted. Having considered the proposals, the Highway Authority has confirmed it has no objections to the scheme. The proposed development therefore accords with saved policies T2, T3 and T5 of the Rugby

Borough Local Plan 2006 which seek to ensure that development proposals have proper regard to public and highway safety and sustainable transport objectives.

Conclusion

In view of the above, the proposed development is considered acceptable in planning terms and subject to appropriate conditions is recommended for approval.

Recommendation

APPROVE subject to appropriate conditions

APPLICATION NUMBER

R10/1759

DATE VALID

12/10/2010

ADDRESS OF DEVELOPMENT

Land forming part of former Cattle Market
Railway Terrace
RUGBY
CV21 3HR

APPLICANT/AGENT

Hb Architects
The Triforium
17 Warwick Street
Rugby
Warwickshire
CV21 3DH
On behalf of Mrs Karen Stone, The Gateway
Management Group

APPLICATION DESCRIPTION

Erection of a two storey building for use as a Community Centre for purposes within Classes D1 & D2 of the Town & Country Planning (Use Classes) Order 1987 as amended including ancillary offices, together with associated access, parking and landscaping.

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.

N.B.

ADDITIONAL CONDITIONS TO FOLLOW

Reference number: **R11/0019** (Planning Application 1 of 5)

Site Address: **18 Main Street, Bilton, Rugby**

Description: **Installation of new shop front**

Case Officer: **Chris Davies 01788 533627**

Introduction

This item is one of a package of five planning applications submitted by CgMs Ltd. on behalf of the applicants Tesco Stores Ltd. relating to proposed works to the existing premises.

All five applications have been brought before the Planning Committee for determination at the request of Councillor Mark Williams. These include applications for planning permission for:

1. Installation of a new shop front. (Ref no. R11/0019)
2. Installation of an ATM machine. (Ref no. R11/0021)
3. Alterations to the rear elevation and provision of ramped access. (Ref no. R11/0020)
4. Installation of plant and equipment. (Ref no. R11/0018)

together with an application for consent to display advertisements comprising:

5. 4no. internally illuminated fascia signs (Ref no. R11/ 0022)

The Existing Site and its Authorised Use

The Site

The site comprises the curtilage of an existing vacant, part two storey, part single storey flat roof retail property located on the corner of Main Street and Lawford Lane, in a prominent location within the existing commercial centre of Bilton but situated outside the designated Bilton Village Conservation Area.

A separate retail unit is contained within the existing building set to the left hand side of the property frontage (No.16 Main Street). The currently submitted package of planning applications relate only to No.18 Main Street.

The two storey element of the building has a 22.2m frontage facing on to Main Street. It is set back from the highway carriageway by some 10m. The existing forecourt is hard surfaced. The site frontage serves as a customer parking area capable of accommodating approximately 12no.vehicles (with sufficient depth to accommodate smaller commercial vehicles also). There is also a public car park (approx 20no. spaces) adjacent to the rear of the site.

The existing premises contain retail floor space on the ground floor with residential flats above. The design, character and appearance of the building reflect its former uses. It has large shop windows in the Main Street and Lawford Lane elevations with an ancillary service yard and single storey workshop to the rear served by an existing access off Lawford Lane.

Immediately adjacent to the property is the Bilton Methodist Church, with Bilton Evangelical Church located on the opposite side of Main Street. The commercial property located on the opposite side of the Main Street/Lawford Lane junction is occupied by a kitchen showroom (ground floor) and a hair dressing salon (first floor). Gem Tool Hire Limited, the company that formerly occupied the premises, now operates from a nearby property on the corner of Lawford Lane and Winwick Place. Existing nearby residential properties are located on Alwyn Road, Main Street, Lawford Lane and Winwick Place. These properties are not directly adjacent to the application site.

Relevant History and Authorised Use

This site has a history of commercial operations dating back 30 years, beginning with the use of the land as a car showroom with an ancillary workshop to the rear (LPA reference number R81/0989/6804/P, granted 27 November 1981). In 2000 planning permission was given for the site to be used for the display and sale of PVCU windows, doors, conservatories, furniture etc. (LPA reference number R99/0849/06804/P, granted 05 January 2000). However this does not appear to have been implemented.

In 2000 planning permission was granted for the use of the site for the sale and hire of tools and equipment with ancillary workshop (LPA reference number R00/0497/06804/P). It was at this point that the site became Gem Tool Hire Limited, an operation that continued until very recently when Tesco Stores Limited took over the site.

The Town and Country Planning (Use Classes) Order 1987 as amended details the uses which fall within use class A1 – retail. These uses include the sale of goods and the hiring out of goods and articles. As Gem Tool Hire sold and hired goods to the general public and trade it is considered that this use constituted an A1 retail use.

Planning permission is not required where a building is to be used for purposes that fall within the same use class. Use of the property as a shop falls within use Class A1. A separate application for planning permission is therefore not required to be submitted by the applicants (Tesco Stores Limited) for the use of the property as a small supermarket/convenience store. The existing building is currently being re-fitted internally to accommodate this use.

Planning permission is required for any external alterations proposed to be made to the existing building.

Therefore, in planning terms, the only issues to be considered in determining each of the five submitted planning applications relate to the proposed physical alterations to the building.

The Proposal (Application 1 – Ref No. R11/0019)

The applicant seeks full planning permission for the installation of a replacement shop front.

The design incorporates predominantly full height glazing along the Main Street frontage, including automatic bi-parting doors, set in powder coated aluminium frames in the applicant's corporate colours. Replacement windows of a similar design are to be installed in the Lawford Lane elevation. Existing external roller shutters are to be removed.

Technical Consultations

Access Officer no comments

WCC Ecology no objections request note re protection of bats and breeding birds

Third Party Consultations

Neighbours (2)	objections	existing retail provision sufficient loss of jobs and existing outlets concerns regarding increased traffic and highway safety exacerbate existing parking problems in village alterations to premises already taking place
(3)	observations	increase in on-street parking parking on-street in Magnet Lane already a problem local businesses will suffer if Tesco open in Bilton increased traffic problems due to the Tesco operation
Ward Councillors	concerns	impact of a major retailer on local businesses potential additional parking problems could result

Planning Policies

RBLP	GP1	complies	Appearance and Design
RBLP	GP3	complies	Protection of Amenity

Determining Considerations

In planning terms the key considerations in the assessment of this application are the design of the new shop front and its impact on the character and appearance of the existing building, the character and visual amenities of the immediate locality and residential amenity.

Design, Character and Appearance

The frontage elevations of the existing building consist predominantly of large glazed panels set in metal frames within concrete pillars and with related external security shutters. The proposed new shop front installation will upgrade the fenestration and appearance of the building. Existing external rendered areas are to be repainted in a contrasting stone colour and protection barriers repainted to match the proposed window frames. It is considered that these alterations will not detract from the design and appearance of the existing building and will not have an unduly adverse impact on the character, appearance and visual amenities of the immediate locality. The proposed development therefore complies with policy GP1 of the Rugby Borough Local Plan 2006 which seeks to ensure that the development is in keeping with the surrounding area.

Residential Amenity

The nature of the proposed works to the building is such that they will not result in a material adverse impact on local residential amenity. The scheme therefore complies with Policy GP3 of the Rugby Borough Local Plan 2006 which seeks to preserve and protect residential amenities

Representations

As previously stated, in this case the Local Planning Authority has no control over the use of the premises for retail purposes, and whilst the representations received from local residents and Ward Councillors are acknowledged, they cannot be viewed as material considerations in the planning assessment of the specific development proposed in this application.

Recommendation:

APPROVE subject to appropriate conditions

DRAFT DECISION

APPLICATION NUMBER

R11/0019

DATE VALID

30/12/2010

ADDRESS OF DEVELOPMENT

18 Main Street
Bilton
Rugby
CV22 7ND

APPLICANT/AGENT

Cgms Limited
Morley House
26 Holborn Viaduct
London
EC1A 2AT
On behalf of , Tesco Stores Ltd

APPLICATION DESCRIPTION

Installation of a new shopfront.

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 F9D10-083 A(00)32 and F9D10-083 A(00)33 received by the Council on 31 December 2010.

REASON:

For the avoidance of doubt.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

GP1 and GP3

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

REASON FOR APPROVAL:

The proposed shopfront will be in keeping with the existing building and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policies GP1 and GP3 of the Rugby Borough Local Plan 2006.

INFORMATIVE:

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 Habitat Regulations 1994 (as amended 2007), making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat roost, even if the roost is only occasionally used. Where a bat roost is present a license may be necessary to carry out any works.

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

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should ideally take place outside these dates if at all possible.

NB - 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.

Reference number: R11/0021 (Planning Application 2 of 5)

Site Address: 18 Main Street, Bilton, Rugby

Description: Installation of ATM machine

Case Officer: Chris Davies 01788 533627

Introduction

This item is the second of a package of five planning applications submitted by CgMs Ltd. on behalf of the applicants Tesco Stores Ltd. relating to proposed works to the existing premises at 18 Main Street.

This application has been brought before the Planning Committee for determination at the request of Councillor Mark Williams.

The previous agenda report on Application 1 (R11/0019) described the location of the site and the character and appearance of the existing premises. It also highlighted the relevant planning history and made it clear that the authorised use of the existing premises is retail and that planning permission is only required for any external alterations proposed to be made to the existing building.

Therefore, in planning terms, the only issues to be considered in determining this application relate to the proposed physical alterations to the building.

The Proposal (Application 2 – Ref No. R11/0021)

The applicant seeks full planning permission for the installation of an ATM machine within the proposed new shop front.

The new ATM is proposed to be positioned to the left hand side of the site frontage set within a grey coloured steel composite panel adjacent to the store's security door and set to the left of the store's main entrance.

Technical Consultations

WCC Highways no objections relocation of ATM from corner of building overcome initial objection.

Third Party Consultations

Neighbours (2) objections existing retail provision sufficient
loss of jobs and existing outlets
concerns regarding increased traffic and highway safety
exacerbate existing parking problems in village
alterations to premises already taking place
(3) observations increase in on-street parking
parking on-street in Magnet Lane already a problem
local businesses will suffer if Tesco open in Bilton
increased traffic problems due to the Tesco operation

Ward Councillors concerns impact of a major retailer on local businesses
potential additional parking problems could result

Planning Policies

RBLP GP1 complies Appearance and Design
RBLP GP3 complies Protection of Amenity

Determining Considerations

In planning terms the key consideration in the assessment of this application is the impact of installing an ATM machine within the new shop front on the character and appearance of the existing building, the character and visual amenities of the immediate locality and residential amenity.

Character and Appearance

The proposed ATM is to be inserted to the left of the primary Main Street frontage and forms part of the replacement shopfront proposed separately under application reference number R11/0019.

The proposed ATM surround reflects the corporate colours used in the proposed frontage, and as such reflect the overall design proposed for the premises. The presence of such a facility within a modern retail frontage is common, and in keeping with the design and context of the setting.

The only illumination will be a small light serving a security camera located within the frontage above the ATM. The agent has confirmed that the ATM and its surround will not be illuminated by any other means, either internally or externally. This can be conditioned to ensure compliance.

Residential Amenity

The installation and use of the ATM machine would not detrimentally impact on the level of residential amenity in the locality, and would increase service provision for the benefit of the wider community.

The scheme therefore complies with policy GP3 of the Rugby Borough Local Plan 2006 which seeks to preserve and protect residential amenity.

Representations

As previously stated, in this case the local Planning Authority has no control over the use of the premises for retail purposes, and whilst the representations received from local residents and Ward Councillors are acknowledged, they cannot be viewed as material considerations in the planning assessment of the specific development proposed in this application.

With regard to highway considerations, concerns were initially raised by the Highway Authority with regard to the originally proposed position of the ATM at the Lawford Lane end of the site frontage.

The scheme has been amended to overcome these concerns and confirmation has been received from the Highway Authority that there are no objections raised on highway safety grounds.

Recommendation:

APPROVE subject to appropriate conditions

DRAFT DECISION

APPLICATION NUMBER

R11/0021

DATE VALID

10/01/2011

ADDRESS OF DEVELOPMENT

18 Main Street
Bilton
Rugby
CV22 7ND

APPLICANT/AGENT

CgMs Limited
Morley House
26 Holborn Viaduct
London
EC1A 2AT
On behalf of Tesco Stores Ltd

APPLICATION DESCRIPTION

Installation of an ATM machine.

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 amended plan numbers F9D10-083 A(00)22 and F9D10-083 A(00)23 by the Council on 08 February 2011.

REASON:

For the avoidance of doubt.

CONDITION 3:

The facing materials to be used shall as specified on amended plan number F9D10-083 A(00)23, received by the Council on 08 February 2011.

REASON:

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

CONDITION 4:

The colour scheme for the ATM surround shall be in accordance with plan number F9D10-083 A(00)25, received by the Council on 10 January 2011. No other elements of this plan are approved.

REASON:

For the avoidance of doubt.

Reference number: R11/0020 (Planning Application 3 of 5)

Site Address: 18 Main Street, Bilton, Rugby

Description: Alterations to the rear elevation and provision of a ramped access.

Case Officer: Chris Davies 01788 533627

Introduction

This item is the third of a package of five planning applications submitted by CgMs Ltd. on behalf of the applicants Tesco Stores Ltd. relating to proposed works to the existing premises at 18 Main Street.

This application has been brought before the Planning Committee for determination at the request of Councillor Mark Williams.

The previous agenda report on Application 1 (R11/0019) described the location of the site and the character and appearance of the existing premises. It also highlighted the relevant planning history and made it clear that the authorised use of the existing premises is retail and that planning permission is only required for any external alterations proposed to be made to the existing premises.

Therefore, in planning terms, the only issues to be considered in determining this application relate to the proposed physical alterations to the building.

The Proposal (Application 3 – Ref No. R11/0020)

The applicant seeks full planning permission for external alterations to the rear elevation including closing up existing doorways and provision of a new delivery access doorway with provision of a ramped access to serve the rear of the unit.

Technical Consultations

Access Officer no comments

Third Party Consultations

Neighbours	(2)	objections	existing retail provision sufficient loss of jobs and existing outlets concerns regarding increased traffic and highway safety village alterations to premises already taking place
	(3)	observations	increase in on-street parking parking on-street in Magnet Lane already a problem local businesses will suffer if Tesco open in Bilton increased traffic problems due to the Tesco operation
Ward Councillors concerns			impact of a major retailer on local businesses potential additional parking problems could result

Planning Policies

RBLP GP1 complies Appearance and Design

RBLP GP3 complies Protection of Amenity

Determining Considerations

The key consideration in determining this application is the impact of external alterations and provision of a ramped access on a) the character and appearance of the locality, and b) the amenity of neighbouring residents.

Character and Appearance

The rear elevation faces onto a public car park rather than any other buildings, and can only be seen in its entirety from this vantage point and the immediately adjacent sections of Lawford Lane.

It comprises several projections of varying styles and heights, including flat roofed elements and a large goods entrance. The alterations themselves are relatively minor in nature when set in this context, and improve the visual impact of the building when viewed from the rear.

The ramped access is to be used to aid the transfer of goods from the service yard to the main building. However, consideration has also been given to its visual contribution to the building. The materials are in keeping with the exterior of the building, and the hand rails are to be finished in the same colour as the metalwork in the proposed Main Street and Lawford Lane frontages (see application reference R11/0019).

Overall the alterations and ramped access combine functionality with in keeping design, and thus improve the visual impact of the rear of the building on the surrounding area.

The proposed development therefore complies with Policy GP1 of the Rugby Borough Local Plan 2006, which seeks to ensure that development is in keeping with the surrounding area.

Residential Amenity

The works would not materially alter the impact of the existing building on the amenities of nearby residents.

The scheme therefore complies with Policy GP3 of the Rugby Borough Local Plan 2006, which seeks to preserve and protect residential amenity.

Representations

As previously stated, in this case the local Planning Authority has no control over the use of the premises for retail purposes, and whilst the representations received from local residents and Ward Councillors are acknowledged, they cannot be viewed as material considerations in the planning assessment of the specific development proposed in this application.

Recommendation:

APPROVE subject to appropriate conditions

DRAFT DECISION

APPLICATION NUMBER

R11/0020

DATE VALID

30/12/2010

ADDRESS OF DEVELOPMENT

18 Main Street
Bilton
Rugby
CV22 7ND

APPLICANT/AGENT

CgMs Limited
Morley House
26 Holborn Viaduct
London
EC1A 2AT
On behalf of Tesco Stores Ltd

APPLICATION DESCRIPTION

Alterations to the rear elevation and provision of a ramped access.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be deemed to have taken effect on 23 February 2011.

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 F9D10-083 A(00)32 and F9D10-083 A(00)34 received by the Council on 31 December 2010.

REASON:

For the avoidance of doubt.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

GP1 and GP3

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

REASON FOR APPROVAL:

The alterations and access ramp are in keeping with the commercial character and appearance of the building and do not adversely impact on the character of the surrounding area or the residential amenity of neighbouring properties, in accordance with policies GP1 and GP3 of the Rugby Borough Local Plan 2006.

CONDITION 5:

No part of the ATM surround hereby approved shall be illuminated without the prior written consent of the Local Planning Authority.

REASONS:

For the avoidance of doubt.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

GP1 and GP3

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

REASON FOR APPROVAL:

The proposed ATM machine and associated works will be in keeping with the commercial nature and appearance of the property and will not adversely impact on the character of the surrounding area or the residential amenity of neighbouring properties, in accordance with policies GP1 and GP3 of the Rugby Borough Local Plan 2006.

Reference number: R11/0018 (Planning Application 4 of 5)

Site Address: 18 Main Street, Bilton, Rugby

Description: Installation of plant equipment

Case Officer: Chris Davies 01788 533627

Introduction

This item is the fourth of a package of five planning applications submitted by CgMs Ltd. on behalf of the applicants Tesco Stores Ltd. relating to proposed works to the existing premises at 18 Main Street.

This application has been brought before the Planning Committee for determination at the request of Councillor Mark Williams.

The previous agenda report on Application 1 (R11/0019) described the location of the site and the character and appearance of the existing premises. It also highlighted the relevant planning history and made it clear that the authorised use of the existing premises is retail and that planning permission is only required for any external alterations proposed to be made to the existing premises.

Therefore, in planning terms, the only issues to be considered in determining this application relate to the proposed physical alterations to the premises.

The Proposal (Application 4 – Ref No. R11/0018)

The applicant seeks full planning permission for the installation of plant equipment in the yard area located to the rear of the premises comprising 2no. floor mounted air conditioning units and 2no. floor mounted fan condenser units.

Technical Consultations

Environmental Services no objections subject to appropriate conditions and informatives

Third Party Consultations

Neighbours	(2)	objections	existing retail provision sufficient loss of jobs and existing outlets concerns regarding increased traffic and highway safety village alterations to premises already taking place
	(3)	observations	increase in on-street parking parking on-street in Magnet Lane already a problem

local businesses will suffer if Tesco open in Bilton increased traffic problems due to the Tesco operation

Ward Councillors concerns impact of a major retailer on local businesses potential additional parking problems could result

Planning Policies

RBLP GP1 complies Appearance and Design

RBLP GP3 complies Protection of Amenity

Determining Considerations

The key consideration in determining this application is the impact of installing plant equipment on a) the character and appearance of the locality, and b) the amenity of neighbouring residents.

Character and Appearance

The proposed equipment would be floor mounted and screened from view by the existing rear boundary wall that wraps around the side of the site.

The equipment itself is typical of the type used on retail premises of this nature and in keeping with the intended use of the property.

It is unlikely that the installation of the proposed equipment will materially impact on the character or appearance of the locality or the property itself.

The proposed development therefore complies with Policy GP1 of the Rugby Borough Local Plan 2006, which seeks to ensure that development is in keeping with the surrounding area.

Residential Amenity

As there are residential flats above the premises, the amenities of these residents are most likely to be affected. After direct discussions with the authors of the noise surveys submitted to support this application, the Environmental Health department has determined that any noise emission from the units would be below the level of the existing background noise.

It is therefore unlikely that the installation and operation of such equipment would have a detrimental impact on residents of the flats above the unit or neighbouring dwellings. However, conditions should be added to any approval to ensure that only the specific models identified in the application would be installed, and that they would be mounted on anti-vibration mounts in order to further reduce noise emissions.

Therefore, subject to the imposition of such conditions the proposed development does not conflict with Policy GP3 of the Rugby Borough Local Plan 2006, which seeks to preserve and protect residential amenity.

Representations

As previously stated, in this case the local Planning Authority has no control over the use of the premises for retail purposes, and whilst the representations received from local residents and Ward Councillors are acknowledged, they cannot be viewed as material considerations in the planning assessment of the specific development proposed in this application.

Recommendation:

APPROVE subject to appropriate conditions

DRAFT DECISION

APPLICATION NUMBER

R11/0018

DATE VALID

30/12/2010

ADDRESS OF DEVELOPMENT

18 Main Street
Bilton
Rugby
CV22 7ND

APPLICANT/AGENT

CgMs Limited
Morley House
26 Holborn Viaduct
London
EC1A 2AT
On behalf of Tesco Stores Ltd

APPLICATION DESCRIPTION

Installation of plant equipment.

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:

Appendix A of the Noise Impact Assessment received by the Council on 30 December 2010.

Rating Industrial Noise affecting Mixed Industrial and Residential Areas report received by the Council on 24 January 2011.

Plan numbers F9D10-083 A(00)52 and F9D10-083 A(00)55, received by the Council on 30 December 2010.

REASON:

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

CONDITION 3:

This consent only relates to the installation of 1no. Searle MGB124 refrigeration condenser, 2no. Mitsubishi Heavy FDCA 501 HESr combined air condition units with heat pump, and 1no. Mitsubishi SRC 28 CD-5. This equipment should be installed as per manufacturer's instructions and on anti-vibration mounts.

REASON:

In the interest of residential amenity and for the avoidance of doubt.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

GP1 and GP3

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

REASON FOR APPROVAL:

The proposed plant equipment will have no detrimental impact on the appearance of the existing building or surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policies GP1 and GP3 of the Rugby Borough Local Plan 2006.

Reference number: R11/0022 (Planning Application 5 of 5)

Site Address: 18 Main Street, Bilton, Rugby

Description: Display of 4no. internally illuminated fascia signs

Case Officer: Chris Davies 01788 533627

Introduction

This item is the fifth of a package of five planning applications submitted by CgMs Ltd. on behalf of the applicants Tesco Stores Ltd. relating to proposed works to the existing premises at 18 Main Street.

This application has been brought before the Planning Committee for determination at the request of Councillor Mark Williams.

The previous agenda report on Application 1 (R11/0019) described the location of the site and the character and appearance of the existing premises. It also highlighted the relevant planning history and made it clear that the authorised use of the existing premises is retail and that planning permission is only required for any external alterations proposed to be made to the existing premises.

This particular application relates to the display of internally illuminated signage.

The Proposal (Application 5 – Ref No. R11/0022)

The application seeks advertisement consent to display 4no.internally fascia signs; 2no.to be placed on the Main Street elevation, 1no.on the Lawford Lane elevation and 1no. at high level on the rear elevation facing the adjacent public car park.

Technical Consultations

WCC Highways no objections

Third Party Consultations

Neighbours (2)	objections	existing retail provision sufficient loss of jobs and existing outlets concerns regarding increased traffic and highway safety exacerbate existing parking problems in village alterations to premises already taking place
(3)	observations	increase in on-street parking parking on-street in Magnet Lane already a problem local businesses will suffer if Tesco open in Bilton

increased traffic problems due to the Tesco operation

Ward Councillors concerns impact of a major retailer on local businesses
potential additional parking problems could result

Planning Policies

RBLP GP1 complies Appearance and Design

RBLP GP3 complies Protection of Amenity

PPG 19: Outdoor Advertisement Control

Determining Considerations

The key considerations in assessing this application relate to the impact of the proposed illuminated signage on the character and appearance of the building, the visual amenities of the immediately locality and highway safety.

Character, Appearance and Visual Amenities

The proposed signage forms part of works to rejuvenate the building and reflect its new occupiers (see separate application references R11/0018, R11/0019, R11/0020 and R11/0021).

The style and colours chosen reflect the branding of the intended occupants (Tesco Stores Limited), with a predominance of dark blue and elements of red and white used for the lettering. A lighter blue is used to underline the lettering to complete the company brand.

The illumination will be low level and restricted to the lettering and characters rather than the whole sign. This method of illumination has minimal visual impact whilst effectively advertising the purpose of the building.

The signage proposed is in keeping with the intended retail use of the premises and does not detract from the character of the locality.

The proposed signage scheme therefore complies with Policy GP1 of the Rugby Borough Local Plan 2006, which seeks to ensure that development is in keeping with the surrounding area, and guidance set out in PPG19: Outdoor Advertisement Control.

Residential Amenity

Although there is a level of illumination incorporated into the proposed signage, it is kept to a minimum brightness and extent.

Given this low level of illumination, the residents of the flats immediately above the unit should not experience detrimental effects from the signage. The other neighbouring residential properties are between 20m and over 40m away from the proposed signs, so it is unlikely that their presence will significantly impact on existing levels of amenity enjoyed by the occupants thereof.

The scheme therefore complies with Policy GP3 of the Rugby Borough Local Plan 2006, which seeks to preserve and protect residential amenity, and guidance set out in PPG19: Outdoor Advertisement Control.

Highway Safety

The Highway Authority has not raised any objections on grounds of highway safety. The extent of illuminated signage is considered reasonable and meets the guidance set out in PPG19: Outdoor Advertisement Control.

Representations

As previously stated, in this case the local Planning Authority has no control over the use of the premises for retail purposes, and whilst the representations received from local residents and Ward Councillors are acknowledged, they cannot be viewed as material considerations in the planning assessment of this application for consent to display proposed illuminated signage on the building.

Recommendation:

GRANT CONSENT subject to appropriate conditions

DRAFT DECISION

APPLICATION NUMBER

R11/0022

DATE VALID

30/12/2010

ADDRESS OF DEVELOPMENT

18 Main Street
Bilton
Rugby
CV22 7ND

APPLICANT/AGENT

CgMs Limited
Morley House
26 Holborn Viaduct
London
EC1A 2AT
On behalf of Tesco Stores Ltd

APPLICATION DESCRIPTION

Display of 4no. internally illuminated fascia signs.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

CONDITION 2:

No advertisement shall be sited or displayed so as to:-

- a - endanger persons using any highway,
- b - obscure, or hinder the ready interpretation of, any traffic sign, or
- c - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

CONDITION 3:

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON: 1 - 3

In the interests of public and highway safety.

CONDITION 4:

The development shall not be carried out other than in accordance with plan number F9D10-083 A(00)44 received by the Council on 31 December 2010, and F9D10-083 A(00)43 received by the Council on 21 January 2011.

REASON:

For the avoidance of doubt.

CONDITION 5:

The signs shall not be illuminated by intermittent or flashing lighting.

REASON:

In the interests of public and highway safety.

CONDITION 6:

No part of the signs shall be illuminated other than the individual letters.

REASON:

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

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

GP1 and GP3

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

REASON FOR APPROVAL:

The proposed advertisements will be in keeping with the commercial character and appearance of the building and will not adversely impact on the character of the surrounding area or the residential amenity of neighbouring properties, in accordance with policies GP1 and GP3 of the Rugby Borough Local Plan 2006.

The signage does not harm public safety or cause harm to amenities and therefore complies with PPG19: Outdoor Advertisement Control.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	23rd February 2011
Report Title	Delegated Decisions – 21st January 2011 to 10 th February 2011
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Maureen Buckland x 3774
Report Subject to Call-in	Y
Report En-Bloc	N
Forward Plan	N
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers.
Risk Management Implications	N/A
Financial Implications	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 – 23rd February 2011

Delegated Decisions – 21st January 2011 to 10th February 2011

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: 23rd February 2011
Subject Matter: Delegated Decisions – 21st January 2011 to 10th February 2011
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
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* There are no background papers relating to this item.

(*Delete if not applicable)

DECISIONS TAKEN BY THE DIRECTOR OF TECHNICAL SERVICES UNDER
DELEGATED POWERS FROM 21.01.2011 TO 10.02.2011

A. APPLICATIONS – DELEGATED

**Applications
Refused**

<i>R10/2254 Refused 24.01.2011</i>	Land rear of The Trossachs Croft Farm Parrotts Grove Rugby	Creation of a raised hard-standing for car parking and storage (retrospective)
<i>R11/0016 Refused 02.02.2011</i>	Land to the rear of 58 Rugby Road Binley Woods Coventry	Erection of two detached dwellings and garages
<i>R10/0572 Refused 04.02.2011</i>	New Haven Rugby Road Coventry	Outline planning permission for the erection of maximum of three dwelling houses
<i>R10/1494 Refused 09.02.2011</i>	10, Lutterworth Road Pailton Rugby	Change of use of part of ground floor from retail (Class A1) to residential (C3)

**Applications
Approved**

<i>R10/2293 Approved 24.01.2011</i>	36-38 Overslade Lane (formerly The Three Cranes Public House) Rugby	Extension and alteration of the existing building to form a retail unit
<i>R10/1712 Approved 26.01.2011</i>	Orchard Barn Copston Lane Lutterworth	Erection of extension
<i>R10/1368 Approved 27.01.2011</i>	Land opposite St. Peters Church Church Road Church Lawford Rugby	Retention of hardsurfaced area with perimeter fencing for church functions
<i>R10/2323 Approved 27.01.2011</i>	Lea Croft Cicey Lane Burton Hastings	Erection of a two storey side extension and first floor side extension
<i>R10/1633 Approved 27.01.2011</i>	3 Post House Gardens Rugby Road Pailton Rugby	Erection of two storey side and rear extension and first floor side extension

<i>R10/1968 Approved 28.01.2011</i>	269 Hillmorton Road Rugby	Erection of a 1.83m. high wooden gates to front of property
<i>R10/0043 Approved 28.01.2011</i>	154 Grosvenor Road Rugby	Retention of two retractable awnings
<i>R10/2309 Approved 28.01.2011</i>	Lophorn The Close Brandon Coventry	Erection of a detached double garage
<i>R10/2314 Approved 31.01.2011</i>	23 Avon View Park Homes Oxford Road Coventry	Planning permission to retain decking to rear of mobile home
<i>R10/0493 Approved 31.01.2011</i>	4-6 Duke Street & rear of 41-45 Newbold Road Rugby	Proposed redevelopment of former workshop units and adjacent land to provide 6 no. residential apartments
<i>R10/2204 Approved 31.01.2011</i>	11 Livingstone Avenue Long Lawford Rugby	Change of use of existing detached garage to a granny annex as ancillary use to the main dwelling
<i>R10/2213 Approved 01.02.2011</i>	19 Cave Close Cawston Rugby	Garage conversion
<i>R11/0028 Approved 01.02.2011</i>	21 Cave Close Cawston Rugby	Garage conversion
<i>R10/1581 Approved 02.02.2011</i>	11 Ferndale Road Binley Woods Coventry	Erection of a part two storey, part single storey side and rear extension and a single storey front extension to form a porch, including provision of a pitched roof
<i>R11/0006 Approved 02.02.2011</i>	14 Birdingbury Road Rugby	Single storey rear extension
<i>R11/0030 Approved 03.02.2011</i>	28 Moat Farm Drive Rugby	First floor side extension
<i>R10/2317 Approved 03.02.2011</i>	The Coal Yard High Street Ryton on Dunsmore Coventry	Outline planning permission for erection of 5 no. dwellings, garages and associated works (Renewal of an extant planning permission ref. R08/0543/OA granted 22.05.2008)
<i>R10/2242 Approved 04.02.2011</i>	12 Regent Street Rugby	Change of use of first and second floors to residential flats from A1 retail storage to C3 dwellings to create 2 no. 2 bed flats and external staircase

<i>R10/2295 Approved 04.02.2011</i>	9 High Street Hillmorton Rugby	Erection of a rear conservatory
<i>R11/0061 Approved 04.02.2011</i>	47 Monks Road Binley Woods Coventry	Erection of a first floor side extension
<i>R10/1553 Approved 04.02.2011</i>	The Flyde Main Street Rugby	Installation of new mono pitched roof to replace flat roof over dormer window
<i>R10/1841 Approved 04.02.2011</i>	43 Dalkeith Avenue Bilton Rugby	Two storey rear and side extensions with new roof to incorporate loft conversion
<i>R10/2308 Approved 07.02.2011</i>	8 Sandford Way Dunchurch Rugby	Erection of a single storey rear extension, first floor side extension and extension of the existing front porch
<i>R11/0007 Approved 08.02.2011</i>	21 Edwin Close Cawston Rugby	Single storey rear extension
<i>R09/1023/PLN Approved 08.02.2011</i>	3 Coventry Road Wolvey	Outline planning permission for the erection of 6 no. dwellings comprising 1 no. detached dwelling, 2 no. semi-detached dwellings and 3 no. terraced dwellings, together with parking, access and associated works
<i>R10/2304 Approved 08.02.2011</i>	16 – 18 High Street Rugby	Retrospective consent for the installation of fire exit doors
<i>R11/0055 Approved 08.02.2011</i>	28 Roper Close Hillmorton Rugby	Erection of a first floor rear extension
<i>R11/0092 Approved 09.02.2011</i>	3 Barr Lane Brinklow Rugby	Erection of two storey extensions to side and rear of dwelling – Amendment to R10/1053
<i>R11/0038 Approved 10.02.2011</i>	68 Magnet Lane Rugby	Erection of single storey rear extension incorporating conservatory and utility area and erection of front porch
<i>R11.0104 Approved 10.02.2011</i>	Unit 7 Swan Centre 15 Chapel Street Rugby	Change of use of existing vacant unit from Class A1 (retail) to use as a betting office falling within Class A2 (Financial and Professional Services) of the Town and Country Planning (Use Classes) Order 1987 as amended, siting of air conditioning units on roof and alterations to shop front

Advertisement Consent

R11/0105
Approved
10.02.2011

Unit 7
Swan Centre
15 Chapel Street
Rugby

Display of 2 no. internally illuminated fascia signs and 1 no. non-illuminated projecting sign

Agricultural Determinations

R11/0096
Prior approval is **NOT**
required
01.02.2011

Land adjacent to The
Beeches, OS 8475
Rugby Road
Princethorpe
Rugby

Application for prior notification for the erection of an extension to an existing agricultural building to house machinery, implements and associated items to support an agricultural business

R10/2307
Prior Approval is
REFUSED
07.02.2011

Land adjacent Daventry
Road, SP 45093 26958
Woolscott
Grandborough

Prior agricultural notification of erection of grain store

Approval of Details/ Materials

Service Review Team
Ref. E2E 294
Approval of non-
material changes
24.01.2011

Land north of Back Lane
Long Lawford
Rugby

Amended house types and layout

R10/1511
Approval of details
25.01.2011

337 Lower Hillmorton
Road
Gillmorton
Rugby

Discharge of Condition 2 – Materials

R06/1104/PACA
Approval of details
25.01.2011

7 Main Street
Elm Cottage
Clifton upon Dunsmore
Rugby

Discharge of Condition 2 (part) – Materials

R10/2047
Approval of details
26.01.2011

Castle Farm
Castle Lane
Woolscott
Rugby

Discharge of Condition 2 – Materials
Condition 3 – Details (design, materials,
windows, roof lights, external doors)
Condition 4 – Tree Protection

R09/0255/PLN
Approval of details
08.02.2011

Ansty House Farm
Main Road
Ansty
Coventry

Discharge of Condition 12 - Drainage

Disposed of Applications

R08/0914/DET
Disposed of
08.02.2011

J. Sainsbury's
385 Dunchurch Road
Rugby

Discharge of Conditions 4 and 7 of planning permission R07/2206/PLB dated 28.01.2008