

3rd June 2016

PLANNING COMMITTEE - 15TH JUNE 2016

A meeting of the Planning Committee will be held at 5.30pm on Monday 15th June 2016 in the Council Chamber, Town Hall, Rugby.

Adam Norburn
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the meeting held on 23rd May 2016.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

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

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications - no advance notice of site visits has been received.
6. Delegated Decisions – 21st April to 11th May 2016.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2016/17 – 3) are attached.

Membership of the Committee:

Councillors Mrs Simpson-Vince (Chairman), Mrs Avis, Mrs A'Barrow, Brown, Butlin, Cranham, Ellis, Gillias, Lewis, Sandison, Srivastava and Helen Taylor.

If you have any general queries with regard to this agenda please contact Claire Waleczek, Senior Democratic Services Officer (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 Services Officer named above.

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

Planning Committee – 15th June 2016

Report of the Head of Growth and Investment

Applications for Consideration

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

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

There are no applications recommended for refusal to be considered.

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
1	R10/1860	Gala Site and Cemex House, Evreux Way, Rugby Outline planning application for redevelopment of site comprising demolition of existing buildings and erection of a retail foodstore (Class A1– max floorspace 6255m ² gea) and additional retail units (Classes A1, A2, A3, A4 & A5– max floorspace 785m ² gea), the provision of new access arrangements together with associated parking and servicing with all matters reserved for future determination except for access.	3
2	R16/0811	Rugby High School, Longrood Road, Bilton, Rugby Variation of Condition 3 of planning permission reference R14/1377 (Erection of a sports hall and associated works) to change the external appearance of the main sports hall building by the use of alternative facing materials for the external walls.	26

Reference number: R10/1860

Site address: Gala Site and Cemex House, Evreux Way, Rugby

Description: Outline planning application for redevelopment of site comprising demolition of existing buildings and erection of a retail foodstore (Class A1– max floorspace 6255m² gea) and additional retail units (Classes A1, A2, A3, A4 & A5– max floorspace 785m² gea), the provision of new access arrangements together with associated parking and servicing with all matters reserved for future determination except for access.

Case Officer Name & Number: Karen McCulloch, 01788 533623

This is a major application and a departure from the development plan.

Description of site

This application relates to a site located in Rugby Town Centre, opposite the Town Hall.

The site includes the site of the former Gala Bingo building, which is currently used as a car park and the Cemex offices and associated car parking.

The existing Cemex offices are located within a 9 storey concrete and glass tower block, this is flat roofed with telecommunication equipment on the roof and is a design typical of the time when it was built. There is vehicle and pedestrian access to the front of the building which can be accessed from Corporation Street or Evreux Way and this is separated from the roads by a landscaped area which includes trees. To the south of the building is a surfaced car park, this is at a higher level than Evreux Way and can be accessed from both Evreux Way and Corporation Street.

The former Gala Bingo site is currently used as a public car park and has a hard core surface with green solid fencing to the boundaries. This also slopes up away from Evreux Way.

The side elevation of the Clocktowers shopping centre is visible across the site. This is a mostly blank elevation which is a mix of brick and grey cladding that has a range of roof heights and contains plant and equipment.

The side elevation of the existing Clocktowers multi-storey car park is visible from Corporation Street. This is a building that is around three storeys in height that is constructed of grey vertical cladding. This car park is accessed from Corporation Street.

Description of proposals

This is an outline application for the demolition of the existing building and the erection of a retail foodstore with additional units that could be used for a range of uses with associated access, parking and landscaping. As this is an outline application the only matters to be considered at this stage are the principle of the development and the access. If permission is granted reserved matters submissions will be required to agree the layout, scale, appearance and landscaping.

The application is for a range of uses, A1 retail, A2 financial and professional services, A3 restaurants and cafes, A4 drinking establishments and A5 hot food takeaways.

Plans and elevations have been submitted that show how the site could be developed.

These show a three storey building located in the western part of the site. This will have a food store at second floor accessed via long travelators, lifts and stairs with car parking at ground and first floor. The eastern part of the site will contain car parking, including an above ground car park deck.

Smaller units are shown at ground and first floor with 3 small kiosks at ground floor.

The illustrative plans show potential link through to the existing Clocktowers shopping centre and pedestrian access from Evreux Way and North Street. The proposed car park is accessed from Corporation Street with the exit onto Evreux Way. A separate access is proposed from Corporation Street into a service yard.

The proposals are for a total of 7,040 square metres of floorspace with 785 square metres of this to be used for smaller A1, A2, A3, A4 or A5 units.

The submitted elevations show how the site could be developed. These show the building curving around the junction with Evreux Way and Corporation Street and show this part of the building rendered with glazing at second floor level. The elevation to Evreux Way is shown mostly glazed with the travelators within the store visible from outside of the building. Other parts of the building are shown as a mix of brick, glazing and render.

However, as detailed above these plans and elevations are for illustration only and are not to be considered in detail at this stage.

The applicant states that the development is likely to generate jobs in the area, both during construction and once the development is occupied. An estimated 250 jobs would be created by the proposals.

Relevant planning history and applications

R13/1916 Outline application for erection of building for retail (Class A1), office (Class B1) and leisure (Classes D2, A3, A4 and A5) uses, with associated works including demolition of existing buildings. All matters reserved except for access. Approved, 29th January 2014

R14/1582 Outline application for erection of building for retail (Class A1) and leisure (Classes D2 and A3) uses, with associated works including demolition of existing buildings. All matters reserved except for access. Approved, 7th January 2015

Technical consultation responses

Original submission

WCC Ecology	No objection	Subject to condition & informatives
Environmental Health	No objection	Subject to conditions
Environment Agency	No objection	Subject to condition
Landscape Officer	No objection	
Tree Officer	No objection	Subject to condition
Warwickshire Police	No objection	Make suggestions regarding security measures
Warks Fire & Rescue	No objection	Subject to condition
Severn Trent	No objection	Subject to condition

Updated submission

WCC Highways	No objection	Subject to conditions, informatives and s106
WCC Archaeology	No objection	Subject to condition
WCC Ecology	No objection	Subject to condition & informatives
Warks Fire & Rescue	No objection	Subject to condition
Environment Agency	No additional comments	
Warwickshire Police	No additional comments	
Tree Officer	No objection	Subject to condition
Severn Trent	No objection	Subject to condition & informative
Environmental Health	No objection	Subject to condition

Third party comments

Original submission

Neighbours 2 letters, 1 signed by residents of 5 properties Objection

- Noise and dust during construction and traffic levels should be controlled to reduce nuisance to residents;
- Working hours should be limited;
- Increased noise from deliveries and refuse collection;
- Vehicle access is too close to the roundabout and will cause congestion;
- Exit is a potential hazard;
- Proposals and existing accesses will result in 5 accesses onto Corporation Street, this will cause congestion and confusion;
- Access to the rear of Oliver Street should not be affected;
- Safe pedestrian crossing should be provided at north end of Corporation Street;
- Car park is too small;
- There are vacant small units within the town centre, are more small units needed;
- Plans should be amended to improve access to Iceland's service yard;

Objection on behalf of Sainsbury's

- Application is not valid as it does not include development parameters for layout and scale;
- Application does not include a retail impact assessment required by PPS4;
- Development does not comply with draft Core Strategy as it is for convenience goods;
- Loss of offices;
- Transport documentation is inadequate and does not justify the proposed development;
- Traffic flows are underestimated;
- Unlikely that users will use existing parking, no assessment of capacity or disabled parking;
- Believe at least 150 parking spaces are required;
- Inadequate parking will lead to queues and congestion on the highway;

- Cannot accommodate proposed quantum of development on site;
- Access is close to roundabout which could lead to accidents;
- Left turn only on exit requires a median strip which should be provided;

Objection on behalf of ING Real Estate, owners of Clocktowers

- Currently reviewing proposed retail provision;
- Will write again when this is complete and trust no decision will be made pending this;

Local resident (1) Comment

- Object to current car park, rain and snow will flow onto the pavement, this will be dangerous;
- Name is confusing as there is already a North Street car park;

Rugby Disability Forum Comment

- All shops/offices should be wheelchair accessible;
- S106 funding should be used for drop kerbs and tactile paving at the traffic island;
- During works access for disabled people, people with prams and children should be priority.

Updated submission

No additional comments received

Relevant planning policies and guidance

Rugby Borough Core Strategy 2011

CS1	Complies	Development Strategy
CS6	Complies	Development in Rugby Town Centre
CS7	Complies	Retail frontages
CS8	Conflicts	Town Centre Retail Allocations
CS11	Complies	Transport and New Development
CS16	Complies	Sustainable Design
CS17	Complies	Reducing Carbon Emissions

Rugby Borough Local Plan 2006 – Saved Policies

GP2	Complies	Landscaping
E6	Complies	Biodiversity
T5	Complies	Parking facilities
ED6	Conflicts	Retention of other employment land

Sustainable Design and Construction SPD, 2012

Planning Obligations SPD, 2012

National Planning Policy Framework, 2012 (NPPF)

Assessment of proposals

As this is an outline application the key issues to assess at this stage are whether the principle of the development and the proposed access are acceptable.

Principle of development

The site is located within Rugby Town Centre. Guidance contained within the NPPF states that when drawing up plans authorities should recognise town centres as the heart of the community and pursue policies to support their vitality and viability. This goes on to state that authorities should require main town centre uses such as those proposed to be located in town centres. This should be given weight in the determination of the application.

Policy CS1 of the Core Strategy includes a hierarchy for development within the borough and states that the Town Centre is the primary focus for services and facilities, the proposals therefore comply with this policy.

Town Centre sites are also referred to in policy CS7 which states that development within classes A1-A5 will be permitted if it will not harm the character or vitality and viability of the primary shopping area and could not be accommodated within the Primary Shopping Area. As the site is located within the town centre the NPPF does not include a requirement for any impact or sequential assessment. As the site has been allocated for retail development within the Core Strategy it is not considered the proposals will cause harm to the Primary Shopping Area and this policy is complied with.

The site is identified for retail development by policy CS8. This allocates the site for a retail led scheme and states this should include approximately 10,000 square metres of A1 comparison retail floorspace, should include a masterplan and should include the whole allocated site, or if the whole site is not included must not prejudice the development of the whole site.

The proposal does not comply with policy CS8 as this allocates the site for comparison retail only and refers to an approximate provision of 10,000 square metres of comparison floor space. The proposal is for a foodstore, which comprises convenience retail, and the overall floor area proposed is 7,040 square metres.

The applicant has submitted information in support of the proposal. This details that the proposed store, as is the case with many other foodstores, would contain a mix of comparison and convenience floor space and estimates that the main foodstore would contain a 60/40 split of convenience to comparison floorspace. In addition, further comparison floorspace could be provided in smaller units shown on the submitted plans. The applicant therefore estimates that across the scheme as a whole there will be approximately a 50/50 split between comparison and convenience floorspace. The applicant has indicated they would accept a planning condition that limits convenience floorspace to 3,624sqm with a maximum cap of retail space of 7,040sqm and it is recommended that this condition be attached.

Whilst this proposal will not secure the 10,000sqm of comparison floorspace envisaged within policy CS8, a level of compliance with CS8 is being achieved. It is important to note that the circumstances relevant to retail in the town centre have changed dramatically since the adoption of the Core Strategy in June 2011 and these factors should be given weight in

the determination of this application. The approval of the refurbishment and extension of the Elliotts Field Retail Park, Technolgh Retail Park and a small amount of comparison floorspace at Junction One Retail Park results in much of the comparison retail need identified in the evidence base to the Core Strategy being met outside the town centre. The proposed scheme will serve to address some of the remaining comparison need within the town centre.

It is therefore considered, subject to the suggested condition regarding floorspace, that sufficient information has now been submitted to support a departure from CS8 of the Core Strategy.

Policy CS8 also refers to the provision of a masterplan, although a masterplan as such has not been provided the application is accompanied by a Design and Access Statement and detailed plans which show how the proposed development could be accommodated on site. The proposals also relate to the whole of the allocated site, as required by this policy.

This policy also refers to development being in accordance with the Town Centre Area Action Plan DPD, however this has not been produced by the Council.

Part of the site is currently occupied by the Cemex offices, which fall within Use Class B1 and these will be demolished. Saved policy ED6 states that permission will not be granted for development that will result in the loss of buildings in employment use, with the exception of sites that are allocated for development by other policies.

Whilst the applicant argues that there is no reasonable prospect of employment uses continuing or returning to the site, no detailed evidence has been submitted in support of this argument. However, the allocation of the site for development through policy CS8 was based on the fact that the existing employment use would relocate away from this site. In addition Cemex own part of the application site and it is explained within the application that the development of the site for retail purposes will allow them to pursue a relocation. It is therefore considered that a departure from ED6 is acceptable in order to facilitate the redevelopment of the site, as envisaged within the Core Strategy.

In summary, whilst this proposal represents a departure from both CS8 and Saved Policy ED6 it is considered that the principle of the development proposed can be considered to be acceptable for the reasons outlined above.

The principle of the proposed development is therefore considered acceptable in accordance with the NPPF, policies CS1 and CS7 and despite the departure from policy CS8 and saved policy ED6.

Visual amenity

Policy CS16 states that development should demonstrate high quality, inclusive and sustainable design and that the scale, density or design should not harm the quality, character or amenity of the surrounding area. In addition policy CS6 relates to developments within the Town Centre and states developments should demonstrate high quality design that complements and enhances the existing environment and townscape in a way which contributes to local distinctiveness and sense of place.

At present the site does not enhance the character of the area, the removal of the Gala Bingo building exposed the rear and side elevations of the Clocktowers shopping centre allowing views of the rear service yards and associated equipment. In addition the site is now used as a public car park with a temporary hardcore surface and panel fencing. The Cemex building is also very much of its time and does not make a positive contribution to the

character of the area, the existing Cemex car park to the rear is screened by large advertising hoardings which do not add to the character of the area.

It is therefore considered that the redevelopment of the site would improve the character and amenity of the area.

Although the appearance of the proposed development is not being considered at this stage elevations and plans have been provided which show how the site could be developed. These show a curved façade adjacent to the Evreux Way and Newbold Road roundabout with windows and changes of materials breaking up the elevation.

Landscaping is proposed between the site and the Clocktowers service yard accessed from North Street and adjacent to the car park access. Trees are also shown within the car park although landscaping would be considered in more detail at the Reserved Matters stage.

The area surrounding the site consists of a wide variety of ages and styles of building, with each of these being typical of the time that it was constructed; this adds interest to the area and adds character. The building as shown on the illustrative plans is a more modern design. It is considered that this will complement the existing buildings in the area.

It is therefore considered that a building could be developed that would not have an adverse impact on the character of the area and would comply with policies CS6 and CS16.

Saved policy GP2 relates to landscaping and states that appropriate site features should be retained and that a high standard of hard and soft landscaping will be required.

At present the majority of the site is hardsurfaced however there are areas of landscaping between the Cemex building and the road and on the Corporation Street frontage. There are trees on the site and the proposal is for these to be removed. The Council's Tree Officer has commented on the application and advised that the trees on the site are reaching maturity, are of variable quality and of limited future potential. Therefore there is no objection to the removal of these trees, subject to a condition requiring suitable replacement planting. In addition the Council's Landscape Officer raised no objection to the application.

Although landscaping is not being considered in detail at this stage it is considered that a suitable scheme could be achieved and that the development would therefore comply with saved policy GP2.

Amenity of the area

The closest residential properties to the site area those located on Oliver Street. These are separated from the development by Corporation Street and the closest house is over 45m from the site with the rear garden being around 25m from the site. It is therefore considered there will not be an adverse impact on this property in terms of loss of light or privacy in accordance with the relevant part of policy CS16.

The application was accompanied by a range of reports including those relating to Air Quality, Noise and Site Investigation.

Colleagues in Environmental Services commented on the application and requested additional information regarding air quality, an updated air quality assessment was submitted by the applicants.

The impact on air quality once the development is operational will largely result from additional traffic and details of the expected traffic generation have been agreed by the Highway Authority, Warwickshire County Council. On this basis the updated assessment

concluded that the impact on air quality during the operation phase of the development will be negligible and Environmental Services raised no objection to the development.

There is also the potential for air quality to be impact during the construction phase, particularly related to the demolition of the existing Cemex building. A condition is suggested requiring the submission of a Construction Environmental Management Plan including details of demolition methods, any road closures, vehicle movements, means of access etc. This will allow the impacts of air quality during construction to be mitigated.

Conditions were also requested relating to site investigation, noise survey, Environmental Management Plan, asbestos survey, construction hours and a range of other issues relating to the operation of the site following construction.

Subject to these conditions it is not considered that the development will have an adverse impact on the character of the area or amenity of neighbouring residents.

Transport, Highways and Parking

Access to the site is to be considered at this stage. The proposals include a car park accessed from Corporation Street with a separate exit to Evreux Way and a separate service yard accessed from Corporation Street.

The Highway Authority, Warwickshire County Council commented on the application and raised no objection subject to conditions requiring the submission of travel plans, a construction phasing plan and HGV routing plan. The development is therefore considered acceptable in accordance with policy CS11.

The comments from the Highway Authority also request a financial contribution and the dedication of land within the site to provide shared pedestrian/cycleways on Corporation Street and North Street and to upgrade the pedestrian crossing on North Street to allow cycles to cross.

In relation to planning obligations, the Community Infrastructure Levy Regulations and the NPPF state that obligations must only be sought where they comply with the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably relation in scale and kind to the development.

As detailed above planning permission has previously been granted for development on the site and this was for larger schemes than currently proposed. The previous permissions did not include these s106 requirements. There have been no significant policy changes since this decision. It is therefore considered that these cannot be justified in this instance and do not comply with the above tests.

The application site is located within the town centre and in close proximity to a range of bus stops and services. The Transport Assessment also details how the site could be accessed by bus and cycle from the surrounding urban area. This is in accordance with the NPPF which seeks to promote sustainable means of transport.

The Council's parking standards, which are contained within the Planning Obligations SPD include maximum car parking standards for the uses proposed. Based on the floorspace detailed on the application form the proposed uses would generate a maximum requirement of 196 car parking spaces and 56 cycle spaces.

Although illustrative the submitted plans show 313 car parking spaces, including 15 disabled spaces. This shows that a suitable level of car parking can be provided on the site. No cycle parking is shown, however as the submitted plans are for illustration only it is considered that cycle parking could be suitably accommodated within the site.

It is therefore considered that a suitable level of parking can be provided in accordance with saved policy T5 and the Planning Obligations SPD.

Sustainable design and construction

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

CS16 states that sustainable drainage systems (SUDS) should be used and that developments should meet specified water conservation levels.

This policy also states that developments should meet the water conservation standards equivalent to the BREEAM very good standard, a condition can be attached to ensure that this requirement is met.

The application was accompanied by a Drainage Strategy Statement, this detailed that due to the confined space within the site there are practical restrictions on the use of SUDS. However, rainwater harvesting could be used to reduce the amount of surface water runoff.

The Environment Agency have raised no objection to the proposals subject to a condition relating to site investigation, Severn Trent have requested a condition that the drainage scheme be agreed. The proposed drainage arrangements are therefore considered acceptable in accordance with CS16.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that, as a minimum, developments of over 1000 square metres of non-residential floorspace shall include equipment to reduce carbon dioxide emissions by at least 10%. This can be secured through a condition.

Ecology

The submitted ecological survey found no evidence of protected species on the site. The County Ecologist commented on the application and requested informatives relating to bats, nesting birds and biodiversity enhancements. Subject to these informatives it is therefore considered there will not be an adverse impact on protected species in accordance with saved policy E6.

Other issues

WCC Archaeology have no objection to the application, subject to a condition relating to a programme of archaeological works.

Warwickshire Fire and Rescue have no objection subject to a condition and Warwickshire Police made comments regarding measures to include security.

Rugby Disability Forum commented on the application and advised that all shops and offices should be wheelchair accessible. This would be considered at the reserved matters stage and be controlled by Building Regulations. Contributions were also requested for tactile paving to the Evreux Way island, however no details or justification were provided in relation to this request.

Recommendation

Approval, subject to conditions and informatives

DRAFT DECISION

APPLICATION NUMBER

R10/1860

DATE VALID

14/07/2014

ADDRESS OF DEVELOPMENT

LAND AT GALA AND CEMEX HOUSE
EVREUX WAY
RUGBY

APPLICANT/AGENT

Mr Chris Creighton
Peacock & Smith Ltd
9c Josephs Well
Leeds
West Yorkshire
LS3 1AB
On behalf of , JMKA (RUGBY) LTD & CEMEX
UK OPERATIONS LTD

APPLICATION DESCRIPTION

Outline planning application for redevelopment of site comprising demolition of existing buildings and erection of a retail foodstore (Class A1– max floorspace 6255m² gea) and additional retail units (Classes A1, A2, A3, A4 & A5– max floorspace 785m² gea), the provision of new access arrangements together with associated parking and servicing with all matters reserved for future determination except for access.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON

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

CONDITION: 2

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

REASON:

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

CONDITION: 3

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

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

REASON:

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

CONDITION: 4

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

Plan/Document Received	Reference	Date
Site Location Plan	10144/PA00	16/03/2011
Archaeological Desk Based Assessment	00021558.00	16/03/2011
Arboricultural Impact Assessment	T41.11	16/03/2011
Ecological Assessment	T41.11	16/03/2011
Drainage Strategy Statement		16/03/2011
Geo-Environmental Desk Study		16/03/2011
Transport Assessment, October 2015		26/10/2015
Air Quality Assessment, Accon UK	A2340/AQ/002	12/05/2016

REASON:

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

CONDITION: 5

The total floorspace hereby approved shall not exceed 7,040 square metres (gross external area). The floorspace to be used for the A1 retail of convenience goods shall not exceed 3,624 square metres (gross external area.)

REASON:

To secure the delivery of comparison retail floorspace, in accordance with policy CS8.

CONDITION: 6

The vehicular access and egress shall be provided in the position as shown on the Tracking of Proposed Access/Egress plan, reference 803-02 contained within the amended Transport Assessment received by the Local Planning Authority on 26/10/2015.

No construction shall commence unless and until detailed access and egress drawings, in accordance with plan 803-02, have been submitted to and approved in writing by the Local Planning Authority.

The access and egress shall be provided in accordance with the approved details before the first occupation of the building.

REASON:

In the interest of highway safety.

CONDITION: 7

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, render, cladding and roof material have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION: 8

No development shall commence unless and until full details of the siting, design and materials of bin and cycle stores have been submitted to and approved in writing by the Local Planning Authority.

The bin and cycle stores shall be provided, in accordance with the approved details before the first occupation of the development.

REASON:

In the interest of visual amenity and sustainability.

CONDITION: 9

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

REASON:

In the interest of visual amenity.

CONDITION: 10

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

REASON:

To ensure the proper development of the site.

CONDITION: 11

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

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

REASON:

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

CONDITION: 12

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: 13

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

REASON:

In the interests of fire safety.

CONDITION: 14

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

REASON:

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

CONDITION: 15

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

REASON:

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

CONDITION: 16

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: 17

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

REASON:

In the interests of the visual amenities of the locality.

CONDITION: 18

Accommodation for parking and the loading and unloading of vehicles 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: 19

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

REASON:

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

CONDITION: 20

No development shall commence unless and until a full Asbestos Survey of buildings to be demolished has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION: 21

No development shall commence unless and until a noise survey and assessment by a competent noise consultant including details of any proposed works, has been submitted to and approved in writing by the Local Planning Authority. This shall take into account predicted noise from any piling operations (if employed), operational noise from loading/unloading activities, fixed plant in the service yard area and air handling plant and an assessment of future traffic noise levels attributable to the proposed development based on the estimated percentage change in vehicles numbers and proposed mitigation.

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

REASON:

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

CONDITION: 22

No development shall commence unless and until full and precise details of the glazing and ventilation schemes have been submitted to and approved in writing by the Local Planning Authority.

The glazing and ventilation shall meet the level of attenuation for each property type detailed in Table 8 of the of the approved Noise Assessment – LE12069/N002 received by the Local Planning Authority on 23rd October 2013 in order to ensure compliance with the good internal noise standards contained within BS8233:1999 'Sound Insulation and Noise Reduction for Buildings: Code of Practice'.

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

REASON:

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

CONDITION: 23

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

- A Construction Phasing Plan and HGV routing plan;
- Details of vehicle movements;
- Any road closures, diversion routes and predicted impacts;
- Details of proposed demolition works;
- The control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase;
- The control of dust, including arrangements to monitor dust emissions from the development site during the construction phase and details of hoarding boards to prevent dust;
- Measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Construction Environmental Management Plan.

REASON:

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

CONDITION: 24

Demolition and construction shall not occur outside of the following hours:

Demolition: Monday - Friday 09:00-16:00, Saturday 09:00-13:00.

Construction: Monday - Friday - 07:00 - 19:00, Saturday - 08:30 - 13:00.

No work shall occur on Sundays or Bank Holidays.

REASON:

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

CONDITION: 25

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

REASON:

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

CONDITION: 26

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

REASON:

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

CONDITION: 27

No unit where the preparation and sale of hot food will be undertaken shall be occupied unless and until full and precise details of a suitable fume extraction system for that unit have been submitted to and approved in writing by the Local Planning Authority.

The system shall installed in accordance with the approved details before the first occupation of the unit and shall thereafter be maintained in accordance with the approved details.

REASON:

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

CONDITION: 28

No unit to be used for uses falling within Class A3, A4 or A5 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be first occupied unless and until details of means to prevent grease, fat and food debris from entering the foul drainage system serving the premises have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the premises opening and shall thereafter be maintained in accordance with the approved details.

REASON:

To ensure the proper drainage of the site.

CONDITION: 29

No unit shall be first occupied unless and until the refuse storage and collection arrangements including provision for the recycling of waste for that unit have been submitted and approved in writing by the Local Planning Authority.

The approved scheme shall be installed prior to the premises opening and shall thereafter be maintained in accordance with the approved details.

REASON:

In the interest of the amenity of the area and highway safety.

CONDITION: 30

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

(a) An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

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

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

(b) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

REASON:

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

CONDITION: 31

No development shall commence unless and until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON:

To ensure the protection of controlled waters.

CONDITION: 32

No development or demolition shall commence unless and until a comprehensive Dust Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority.

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

REASON:

In the interest of the amenity of the area.

CONDITION: 33

No unit shall be first occupied unless and until a Travel Plan for that unit has been submitted to and approved in writing by the Local Planning Authority.

The measures included within the approved Travel Plan shall be implemented in accordance with the approved details.

REASON:

To encourage the use of sustainable transport.

CONDITION: 34

No development shall commence unless and until details of a Rodent Management Plan for the construction period, including a systematic baiting programme, 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 plan.

REASON:

In the interest of health and safety.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

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

INFORMATIVE: 2

Should your development require a new address or an amendment to an existing address please complete an application form for Postal Naming and Numbering.

This can be downloaded at:

http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223&categoryID=200295 .

Alternatively, you can contact the Street Naming and Numbering Team for an application form at: SpecialistSupport@rugby.gov.uk or by ringing 01788 533885

INFORMATIVE: 3

The Environment Agency would be looking for above ground drainage solutions to be utilised wherever possible. Incorporation of SUDS into the final drainage strategy will not only provide a benefit in terms of attenuating surface water but will also allow for water quality improvements and biodiversity enhancements.

It is acknowledged that the majority of surface water runoff from the site will be clean roof runoff; however a second level of water quality treatment would be required for the service yard and could potentially utilise the proposed tree line indicated on the Indicative Surface Water Management Plan on the north western boundary of the site for this purpose.

INFORMATIVE: 4

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

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

INFORMATIVE: 5

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

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

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

For further information contact:-

Considerate Constructors Scheme, PO Box 75, Ware. SG12 9LN

Tel 0800 783 1423

www.considerateconstructors.co.uk

INFORMATIVE: 6

Lighting should conform to the Institute of Lighting Engineers document 'Guidance Notes for the Reduction of Obtrusive Light' in order to protect residential amenity and minimise the likelihood of light nuisance complaints.

INFORMATIVE: 7

To allow proposed plant to be properly assessed, the following information would be expected to be submitted to the Local Planning Authority

- Full noise specification including sound power levels and frequency analysis for the equipment to be installed.
- Details of noise mitigation measures to be utilised to prevent the proposed system from causing disturbance to immediately adjacent premises.
- A scale plan showing the positioning and orientation of the equipment in relation to adjacent premises.

INFORMATIVE: 8

When designing fume extraction systems reference should be made to guidance contained in the Department of Environment, Food & Rural Affairs document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. A copy of the document is available online via the link below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf

INFORMATIVE: 9

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

The Control of Pollution Act 1974 (COPA) gives Local Authority power to serve a notice under Section 60 imposing requirements as to the way in which works are to be carried out (e.g. covering times of operation, maximum noise levels which should be emitted and type of plant which can/ cannot be used). If noise/ vibration complaints are received the Local Authority may request the applicant/developer to voluntarily submit a Section 61 COPA application.

INFORMATIVE: 10

The sale of alcohol and provision of hot food after 11pm are licensable activities under the Licensing Act 2003. Future businesses' that will require relevant licence(s) are advised to contact the councils Public Health and Licensing Team on 01788 533882, before taking on any lease agreement for further advice and for the relevant application forms.

INFORMATIVE: 11

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

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

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

N.B birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

INFORMATIVE: 12

The County Ecologist recommends that where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Such as bat and bird boxes which can be used by a variety of species and areas of native species planting to provide habitats and food for invertebrates and birds. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

INFORMATIVE: 18

Severn Trent Water advise there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals, they will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

INFORMATIVE: 19

Warwickshire Police make a range of recommendations regarding measures to improve security and reduce crime, these have previously been provided to the agent, they also recommend the development be built to Secured by Design Standards.

INFORMATIVE: 20

The applicant will 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 Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

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

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

Reference number: R16/0811

Site address: Rugby High School, Longrood Road, Bilton, Rugby

Case Officer: Chris Davies 01788 533627

Description: Variation of Condition 3 of planning permission reference R14/1377 (Erection of a sports hall and associated works) to change the external appearance of the main sports hall building by the use of alternative facing materials for the external walls.

The application is brought before the Committee for consideration as it is considered to be a material change to a previously approved major development.

Following the granting of planning permission to erection of a new sports hall in 2015, the applicants wish to alter the external appearance of the building by introducing a themed cladding system and including the school's new corporate identity by applying their new emblem to the front and rear elevations and incorporating the blue from the school colours into the design of the side elevations.

As these alterations are not in keeping with the approved design, and the cladding differs from the materials previously requested by Condition 3 of the original permission, these changes require separate consent, hence this application.

Located within a residential area, the school site is flanked on three sides by residential streets. The Eastern boundary is flanked by Bilton Junior School.

The sports hall is to be located in the Northern corner of the school site, rear of the properties on Longrood Place and adjacent to an existing visitor car parking area rear of the Caretaker's Bungalow.

The site is not clearly visible from any highway.

Sport England, WCC Ecology, WCC Highways and RBC Tree Officer have all responded to consultation with no comments or objections.

The Ward Councillor, Councillor A'Barrow, has stated in her response that she feels the proposed colours and design are tasteful and a huge improvement, making the building much more attractive.

Three objections have been received from neighbouring residents, but these primarily related to the concept of the hall being erected rather than just the cladding. However a common theme was that they did not approve of the use of cladding. One further resident commented that they appreciated the attempts being made to reduce the visual impact and that they preferred the wave design.

The principle of erecting a new sports facility within the school site has already been established. Had the applicant's not decided to redesign the exterior walls, this scheme would be able to be constructed with no further requirements for consent beyond compliance with conditions (which are correctly being discharged).

The proposed alterations would have no material impact on the ability of the building to facilitate community access opportunities for sport outside school hours, in line with the school's original aim for the wider use of the building.

Whilst the use of the proposed form of cladding would result in the introduction of another new material to the school site, this is entirely in keeping with the pattern of growth and design already long established by existing school buildings.

This new design improves the appearance and presentation of the sports hall. It remains functional yet attractive, a harmonious balance between good design and practicality.

The County Highway Engineer, who would comment on any impact on public and highway safety arising from the proposal, has raised no objections to the proposed external materials scheme and has not requested that any conditions or informative notes be applied.

The proposed changes to the previously approved scheme are therefore still considered to allow the development to comply with the relevant element of the Rugby Borough Council Planning Obligations SPD March 2012 and Saved Policy T5.

Residential Amenity

Three letters of objection and one letter of observations from neighbouring residents have been received by the LPA. The key issues raised in these letters can be seen above under "Neighbour consultation responses".

The principle relevant concerns appear to be the visual impact of the proposed alterations to the external materials.

The LPA acknowledges that the proposed cladding would result in a significantly different external appearance from that already approved. However it is not considered that such changes would result in any material increase in the impact on neighbouring residential amenity (above and beyond that already deemed acceptable by the 2015 consent).

The proposals therefore comply with the relevant elements of Policy CS16 of the Rugby Borough Core Strategy 2011 that relate to residential amenity.

Biodiversity

WCC Ecology Unit responded to consultation by stating that if the sports hall approved in 2015 had not yet been erected, they had no comments to make.

They requested no advisory notes to guide the applicants.

The development therefore complies with Saved Policy E6 of the Rugby Borough Local Plan 2006, which seeks to preserve and protect habitats, and guidance set out in Part 11 of the National Planning Policy Framework March 2012.

Recommendation:

Variation of condition 3 of planning permission R14/1377 (see below for wording). Variation of Condition 2 to refer to the amended details.

DRAFT DECISION

APPLICATION NUMBER

R16/0811

DATE VALID

09/05/2016

ADDRESS OF DEVELOPMENT

Rugby High School

Longrood Road

Bilton

Rugby

CV22 7RE

APPLICANT/AGENT

Mr Jamie Goodwin

Built Off-Site

London House

Shawbury Business Park

Shrewsbury

Shropshire

SY4 4EA

On behalf of Allan Kerr, The Governors of
Rugby High School

APPLICATION DESCRIPTION

Variation of Condition 3 of planning permission reference R14/1377 (Erection of a sports hall and associated works) to change the external appearance of the main sports hall building by the use of alternative facing materials for the external walls.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

The development to which this permission relates must not be begun later than the 18 February 2018.

REASON:

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

CONDITION 2 SHALL BE VARIED TO READ:

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

Application form (received by the Council on 22 October 2014) WITH THE EXCEPTION OF QUESTION 10.

Design and Access Statement (received by the Council on 22 October 2014)

Email from agent dated 23 May 2016 and giving details of the colour codes for the blue cladding panels and the green fencing.

Justification For New Sports Facilities at Rugby High School (received by the Council on 22 October 2014)

Arboricultural Implications Assessment/Arboricultural Method Statement (received by the Council on 22 October 2014)

Great Crested Newt Non-Licensable Mitigation Strategy (received by the Council on 22 October 2014)

IES Modelling Report (received by the Council on 22 October 2014)

School Travel Plan (received by the Council on 22 October 2014)

Transport Assessment (received by the Council on 22 October 2014)

Drawing number FQ061-PL-120 (received by the Council on 22 October 2014)

Drawing number FQ061-PL-140 (received by the Council on 22 October 2014)

Drawing number FQ061-PL-240 (received by the Council on 22 October 2014)

Drawing number FQ061-PL-260 (received by the Council on 22 October 2014)

Drawing number FQ061-01-1000 (received by the Council on 22 October 2014)

Drawing number FQ061-01-1200 (received by the Council on 22 October 2014)

Drawing number FQ061-01-1400 (received by the Council on 22 October 2014)

Drawing number FQ061-01-1500 (received by the Council on 22 October 2014)

Drawing number FQ061-01-1600 Revision A (received by the Council on 22 October 2014)

Drawing number FQ061-01-2000 (received by the Council on 22 October 2014)

Drawing number FQ061-01-3200 Revision D (received by the Council on 17 May 2016)

Drawing number FQ061-01-6000 Revision A (received by the Council on 20 November 2014)

Drawing number FQ061-01-6001 (received by the Council on 22 October 2014)

REASON:

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

CONDITION 3 SHALL BE VARIED TO READ:

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 (with the exception of the cladding panels), together with samples of the facing bricks and roofing material have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The cladding panels to be applied to the external walls shall accord with the Insulated Roof and Wall Panels Product Data Sheet received by the LPA on 29 April 2016, with the colours of the panels comprising white (RAL 9003) and blue (RGB 44-86-151) unless otherwise agreed in writing by the LPA prior to construction.

REASON:

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

NB - Materials samples were submitted on the day of submission of this application and have therefor not been sufficiently assessed at this time. This condition may not be required if the materials are deemed to be suitable by the date of the Planning Committee meeting.

CONDITION 4:

During the construction period, no vehicles calling at the site or being in the control of the developer/occupier or Contractors employed by the developer/occupier shall be loaded, unloaded or parked on the highway (Longrood Road - D3504). Adequate measures shall be taken to prevent deleterious matter being carried onto all nearby highways.

REASON:

In the interests of highway safety.

CONDITION 5:

Unless otherwise agreed in writing by the Local Planning Authority, prior to the first occupation of the building, details of water efficiency measures to be incorporated into the design of that building to meet the equivalent of the BREEAM Very Good water conservation standard shall be submitted to and approved in writing by the Local Planning Authority.

These approved measures shall then be incorporated into the design of the building prior to the first occupation and then retained in working order in perpetuity.

REASON:

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

CONDITION 6:

The development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of Great Crested Newts within the site as set out in paragraphs 3.2.1, 3.2.2 and 3.2.3 of the document "Great Crested Newt Non-licensable Mitigation Strategy for Development at Rugby High School, Rugby, Warwickshire", prepared by Skilled Ecology Consultancy Ltd., dated October 2014, and received by the Local Planning Authority on 12 December 2014.

REASON:

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team (Tel 01926 412515), before any work is carried out. This shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

INFORMATIVE 2:

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/developers 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.

INFORMATIVE 3:

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

INFORMATIVE 4:

If it is essential to fell or lop any trees or part of the hedgerows, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March-September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats, prior to work commencing. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	15 th June 2016
Report Title	Delegated Decisions – 21 st April 2016 to 11 th May 2016
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Dan McGahey 3774
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
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 Recreation 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 – 15th June 2016

Delegated Decisions – 21st April 2016 to 11th May 2016

Report of the Head of Growth and Investment

Recommendation

The report be noted.

1. BACKGROUND

Decisions taken by the Head of Growth and Investment in exercise of powers delegated to him during the above period are set out in the Appendix attached.

Name of Meeting: Planning Committee
Date Of Meeting: 15th June 2016
Subject Matter: Delegated Decisions – 21st April 2016 to 11th May 2016
Originating Department: Planning and Recreation

LIST OF BACKGROUND PAPERS

There are no background papers relating to this item.

DECISIONS TAKEN BY THE HEAD OF PLANNING AND RECREATION UNDER
DELEGATED POWERS FROM 21.04.2016 TO 11.05.2016

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R16/0762 Refused 09.05.2015</i>	10 Garratt Close Long Lawford Rugby	Retention of single storey front extension.
<i>R16/0808 Refused 10.05.2015</i>	1 Lauderdale Close Long Lawford Rugby	Erection of two storey side extension
<i>R16/0038 Refused 11.05.2016</i>	Land rear of the Marisburn House Parrotts Grove Coventry	Change of use of land to the stationing of caravans for 3 gypsy pitches with associated hardstanding and utility/dayrooms
Applications Approved		
<i>R15/2542 Approved 21.04.2016</i>	119 Lytham Road Rugby	Erection of a detached dwelling
<i>R16/0656 Approved 22.04.2016</i>	Rugby NHS Trust Hospital of St Cross Barby Road Rugby	Construction of a new car park to include the formation of a pedestrian access ramp.
<i>R14/2248 Approved 22.04.2016</i>	Coppicewell Rare Breeds Farm Wolvey Road Bulkington Bedworth	Demolition of existing agricultural building and erection with a residential bungalow.
<i>R16/0556 Approved 26.04.2016</i>	54 Loverock Crescent Rugby	Erection of two storey side and a single storey rear extension
<i>R16/0531 Approved 26.04.2016</i>	79 Hillary Road Overslade Rugby	Two storey side extension and single storey rear extension

<i>R16/0533 Approved 26.04.2016</i>	42 St Leonards Walk Ryton on Dunsmore Coventry	Erection of a part two storey, part single storey side extension (amendments to planning permission R15/2409, dated 11/01/16, to increase the additional ground floor accommodation by utilising the space to the side of the property that was previously designated as a walkway).
<i>R16/0718 Approved 27.04.2016</i>	Tacit The Barn 59 Moat Farm Drive Hillmorton Rugby	Change of use of first floor office space to residential one bedroom apartment
<i>R16/0608 Approved 27.04.2016</i>	28 School Street Coventry	Erection of two storey side and single storey rear extension
<i>R15/2452 Approved 28.04.2016</i>	Coop Late Shop Townsend Lane Long Lawford Rugby	Proposed new local convenience store, ancillary customer parking with associated external works, together with the demolition of the existing store and adjacent dwelling
<i>R15/2533 Approved 28.04.2016</i>	2 Church Road Church Lawford Rugby	Conversion of outbuilding to residential use to include a link to the main dwelling.
<i>R16/0002 Approved 29.04.2016</i>	10 Smite Close Monks Kirby Rugby	Erection of a single storey side extension.
<i>R16/0747 Approved 29.04.2016</i>	174 Lower Hillmorton Road Rugby	Erection of a two storey side extension.
<i>R16/0696 Approved 29.04.2016</i>	Woodcroft Rugby Road Coventry	Alterations to the previous two storey and single storey rear extension to include: external doors and fenestration, reduction in chimney stack height and inclusion of a roof lantern and external flue. Internal and external works to the original building to include repair of windows, repointing and brick replacement and insulation and plastering of ceilings to 3 bedrooms and repair to the stairs banister.
<i>R16/0611 Approved 03.05.2016</i>	6 Kings Newnham Road Rugby	Erection of single storey rear extension

<i>R16/0247 Approved 03.05.2016</i>	124 Ashlawn Road Rugby	Erection of a detached bungalow, together with the erection of a replacement garage and new vehicular access to serve the existing dwelling house.
<i>R16/0792 Approved 04.05.2016</i>	65 Magnet Lane Bilton Rugby	Single storey rear extension.
<i>R15/1331 Approved 04.05.2016</i>	Commercial Builders Yard Rear of Avon Lodge Lawford Heath Lane Rugby	Conversion and extensions to building to create one new dwelling.
<i>R16/0628 Approved 04.05.2016</i>	Home Farm Birdingbury Road Bourton-on-Dunsmore	Conversion of outbuilding into disabled annex
<i>R16/0351 Approved 04.05.2016</i>	Storage Building Winfield Street Rugby	Conversion of storage building to a one bedroom flat including extensions and alterations.
<i>R16/0720 Approved 04.05.2016</i>	12 Sandford Way Rugby	Replace existing flat roof for a new pitched roof to garage and increase drive width.
<i>R16/0751 Approved 04.05.2016</i>	13 Carlton Road Bilton Rugby	Erection of two storey side extension.
<i>R16/0707 Approved 06.05.2016</i>	Leo Associates Ltd 31 Somers Road New Bilton Rugby	Provision of 8 additional car parking spaces and external alteration to the building to include cladding to the front and side elevations.
<i>R16/0590 Approved 09.05.2016</i>	Quigleys 22 Albert Street Rugby	Erection of a two storey side extension, relocation of the entrance, and formation of a new porch.
<i>R16/0753 Approved 09.05.2016</i>	Cotton House 10 Hillmorton Road Rugby	Proposed replacement ground floor roof from existing flat roof to mono pitch roof
<i>R16/0434 Approved 09.05.2016</i>	Fosse Bungalow Fosse Way Rugby	Provision of a dropped kerb and the replacement of an access gate

<i>R16/0763 Approved 09.05.2016</i>	8 Horton Crescent Rugby	Erection of a single storey entrance porch with associated paving area
<i>R16/0847 Approved 10.05.2016</i>	10 Braids Close Rugby	Erection of a first floor extension
<i>R16/0215 Approved 10.05.2016</i>	1 Hillary Road Overslade Rugby	Single storey side extension
<i>R16/0462 Approved 11.05.2016</i>	Springwell House Manor Lane Rugby	Replacement pitched roof to front porch
<i>R16/0716 Approved 11.05.2016</i>	The Motte Eil Lane Rugby	Two Storey extension to side elevation with new front elevation and internal alterations (Re-submission of R15/0398- Addition of window and door to side elevation)
<i>R16/0277 Approved 11.05.2016</i>	Coombe Abbey Park Ltd. Coombe Abbey Hotel Brinklow Road Rugby	Relocation and Rebuilding of curtilage listed garden building in the Coombe Abbey Country Park and removal of 1No. Whitebeam Tree.
<i>R16/0819 Approved 11.05.2016</i>	67 Heath Lane Brinklow Rugby	Erection of single storey porch extension
<i>R15/1232 Approved 11.05.2016</i>	Willowbrook Sawbridge Road Grandborough Rugby	Erection of one local need dwelling.
<i>R16/0684 Approved 11.05.2016</i>	Hawthorns 1 Barton Road Bilton Rugby	Erection of a new dwelling and provision for new access for the existing dwelling
<i>R16/0787 Approved 11.05.2016</i>	Laurentian Sports RFC Fenley Field Lime Tree Avenue Bilton Rugby	Installation of an 18 metre [to top of the antennas] Swann lattice Telecommunication tower, with 3 No antennas. 2 No microwave dishes and 3 No equipment cabinets, along with ancillary works

R15/1828 Approved 11.05.2016	April Rise Leamington Road Princethorpe CV23 9PY	Erection of two storey side extension and alterations to existing dwelling
Prior Approval Applications		
R16/0253 Prior Approval Not Required 21.04.2016	12 Warren Close Ryton on Dunsmore Coventry	Prior Approval application for a single storey rear extension projecting 4 metres from the original rear elevation of the dwelling, 2.6 metres in width, 2.1 metres to the eaves with a maximum height to the ridge of 2.920 metres.
R16/0702 Prior Approval Not Required 26.04.2016	26 Meadow Road Newbold Rugby	Prior Approval for the erection of a 4.0 metre extension from the rear of the original dwelling and 2.2 metres to the eaves and 3.4 metres to highest point
R16/0683 Prior Approval Required and Granted 28.04.2016	Shilton House Farm 15 Church Road Shilton Coventry	Notification for a proposed change of use of an agricultural building to a dwelling house (Class C3) and for associated operational development.
R16/0760 Prior Approval Not Required 29.04.2016	Bramley House Coventry Road Church Lawford Rugby	Prior approval for the erection of a single storey rear extension.
R16/0706 Prior Approval Not Required 04.05.2016	42 Kingsley Avenue Hillmorton Rugby	Rear extension measuring 4.903 metres in depth; 3.100 metres in height to the ridge and eaves.
R16/0626 Prior Approval Required and Granted 09.05.2016	Town Thornes Barns Barn adjacent to Boat Cottage off Cathiron Lane Easenhall Rugby	Prior approval for the change of use of existing fodder store to residential dwelling.
R16/0765 Prior Approval Not Required 09.05.2016	245 Lower Hillmorton Road Hillmorton Rugby	Prior Approval application for the erection of a single storey rear extension projecting 6 metres from the original rear elevation of the dwelling, 6.3 metres in width, 2.5 metres to the eaves to the West elevation and 2.5 and 2.75 metres to the eaves to the East Elevation, with a maximum height of 3.75 metres.

<i>R16/0823 Prior Approval Not Required 11.05.2016</i>	67 Heath Lane Brinklow Rugby	Prior Approval for the erection of a 6.0 metre extension from the rear of the original dwelling and 2.37 metres to the eaves and 3.68 metres to highest point
Prior Notification		
<i>R16/0884 Prior Notification of agriculture or forestry development Not Required 27.04.2016</i>	Heath Barn Oxford Road Rugby	Prior notification for the erection of an agricultural building for the storage of straw
Listed Building Consents		
<i>R16/0521 Listed Building Consent 26.04.2016</i>	78 The Heath Dunchurch Rugby	Listed Building Consent for the erection of a single storey extension and internal alterations to the existing dwelling
<i>R16/0571 Listed Building Consent 26.04.2016</i>	Red Rose Cottage 26 Southam Road Dunchurch Rugby	Listed Building Consent for the repair of 2no.outbuildings (the potting shed and the garden store) and the re-landscaping of the rear garden area (to include the replacement and/or creation of paths and patios and the installation of an artificial lawn).
<i>R16/0695 Listed Building Consent 29.04.2016</i>	Woodcroft Rugby Road Brandon Coventry	Listed building consent for alterations to the previous two storey and single storey rear extension to include: external doors and fenestration, reduction in chimney stack height and inclusion of a roof lantern and external flue. Internal and external works to the original building to include repair of windows, repointing and brick replacement and insulation and plastering of ceilings to 3 bedrooms and repair to the stairs banister.
<i>R16/0678 Listed Building Consent 29.04.2016</i>	Brownsover Hall Hotel Brownsover Lane Brownsover Rugby	Resubmission of listed building consent application R16/0141 for the erection of a new hand rail to the front porch of Brownsover Hall Hotel.
<i>R16/0212 Listed Building Consent 11.05.2016</i>	Coombe Abbey Park Ltd Coombe Abbey Hotel Brinklow Rugby	Listed Building Consent for the relocation and rebuilding of curtilage listed garden building in the Coombe Abbey Country Park.
Advertisement		

Consents		
<i>R16/0708 Advertisement Consent 26.04.2016</i>	Leo Associates Ltd 31 Somers Road New Bilton Rugby	Provision of 1 No. non-illuminated fascia signage
<i>R16/0703 Advertisement Consent 11.05.2016</i>	Lidl UK G M B H Lidl UK GMBH Bilton Road Bilton Rugby	Erection of one free standing illuminated totem sign
Certificate of Lawful Use or Development		
<i>R16/0095 Certificate of Lawful Use or Development 22.04.2016</i>	93 Rugby Road Rugby	Certificate of Lawfulness for proposed hardstanding to the front of the property.
<i>R16/0213 Certificate of Lawful Use or Development 28.04.2016</i>	Street Ashton Farm Coventry Road Street Ashton Stretton under Fosse Rugby	Certificate of Lawful Existing Use of the dwelling by person or persons not employed in agriculture.
Approval of Details/ Materials		
<i>R13/0928 Approval of Details 26.04.2016</i>	Stable Block & Adjacent Buildings Coton House Lutterworth Road Churchover Rugby	Listed Building Application for the partial demolition of the Stable Block Building and for the demolition of structures within the curtilage of the Stable Block Building.
<i>R15/1720 Approval of Details 27.04.2016</i>	34 Butlers Leap Rugby	Demolition of existing warehouse unit and erection a new general industrial warehouse (Use Class B2 (General Industrial)) with ancillary office area and parking facility.
<i>R15/1276 Approval of Details 03.05.2016</i>	Colas Colas Rail Mill Road Rugby	Construction of infill offices.
<i>R10/1972 & R14/2186 Approval of Details 04.05.2016</i>	Former [Peugeot Factory Site B Unit DC1 Imperial Road Oxford Road	Application for Reserved Matters Approval for Unit DC1 relating to appearance, landscaping, layout, and scale, including ancillary car parking, loading areas and sprinkler tank (Application H), against renewed outline

	Ryton-on-Dunsmore	planning permission R07/2010/OPS (R10/1972) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m2, including new access on to Oxford Road (A423).
<i>R06/0064/MAJP Approval of Details 06.05.2016</i>	Land at Leicester Road Leicester Road Rugby	Outline Planning Application for the redevelopment of land to provide a mixed scheme incorporating residential development comprising the erection of 540no. dwellings, 2 hectares of employment (Class B1) development, a new college campus for Warwickshire College including associated facilities with car parking (Class D1), a DIY retail store [5156 sq.m gross internal floor space with ancillary areas for the display and sale of building materials (975 sq.m) and garden centre products (1245 sq.m gross)], and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary works.
Approval of non-Material Changes		
<i>R15/2172 Approval of Non-Material Changes 22.04.2016</i>	Wren Court Frankton Road Birdingbury Rugby	Listed Building Consent for the installation of replacement windows
<i>R16/0227 Approval of Non-Material Changes 27.04.2016</i>	31 Heath Lane Brinklow	Erection of single storey side and rear extension
Withdrawn/ De-registered		
<i>R16/0698 Withdrawn 28.04.2016</i>	69 Temple Street Rugby	Prior approval for the change of use to part of ground floor from B1 [General Office] to C3 [Residential] under Schedule 2 ,Part 3, Class O of the Town and Country Planning [General Permitted Development] England Order 2015