

6th August 2012

PLANNING COMMITTEE - 15TH AUGUST 2012

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 15th August 2012 in the Council Chamber, Town Hall, Rugby.

Site visits

A site visit will be held at the following time and location.

3.00pm Fields Farm, Lower Green, Woolscott, CV23 8DD
3.30pm Rugby Town Junior Football Club, Kilsby Lane, Rugby.

Andrew Gabbitas
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 25th July 2012.
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 – 13th July 2012 to 2nd August 2012.

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 2012/13 – 6) are attached.

Membership of the Committee:-

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

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 – 15TH AUGUST 2012
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

Item	Application Ref Number	Location Site and Description	Page number
1	R12/0239	Grange Farm, Brandon Lane, Coventry, CV3 3GU Outline application for erection of 11 dwellings (all matters reserved).	3

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
	R11/2381	Rugby Town Junior Football Club, Kilsby Lane, Rugby Outline planning permission for the extension of the site curtilage and the erection of a covered sports facility and associated works (appearance and landscaping matters reserved).	9
	R11/2228	Fields Farm, Lower Green, Woolscott Extension to a livestock sleep / collection barn.	35
	R11/2394	Wolvey Garage, 3 Coventry Road, Wolvey Erection of 7 dwellings with associated access.	40
	R11/0693	1 st , 2 nd and 3 rd floors, 9 North Street, Rugby Change of use of 1st, 2nd and 3rd floor offices to 29 residential units (8 x one bed and 21 x two bed units).	50
	R12/0600	Former Peugeot Works, Site A, Oxford Road, Ryton on Dunsmore, CV8 3DZ Outline application for 13.39HA of the northern part of the former Peugeot Works Site for up to 51,860 sqm of employment comprising of up to 47,756 sqm of Class B8 (warehouse & distribution) with ancillary offices and up to 4,104 sqm of Class B1(c)/B2/B8 (light industry/general industry/warehouse & distribution with ancillary offices), including vehicle parking and landscaping with access from existing roundabout.	58

Reference number: R12/0239

Site address: Grange Farm, Brandon Lane, Coventry, CV3 3GU

Description: Outline application for erection of 11 dwellings (all matters reserved.)

Case Officer Name & Number: Karen McCulloch, 01788 533623

Description of site

This application relates to agricultural land located on Brandon Lane, close to the junction with the A45. The site is mostly grassed with some trees although part of the field is fenced off and is used for storage of materials.

There is a wide grass verge on the site frontage and a green metal mesh fence on the front boundary of the site which is around 2m high. In front of the fence is a row of small, immature hawthorns.

There is a field access opposite the site and the road is slightly curved.

Grange Farmhouse and other residential properties are located to the south west of the site. Grange Farmhouse is set back from the road and is constructed of red brick and red roof tiles and has 2 side facing first floor windows.

Description of proposals

This is an outline application for the erection of 11 dwellings. Only the principle of development is to be considered at this stage. Initially illustrative plans showing a cul-de-sac layout with two storey detached houses were submitted. An amended illustrative plan has been provided, this shows 3 terraced properties accessed from the drive serving Grange Farmhouse and a cul-de-sac of 8 detached properties.

The applicants have advised that in the event of an approval 3 of the houses (27.2%) would be provided as affordable housing.

Third party comments

Brandon & Bretford Parish Council Objection

- encroaches onto Green Belt land;
- no need for this type or style of housing in the village;
- increased traffic to the B road;
- outside of village boundary and does not meet housing need.

Neighbours (7) Objection

- this is Green Belt land and should not be built on;
- understand affordable housing projects may be allowed, this is not relevant to this application;
- would spoil character of area;
- increased traffic, noise and disturbance;
- no facilities such as schools or bus routes that would support families particularly those with lower incomes in social housing;
- impact on the environment and wildlife, loss of hedgerows, site is haven for wildlife;
- access is proposed close to a bend in the road and there are problems with speeding traffic;
- there are no pavements or street lighting, pedestrians would be at risk;
- this is a flood plain close to the river and development could flood, would also increase flooding to existing homes and downstream;
- localised flooding occurs on Brandon Lane, the cause of this is not understood and development could add to this;

- application states 3 units will be given to a housing association, affordable housing projects are not usually 4 bed detached houses as proposed;
- would set a precedent for future development;
- the applicant previously submitted a similar application, the concerns are the same;
- local residents have not been consulted;

Technical consultation responses

WCC Highways	Objection	Insufficient visibility
Natural England	Objection	Pre-determinative species surveys are required
WCC Ecology	Objection	Pre-determinative species surveys are required
Coventry City Council	No objection	
WCC Archaeology	No objection	Subject to condition
Warks Fire & Rescue	No objection	Subject to condition
Airport Safeguarding	No objection	
Severn Trent	No objection	Subject to condition
Warks Police	No comments received	
Coventry Airport	No comments received	

Relevant planning history

R10/0839 Outline application for erection of 11 dwellings (all matters reserved.) – Refused

This application related to land closer to the A45 to the south west of Grange Farm and the neighbouring properties, however the proposals were very similar to the current application.

Relevant planning policies and guidance

Rugby Borough Core Strategy 2011

CS1	Conflicts	Development Strategy
CS2	Conflicts	Parish Plans
CS10	Complies	Developer Contributions
CS11	Conflicts	Transport and New Development
CS16	Conflicts	Sustainable Design
CS17	Complies	Reducing Carbon Emissions
CS21	Conflicts	Rural Exceptions Sites

Rugby Borough Local Plan 2006, Saved policies

E6	Conflicts	Biodiversity
GP2	Complies	Landscaping
T5	Complies	Parking facilities
H12	Complies	Open space provision in residential developments in the rural area
LR1	Complies	Open space standards

National Planning Policy Framework, 2012

Planning Obligations SPD, 2012

Sustainable Design and Construction SPD, 2012

Brandon Village Design Statement, 2001

Assessment of proposals

The key issue to assess in relation to this application is whether the principle of the proposed development is acceptable in this Green Belt location. Issues such as

visual amenity, impact on neighbours, highway safety, car parking and protected species must also be considered.

Policy CS1 states that within the Green Belt new development will be resisted and will only be permitted when allowed by national policy.

The NPPF states that within the Green Belt inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This goes on to state that the construction of new buildings should be regarded as inappropriate development unless they are for a specified range of uses.

These are, agriculture & forestry; facilities for outdoor sport & recreation; limited extension, alteration or replacement of existing buildings; limited infill in existing villages and limited affordable housing for local community needs and redevelopment of previously developed sites.

As the proposals do not fall within any of the specified categories they constitute inappropriate development. The NPPF states that inappropriate development should not be approved unless there are very special circumstances to outweigh the harm to the Green Belt. The applicant has not submitted any information regarding very special circumstances. It is therefore considered that the principle of the proposed development is unacceptable and contrary to policy CS1 and the NPPF.

Policy CS21 refers to rural exceptions and states that development of affordable housing to meet the needs of local people may be acceptable in countryside locations adjacent to defined rural settlement boundaries subject to a range of criteria. As the site is not located adjacent to an existing settlement, includes mostly market housing and no information regarding local need for affordable housing has been provided it is not considered a rural exceptions site. The proposals are therefore contrary to policy CS21.

The NPPF states that the visual amenity of the Green Belt should be maintained. In addition policy CS16 states that development should not harm the amenity of the area. This area is predominantly open countryside and it is considered that the proposals would add to the built development within the area and would have an adverse impact on the rural character, contrary to these policies.

As this is an outline application the details of the proposed landscaping are not under consideration at this stage. However, it is considered that a landscaping scheme could be produced which protects existing trees and hedgerows on the site boundaries and provides additional appropriate landscaping. The proposals could therefore comply with saved policy GP2.

In relation to the impact on neighbouring properties Grange Farmhouse is located to the side of the site. This property has a two side facing windows looking towards the site. This property is separated from the site by an access drive and it is considered that suitable levels of separation could be provided to ensure the development does not have an adverse impact on this property. The relevant part of policy CS16 is therefore complied with.

Policy CS16 also refers to the use of sustainable drainage systems and complying with the water conservation standards contained in Level 4 of the Code for Sustainable Homes. The application form states that soakaways and sustainable drainage systems and it is considered that the water conservation standards could be

controlled by condition, the development therefore complies with these parts of CS16.

Policy CS17 states that development should comply with the relevant Building Regulations at the time of construction and that developments of 10 or more shall include equipment to reduce carbon emissions by at least 10%. These requirements could be controlled by condition and it is considered that policy CS17 is complied with.

Policy CS2 relates to Parish documents and states that these should be considered in determining applications. The Brandon Village Design Statement, 2001 states that the area approaching Brandon from the A45 should retain its rural setting. It is considered that the proposed development is contrary to this statement and therefore contrary to policy CS2.

In relation to highway safety Warwickshire County Council have advised that they do not consider that an access could be provided with suitable visibility splays. The applicants provided further information regarding visibility and advised that the existing commercial uses would cease, that some properties could be accessed from the existing drive and that vehicles travel slower than the speed limit. Warwickshire County Council advised that this additional information does not overcome their concerns, the proposals would therefore be detrimental to highway safety contrary to policy CS11.

In terms of parking facilities it is considered that acceptable levels of car parking could be provided on site. Cycle parking could be accommodated in rear gardens or garages and saved policy T5 is therefore complied with.

Policy CS10 states that where it is necessary to mitigate against the impacts of a development and this cannot be done on site off-site contributions may be sought. Saved policy H12 states that on sites of 6 or more dwellings open space should be provided in accordance with the standards contained within saved policy LR1. Given the size of the site on site open space could not be provided, therefore a contribution would be required. The applicants have confirmed that they would be prepared to pay this contribution, the proposals therefore comply with policy CS10 and saved policies H12 and LR1.

Natural England and WCC Ecology have objected to the application on the basis that a survey has not been provided to allow the impact on protected species to be assessed. The agent questioned whether it would be possible to require these surveys by condition rather than require them prior to the determination of the application. However, both Natural England and WCC Ecology consider that the surveys must be provided before determination to allow an assessment to be made as to whether any required mitigation could be provided. The proposals are therefore contrary to saved policy E6.

The County Archaeologist, Severn Trent and the Fire Service have commented on the application and have no objection subject to conditions.

Recommendation

Refusal

DRAFT DECISION

APPLICATION NUMBER

R12/0239

DATE VALID

19/04/2012

ADDRESS OF DEVELOPMENT

GRANGE FARM
BRANDON LANE
COVENTRY
CV3 3GU

APPLICANT/AGENT

Mr Bob Faxon
Schoonberg Walker & Associates
3 Sunnyside
The Green
Broadwell
Rugby
Warwickshire
CV23 8HD
On behalf of MR T KIRTON

APPLICATION DESCRIPTION

Outline application for erection of 11 dwellings (all matters reserved.)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL: 1

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to guidance contained in the NPPF not to grant planning permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages.

Therefore the proposed development constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on the character and openness of the Green Belt and surrounding area.

In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for residential development in the face of a strong presumption against inappropriate development derived from the prevailing policies, it is also considered that the development fails to preserve the openness and character of the Green Belt or countryside. The proposed development is therefore contrary to policies CS1 and CS16 of the Rugby Borough Core Strategy 2011 and the NPPF.

REASON FOR REFUSAL: 2

The proposed development does not constitute a rural exceptions site as defined by policy CS21 of the Rugby Borough Core Strategy 2011 as the proposal includes market housing, no local need for affordable housing has been demonstrated, the development would adversely affect the character of the area and the site is not located adjacent to an existing settlement. The proposals are therefore contrary to this policy.

REASON FOR REFUSAL: 3

It is not considered that vehicular access to the site can be provided in a position that would enable suitable visibility splays to be provided. This would be detrimental to highway safety and contrary to policy CS11 of the Rugby Borough Core Strategy 2011.

REASON FOR REFUSAL: 4

The application is not accompanied by a Phase 1 Habitat Survey to allow the impact on protected species to be assessed. The application could therefore adversely impact on protected species and is contrary to saved policy E6 of the Rugby Borough Local Plan 2006.

REASON FOR REFUSAL: 5

The Brandon Village Design Statement, 2001 states that the area to the west of Brandon, including the application site, should retain its rural setting. It is considered that the proposed development would adversely impact on the rural setting contrary to the Brandon Village Design Statement, 2001 and policy CS2 of the Rugby Borough Core Strategy 2011.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy 2011 - CS1, CS2, CS10, CS11, CS16, CS17, CS21
Rugby Borough Local Plan 2006, Saved policies - E6, GP2, T5, H12, LR1
National Planning Policy Framework, 2012
Planning Obligations SPD, 2012
Sustainable Design and Construction SPD, 2012
Brandon Village Design Statement, 2001

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:

This decision relates to the Block Plan - R73:12:20 and Site Plan - R73:12:01 received by the Local Planning Authority on 5th July 2012 and the Vision Splay Images - R73:12:03 received by the Local Planning Authority on 6th July 2012.

Reference number: R11/2381

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

Description: Outline planning permission for the extension of the site curtilage and the erection of a covered sports facility and associated works (appearance and landscaping matters reserved).

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of Site

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

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

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

The Proposed Development:

The application seeks outline permission for the extension of the site curtilage and erection of a covered sports facility and associated works. The matters reserved for future approval are appearance and landscaping.

The indoor building

The application seeks the erection of a multi-purpose sports building to provide indoor football training facilities, a gymnasium and three squash courts with associated changing rooms and administration facilities. The facility will be used by Rugby Gymnastic Club, Rugby Town Junior Football Club and Rugby Town Squash Club.

The proposed building, will sit at the lowest point of the site close to the existing buildings and parking facilities. This has resulted in the proposed building being sited on land outside of the planning unit approved under the 2002 planning application partially within an area designated as a Local Wildlife Site (LWS). The proposed building has a footprint of approximately 3900m², of which approximately 2000m² of the buildings footprint will be located within the Local Wildlife Site.

The proposed building will have a floor space of 3900m² with a maximum height of 6.5m. Internally the building will be divided into three broad sections. Rugby Town Junior Football Club will be using part of the building (approximately 1419m²) as an indoor football facility. The main pitch itself would be 25m by 37m which allows it to be divided into a number of smaller pitches to accommodate a number of five a side games. It is intended that the indoor training facility will be used by RTJFC for training purposes by its Tangos group. Rugby Town Tangos group ranges from 4-5 year olds and currently have 20 members who currently have to train away from Kilsby Lane from April-September at the Rugby College indoor sports hall. The facility will also be utilised when the pitches are unplayable during inclement weather. The indoor facility would allow for the introduction of a futsal 5-a-side league for the

14-19 age groups. Futsal is the indoor version of five-a-side football, played on a hard surface delineated by lines; walls or boards are not used. Currently the club experience a relatively high drop-out in the 15-18 age group. It is hoped this can be stemmed by the proposal providing suitable facilities for skills based high power indoor football.

Another large proportion of the building (approximately 765m²) will be used by the Rugby Gymnastic Club. The club which has been established for 30 years with 888 members and requires new premises, as their existing premises along Lower Hillmorton Road, a former factory building, is not purpose built and the club have highlighted that the site is in a bad state of repair, run down and out of date.

The remaining floor space will be used by Rugby Town Squash Club for three squash courts. Rugby Town Squash Club are in need of new premises since the non-inclusion of squash courts in the recently approved Queens Diamond Jubilee Leisure Centre. The remaining floor space will be used as ancillary accommodation associated with all 3 main users of the building.

As shown on the submitted indicative drawing the building will comprise a curved "green" roof seeded with a species rich natural grassland mix. The walls of the building will be clad with vertical cedar cladding. The building is intended to be sustainable and intends to reduce its carbon footprint through the use of the "green" roof, the provision of solar panels on the south facing plain of the roof, solar-powered wind catchers to be affixed to the roof will provide natural ventilation and the incorporation of grey-water recycling.

Access and highways infrastructure:

Access to the proposed building can be gained from the existing access off the Kilsby Lane into the site. Pedestrian access to the site can be gained from the existing pedestrian access off Kilworth Road. A total of 60 additional car parking spaces are proposed to be constructed close to the existing parking area.

Landscaping:

Whilst details relating to landscaping are reserved for subsequent approval, the submitted drawings indicate that a proposed band of tree and shrub planting approximately 5m wide will be created between the building and the LWS, helping to screen the proposal from the south and to provide an enhanced wildlife corridor of movement across the area.

Relevant planning history

R02/0487/5742/P	Construction and use of playing pitches, erection and use of pavilion and groundsman store and formation of new access road and car park	Approved 15.10.2004
R08/0855/VARI	Variation of Condition 7 of R02/0487/05742/P to allow landscaping to be phased over additional planting seasons (extend time to complete scheme until March 2010)	Approved 24.07.2008
R09/0799/PLN	Installation of 3 no. all weather sports pitches and provision of floodlights.	Approved 04.01.2010
R11/0582	Retention of existing metal storage container to accommodate grounds maintenance equipment.	Approved 20.04.2011

R11/0535	Application to amend Conditions 6 and 7 of Planning Permission R09/0799/PLN dated 4th January 2010 (which restricts the use of the playing facilities to people up to the age of 18 years and bone-fide members of Rugby Town JFC) to permit the following; to allow the astroturf pitch to be used by nominated school groups and who are not bone fide members of Rugby Town Junior FC, members of Rugby Town Junior FC Under 21 Team, and to use the artificial pitches for officially accredited Football Association coach training, referee training and sports development training.	Approved 13.05.2011
R11/0267	Application to amend Condition 30 of Planning Permission R02/0487/05742 dated 15th October 2004 (which restricts the use of the playing facilities to people up to the age of 18 years) to permit the following; to allow the main football pitch to be used by members of Rugby Town Junior FC and members of Rugby Town Ladies FC to play official league fixtures, and to allow the use of the artificial pitches for official Football Association accredited coach training, referee training and sports development training by people over the age of 18.	Approved 13.05.11

Planning policy and guidance

Regional Spatial Strategy for the West Midlands:

The relevant Policies are:

- Policy QE1 – Conserving and Enhancing the Environment
- Policy QE3 – Creating a High Quality Built Environment for all
- Policy QE5 – Protection and Enhancement of the Historic Environment
- Policy QE7 - Protecting, Managing and Enhancing the Regions Biodiversity and Nature Conservation Resources
- Policy QE9 - The Water Environment

However, it should be noted that whilst the RSS remains part of the Development Plan its pending abolition means the actual weight apportioned to these policies is limited.

Rugby Borough Council Local Development Framework

Rugby Borough Council Core Strategy 2011:

The following Policies apply to the development:

- Policy CS1 – Development Strategy: -
Indicates that the location and scale of development should follow the settlement hierarchy which favours the larger more sustainable urban areas above the Main Rural Settlements which in-turn comes above Local Needs Settlements, below which is the countryside and then the Green Belt.

Policy CS11 – Transport and New Development: -
Indicates that development will be permitted where sustainable modes of transport are prioritised and measures mitigating against the transport impacts which may arise from that development or cumulatively with other proposals are provided.

Policy CS14 – Enhancing the Strategic Green Infrastructure Network
Seeks to ensure that the Council will work with partners towards the creation of a comprehensive Borough wide Green Infrastructure Network. This will be achieved through the protection, restoration, and enhancement of existing GI assets within the network on the Proposal Map; and the introduction of appropriate multi functional linkages between existing GI assets

Policy CS16 – Sustainable Design and Construction: -
States that all development will demonstrate high quality, inclusive and sustainable design and be of a scale, density and design that would not cause any material harm to the qualities, character and amenities of the areas in which they are situated. It also indicates that development should not impact upon the residential amenities of neighbouring properties and encourages the use of sustainable drainage systems and other technologies that will reduce the use of non renewable resources.

Policy CS17 – Reducing Carbon Emissions
Requires developers to demonstrate how developments over a certain threshold will reduce energy consumption.

Saved Local Plan Policies

Policy GP2 – Landscaping: -
Requires landscape aspects of the development to form an integral part of the overall design.

Policy E6 – Biodiversity: -
Requires developers to make provision for the protection and subsequent retention of natural features and supporting habitats. It indicates that long term management plans may be required.

Policy T5 – Parking Facilities: -
Planning permission will only be granted for development that incorporates satisfactory parking facilities.

Warwickshire Landscape & Character Assessment (Rugby Borough), 2006

Rugby Borough Council Planning Obligations Supplementary Planning Document, March 2012 – Parking Standards

Rugby Borough Council Local Development Framework Sustainable Design and Construction SPD February 2012.

National Planning Policy Guidance

National Planning Policy Framework 2012 :-

Since the submission of the application the National Planning Policy Framework has been published and replaced the previous Planning Policy Guidance Notes and Planning Policy Statements. It was published in March 2012 and brings together the

wide-ranging Government guidance and objectives previously set out in the individual Planning Policy Guidance Notes and Planning Policy Statements. Its key aim is to promote a presumption in favour of sustainable development.

Technical Consultations:

WCC Highways:

No objection subject to conditions as the general use of the site for the proposed development creates a modest increase in traffic.

WCC Rights of Way Officer

Public bridleway RB28 crosses the western part of the application site but does not appear to be directly affected by the proposed new sports facility. The Rights of Way team therefore have no objection to the proposals.

Water Officer

No objection as an existing hydrant on site is within 100 metres of the proposed building.

Development Strategy Team

The proposal will help with the development of sports within the Borough with it meeting the squash and gymnastics provisions identified within the Sports Facilities Strategy. It is therefore considered that the proposal should be approved with the site being sequentially preferable given the facility will be of benefit to the existing Rugby Town Junior's Football Club and their being no sequentially preferable sites as identified through Rugby Gymnastics Club search for a new facility.

Sport England

Sport England supports and welcomes this outline application and does not wish to raise any objection, subject to conditions requiring the submission of a detailed internal layout plan of the building.

Natural England

The proposed does not appear to affect any statutory protected sites or landscapes, or have significant impact on the conservation of soils.

RBC Parks and Ground Services

Objects to the proposed development based on the location of the building encroaching onto the designated local wildlife site. The meadow itself was created as part of a 106 agreement from the original development so should not subsequently be lost or changed. There is ample space to re-locate the building footprint without affecting this important regional habitat.

Warwickshire Wildlife Trust

Objects to the proposed development as it would result in the net loss of habitat from a County important Local Wildlife Site, the disruption of local hydrological conditions to accommodate the development footprint, and the introduction of lighting into the immediate area. The Trust consider that the partial loss of the Kilsby Lane Local Wildlife Site to accommodate the proposal, regardless of any proposed mitigation strategy, makes it contrary to both national and local planning policy.

WCC Ecology

Objects to the proposed location of the building on ecological grounds but acknowledges that the proposed mitigation contributes to a no net loss of biodiversity in accordance with the NPPF.

Third Parties

Neighbour Objections (49)

- Inappropriate within its location
- Land that it is proposed to be sited on is designated for conservation/ecology area resulting in loss of habitat and species
- Ecology survey has been undertaken at the wrong time of the year
- No footpath along the Kilsby Lane
- The access from Kilworth Road is gated and always locked
- Inadequate car parking proposed
- Increase in traffic
- Cause a visual impact within the open countryside, inappropriate within the rural landscape
- Does not comply with Rugby Borough Council Biodiversity Strategy
- The Local Wildlife Site is important in delivering the targets to conserve and enhance biodiversity outlined in UK and Local Biodiversity Action Plans and so should be adequately protected.
- Loss or degradation of a important Local Wildlife Site
- Construction of the site would result in more encroachment into the LWS as the construction itself will require a significantly larger area for construction vehicles.
- The noise and disturbance from construction will adversely affect wildlife on the site.
- Sufficient alternative land on the site to accommodate car-parking, pitches and for this new building
- Substantial increase in noise and disturbance from the site, particularly due to the increase in the number of vehicles accessing the site throughout the day
- The development would be an eyesore
- RTJFC has failed to comply with a number of conditions attached to the original planning permission such as landscaping and car parking restrictions
- Will cause traffic congestion
- Light pollution
- Highway safety issues with entering and exiting the site
- Planning Creep originally set to be for youth football only
- Late opening hours will have a further impact to local residents
- Traffic along the Crick Road has already increased with the DIRFT development, and will further increase with the Mast Site development, the proposed development would therefore further increase traffic along the Crick Road.
- Increased use of the Crick Road/Kilsby Lane junction would give rise to highway safety issues.
- Site is remote to the majority of Rugby residents
- More sequentially preferable sites within the town centre such as redundant school sites
- Lack of public transport to the site
- Lack of inclusion of accessing the site by public transport or cycling in the travel plan
- The remote location of the site is not safe for children to access
- No benefit to the local community
- There is no actual requirement for a football facility of this size in the middle of a conservation area and one of natural beauty. The recent Sports Facilities Document – highlights that there are other adequate facilities in town.

- The Gym Club needs an alternative – and there are brown field sites available.
- Squash appears to be on the decline but there are alternative facilities available locally.
- There are serious planning and safety issues to be addressed most of which are documented in the objections.
- There would be less opposition to a dedicated Children's facility that is shared with the local community, is professionally managed, and has a transparent 10 year plan

Neighbour Support (88)

- Facility for the benefit of the community and families within the Rugby area, and an opportunity to expand sport and fitness arenas
- Limited sites within the borough to facilitate this development
- No alternative location on site to locate the building
- The new leisure centre does not make provisions for squash court
- Rugby needs squash facilities
- Fantastic facility that will accommodate three different sports under one roof
- Design is sympathetic to the local surroundings
- Creates a safe and enjoyable environment for young people to participate in sports
- More facilities are needs within Rugby
- Encourages young children to undertake sports activities
- Great addition to an existing facility
- The proposed development with bring with it both social and community benefits and development the sporting skills of the local population
- New investment into Sport in Rugby
- Additional car parking will be available
- The Wildlife Site was created through the development of the site by RTJFC and should not be used as a vehicle to dismiss this project
- Rugby Gymnastics has been established for 40 years and has grown from strength to strength and has outgrown the existing site. They have been looking for a site for 10 years but unable to find a suitable site. The Kilsby Lane site is ideal.
- The proposed building is of an eco-friendly design

Ward Members (Cllr Kathryn Lawrence, Cllr Nigel Allen, Cllr Bill Sewell)

- Opposed to the location of the building which encroaches on Kilsby Meadow Wildlife Site and will potentially destroy flora and fauna and wildlife habitats.
- Fails to comply with numerous policies contained within the Core Strategy and its Open Space and Biodiversity Strategy.
- The ecological report submitted and survey undertaken in January does not take account of migratory birds or nesting birds
- Development in any part of the LWS would result in species being lost or adversely affected.
- Fails to comply with the RBC Biodiversity Strategy
- A high level of protection should be given to most valued townscape and landscapes, wildlife habitats and natural resources and Kilsby Lane Meadow is such a site.
- The site falls within the Green Infrastructure Network that is important on a community, local and regional level. Development within this network would impact upon local and rare wildlife and therefore should be resisted.

- A site of this calibre has an important role in delivering the targets to conserve and enhance biodiversity outlined in the UK and Local Biodiversity Action Plans and so should be adequately protected.
- Any development on the Kilsby Lane Meadow will result in the loss or degradation of a important Local Wildlife Site and therefore should be refused.
- The development would significantly increase the amount of traffic using the site and the impact that this has on neighbouring properties.
- The data of the traffic report takes no account of Dirft 2 in 2011 and the increased traffic flow at shift changes.
- The traffic report gives a false assessment of traffic accidents between 2006-2011.
- There is no footpath along the Kilsby Lane linking the entrance of the club to Crick Road
- The new building will result in a large earth bund being removed and no details have been submitted to indicate where this amount of earth will be relocated.
- Encroachment onto into the Kilsby Meadow will be greater with construction vehicles.
- The location of the building will result in the removal of the existing earth bund, but there is nothing on the plans to indicate were the displaced earth would be disposed of.
- During the construction phase a much greater area will be encroached on, to enable movement of heavy construction equipment and the delivery and storage of construction materials.
- Noise and disruption caused by construction will adversely affect all wildlife on site
- Alternative land on the site to accommodate car parking, pitches and this new building.

Hillmorton Vale Residents Association

- Ecological – the proposed site encroaches onto land dedicated as an ecological conservation area.
- Environmental – Visual Impact / light pollution / Increased traffic pollution / Engine oil / noise / constant disturbance.
- Travel and Transport – The survey is radically flawed / there will be increased traffic / Car parking spaces / no evidence of any previous use of public transport cycling or walking
- Safety – The entrance and exit dangers / Children on site with Adults / Children on Site alone / Substation
- Disruption and Noise – the site borders many elderly people / more use = more disturbance
- Lack of compliance to previous conditions.
- Incorrect or false statements in the application. (Support of local residents)

Assessment of proposal

Policy Principle:

Core Strategy Policy CS1 sets a settlement hierarchy for locations within the Borough and seeks to locate development sustainably within this hierarchy based on a sequential preference. CS1 states "It must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy." The

proposed location is in the penultimate tier of the hierarchy and therefore there are two key considerations. Firstly, whether the proposed development is suitable to the countryside location and, secondly, whether it has been demonstrated that more sustainable locations have been effectively considered.

The proposal is for a multi-purpose sports building, purpose built to meet the needs of local sports clubs. The building seeks to provide indoor football training facilities, a gymnasium and three squash courts with associated changing rooms and administration facilities. National Planning Policy Framework (NPPF) states leisure facilities (use class D2) is a main town centre use and applications that are not within the town centre or in accordance with an up-to-date local plan should undertake a sequential assessment (where the floorspace is greater than 2,500 sq m).

The applicant's agent has submitted the following additional information, in addition to the sequential approach details that were submitted with the application.

Indoor football facility.

This indoor football training facility will be used by Rugby Town Junior Football Club. Rugby Town Junior Football Club have been running for 12 years and currently train from the application site. The Club will be the lead user of the indoor facility.

The facility will be used for training purposes by its Tangos group as they currently train away from Kilsby Lane. Rugby Town Tangos group ranges from 4-5 year olds and currently have 20 members who currently have to train away from Kilsby Lane from April-September at the Rugby College indoor sports hall.

The facility will also be utilised when the pitches are unplayable due to adverse weather conditions. The proposal will be a central point for the whole club avoiding players having to travel to another site should the pitches at Kilsby Lane be deemed unplayable. This development would prevent any training disruptions and the club would also not be reliant on any other parties for training facilities should they need to do so.

The indoor facility would also allow for the introduction of a futsal 5-a-side league for the 14-19 age groups and currently the nearest one to go to is in Birmingham. It is envisaged that the indoor facility would stem the currently drop-out group of the 15-18 age group range. Nationally, the percentage of drop-out within this age range peaked in 2011 to 40%. Currently at the club the number of teams within the 16+ age group has decreased since last year from 8 teams to 5.

Rugby Gymnastic Club

Rugby Gymnastics Club has been established for 30 years, and currently have 888 members and require new premises. Rugby Gymnastics Club has a Dedicated Gymnastics Centre (DGC) housed in a former factory building on Lower Hillmorton Road, however, the building is not purpose built and the club have highlighted that the site is in a bad state of repair, run down and out of date.

The club's aspirations are to improve their facilities to enable them to meet British Gymnastics criteria for holding events, to enable gymnasts to practice more difficult skills and to reduce their waiting lists. It is clear that the clubs current venue is not fit for purpose, and the club has highlighted it would not be financially viable to complete works to the site which is in a bad state of repair, run down and out of date. The expenditure for any works would be through the gym club with the modernisation

work not meeting the criteria set by sporting bodies to receive any grants. Even with the identified works taking place the club would not be able to meet its aspirations.

In terms of redeveloping the site this would require the building being closed for a period of time which will have implications in terms potential loss of revenue, gymnasts and car parking spaces. The applicant has therefore demonstrated that the gym club site is not suitable or viable for neither redevelopment nor refurbishment.

Unfortunately, it had not been feasible to incorporate the requirements of Rugby Gymnastics Club into the recently approved Queen's Diamond Jubilee Leisure Centre.

The gymnastic club has also demonstrated that they have actively sought alternative premises, of which some would be considered sequentially preferable, but they weren't considered available, suitable or viable.

Rugby Squash Club

Rugby Town Squash Club is in its infancy at present and they are currently formulating the aims and objectives, of how they want the club to work. The club consists of a Chairman, Secretary, Treasurer and 7 committee members. Should planning permission be granted for the indoor facility the club anticipate that membership will be initially 50-60 members with a 10% rise in the first 12 months.

Rugby Town Squash Club are in need of new premises since the non-inclusion of squash courts in the recently approved Queen's Diamond Jubilee Leisure Centre. Squash Court facilities are available at Rugby School Sports Centre that has 3 squash courts. These courts are primarily used by Rugby Stags SC, which as stated within the Draft Sports Facilities Strategy (February 2011), is not particularly active in terms of development and coaching. These courts are busiest during midweek evenings and there is limited spare capacity. Rugby Town Squash Club have approached Rugby School and it is clear from discussions with the School that they do not have the capacity in terms of facilities which are already over capacitated, car parking capacity, nor the actual desire to take on any more squash players.

Overall it is considered that this proposal will help with the development of sports within the Borough by meeting the squash and gymnastics provisions identified within the Draft Sports Facilities Strategy. Policy CS1 states that the most sustainable location for development within the Rugby Borough is Rugby Town Centre. Proposals for new services and facilities that aim to serve more than a local community or neighbourhood must demonstrate that they cannot be located within or on the edge of the town centre before alternative locations will be considered. Whilst the site is located within the open countryside which is the penultimate tier of the hierarchy, it is considered that the site is sequentially preferable given the facility will be of benefit to the existing Rugby Town Junior's football club and there being no sequentially preferable sites as identified through Rugby Gymnastics Club search for a new facility. It is therefore considered that the location of the proposed development complies with policy CS1.

Impact on the character of the Countryside:

The site lies within an area identified as Plateau Fringe in the Landscape Assessment prepared by Warwickshire County Council in 2006. This considers the landscape as variable with an undulating topography of low rounded hills, broad

valleys, and short steep slopes. For most part of this landscape is intensively farmed agricultural landscape.

The site itself sits in a valley on low-lying land set off the Kilsby Lane within an area designed for sporting use and operated by Rugby Town Junior Football Club. Buildings that exist on the site currently include a clubhouse with changing facilities together a groundsman building and all-weather pitches surrounded by high green mesh fencing.

The proposed building will be sited within close proximity to existing buildings on the site, to contain the built form on the site and to ensure that the building does not appear isolated within the site. It will also be within close proximity to existing and proposed car parking areas.

It is recognised that the building has to be a certain size to account for the facilities contained within i.e. indoor football area, gymnastic area and 3 squash courts. Whilst details relating to appearance have been reserved for subsequent approval, an indicative plan has been submitted to demonstrate how the building could be designed in such a manner that the use of the natural materials and the flowing shape of the building with its curved roof would enhance its appearance and allow it to successfully assimilate itself into the environment. Despite the generous size of the building and the fact that it would form a prominent feature within the landscape it is considered that the building itself could be built without causing undue adverse harm to the character and appearance of the surrounding area. The outstanding existing landscaping to be planted within the centre of the site between the main pitches and the intermediate pitches together with the proposed tree belt to the south of the proposed building, would further screen the building from the surrounding area in accordance with 'saved' Local Plan policy GP2 .

The height of the proposed building would be 6.5m. The height of the existing clubhouse to the ridge measures approximately 7.2m. When viewed within the landscape from the northern boundary of the site, views of the valley and fields beyond are visible. As such the views of the wider landscape would not be impeded by the proposed building.

It is therefore considered that the location of the building and its character and appearance ensures that it can be successfully assimilated into the environment without having an adverse impact upon the character and appearance of the area in accordance with policy CS16.

Access & Parking:

There are two access points to the site these are from Kilsby Lane and Kilworth Road. Vehicular access is gained off Kilsby Lane, whilst pedestrian access can be gained from Kilworth Road. Following consultation with Warwickshire County Council Highway Authority it is considered that the general use of the site creates a modest increase in traffic. Should events be hosted at the site, it is considered they will occur on an infrequent basis. In addition to this, Warwickshire County Council Highway Authority consider that the holding of private functions within the pavilion in addition, to the proposed development, would not have a detrimental impact on highway safety as these events would occur at off peak times.

Pedestrian access to the site from Kilworth Road comprises a crushed stone footpath running along the north-western edge of the site. Warwickshire County Council Highways have requested that should planning permission be granted a condition be

imposed that seeks to ensure that this footpath is surfaced in an bounded material so as to improve this facility.

The site can be accessed by a variety of transport modes. In respect to public transport, there are a number of bus stops provided along the Crick Road and visitors using such public transport facilities can gain access to the site from the Kilworth Road.

Similarly residents from the surrounding urban area will be able to gain pedestrian access into the site from Kilworth Road. Additionally, a bridleway (where cycling is permitted) is provided to the west of the site, which links Kilworth Road with Barby Lane. There is a gate along the Bridlepath approximately 300m to the west of the clubhouse which will provide access from the Bridlepath to the application site.

For cyclists there is a clear opportunity for cycling to and from the site both at local level for the residents at Hillmorton and for those living around the Rugby urban area. A network of off-road cycle tracks/shared foot/cycleways are provided approximately 1.3km to the west of Barby Lane.

Policy CS11 – Transport and New Development, as contained within the Core Strategy 2011, states that development will be permitted where sustainable modes of transport are prioritised and measures against the transport impact which may arise from that development or cumulatively with other proposal are provided. It is considered that the submitted travel plan focuses on promoting sustainable travel to the site and reducing the number of visitor car trips to the site by encouraging and facilitating travel by sustainable modes and particularly by car sharing. It is therefore considered that, through the provisions of the travel plan, sustainable travel is promoted and as such complies with policy CS11.

As existing, the site currently has 114 marked out car parking spaces together with an additional 'over-flow' parking facility within the site to accommodate approximately 40 spaces. In addition to this the applicant proposes to provide 60 additional car parking spaces. A number of neighbour objections received relate to current car parking problems on site. These concerns, include car parking along the access road to the north specially when large tournaments are held. As part of the planning consent for the all-weather pitches ref: R09/0799/PLN the applicants were required as part of landscaping scheme to install a low level timber fence for a length of 70 metres in each direction extending from the access road corner. This fence has not as yet been installed, and the Council will be addressing this with the applicant to ensure that it is undertaken. In addition to this, as part of this application, the applicant will be required through condition to install timber bollards along the north side of the north access road, for a distance of 70 metres at 1.5 metre intervals in an easterly direction towards the main access starting from the edge of the timber fence approved under ref R09/0971/PLN. Details of this are shown on submitted drawing 129-11-10E.

The results of the car parking accumulation analysis contained within the applicants Transport Statement shows that there is sufficient car parking through existing and proposed spaces to meet the anticipated demand on weekdays and Saturdays. On Sundays between 10.30am and 11.30am is when the demand for parking is at its highest. The highest recording during this time as shown within the applicant's car parking accumulation analysis is 209, which is a shortfall of 59 car parking spaces to what currently exists. As such the additional 60 spaces are specifically aimed at ensuring that sufficient car parking spaces will be provided on site.

In the accumulative car parking analysis the applicant's rely on the use of the overflow car parking to ensure that demand for car parking can be sufficiently accommodated on site. However, it is evident through third party comments that this overflow parking facilities is unusable in inclement weather conditions. As such it is considered reasonable with any approval that a condition be attached to ensure that this overflow parking area is suitably surfaced to ensure that it is useable throughout the year regardless of weather conditions.

In consideration of parking demand when football tournaments are undertaken, this is an existing problem with the use of the outdoor pitches. However, the applicant's have advised that when those tournaments are undertaken other users such as Rugby Gymnastics will not be using the proposed building. Whilst this scenario cannot be prevented by condition due to the difficulties in enforcing such a condition, a condition as requested by Warwickshire County Council is intended to be imposed requiring the submission of an events management plan detailing how traffic will be accommodated and signed in and around the site. The management plan will also detail how the site is proposed to operate including the use of the site by Rugby Town Junior Football Club and Rugby Gymnastics Club and highlight areas that can be used as informal overflow parking should this be required due too an increased demand.

The proposal will also include the provision of 20 cycle stands which is considered sufficient to accommodate the proposed use. The maximum stay for users will be an average of 2 hours and as such, it is considered that the car parking and cycling provisions are sufficient. Saved Local Plan policy T5 seeks to ensure that planning permission will only be granted for development incorporating satisfactory parking facilities. Given the above it is considered that sufficient car parking spaces will be provided to accommodate both the existing and the proposed development in accordance with this policy.

Ecological and Biodiversity Implications:

The proposed building including the new band of tree and scrub planting would encroach onto the Kilsby Lane Meadow Local Wildlife Site by approximately 30 metres at this greatest. This would result in a net loss of 8% of the Local Wildlife Site.

Local Wildlife Sites (LWS) are non-statutory sites that are wildlife-rich and selected for their local nature conservation value. Local Wildlife Sites are of County importance, these sites are not protected by law like SSSI's or National Nature Reserves and their only protection is through the planning system. Whilst SSSI's are a representative sample that meet national criteria, LWS's include all sites that meet local selection criteria.

The Kilsby Lane Meadow was created as a result of the development of the junior football club and a planning requirement 106 agreement in 2008. The LWS has been designated due to its importance for local wildlife, the most significant being the diversity of the semi-improved grassland scrub habitats, and the value of the site for fauna including breeding birds and invertebrates. The LWS was surveyed and assessed against the standardised Warwickshire Local Wildlife Site Criteria Assessment in 2011/2012, which found that features within the site deemed it to be of County importance for nature conservation in its current form.

A phase 1 habitat survey has been submitted with the application. A number of third party comments have been received questioning the ecological report undertaken and the time it was undertaken. However, Warwickshire County Council Ecologist's

consider that the survey has been carried out in accordance with standard methodology and a full assessment of the site was undertaken, although the time of year was outside of the optimal survey season. The applicants have also undertaken a Great Crested Newt Survey which has been completed using appropriate methodology at the right time of year. The conclusion of the report is that no great crested newts were present in either of the ponds within the LWS and therefore no further mitigation will be required.

The National Planning Policy Framework (NPPF) states that the planning system should provide a net gain for biodiversity wherever possible, and support the approach that mitigation and compensation measures are only applied when avoidance is not possible:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: ... if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. [p27 par. 118].

‘Saved’ Policy E6 as contained within Rugby Local Development Framework Core Strategy 2011 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concerns. This policy also states that where habitat loss is unavoidable, adequate mitigation measures should be undertaken and only where this is not possible, adequate compensation measures should be implemented.

The proposed building is located at the lowest point of the site across level contours and creates a backdrop to the pitches, it hides its bulk efficiently into the LWS and into the topography of the overall site to the benefit of the wider scale and character of the area. Its location close to existing buildings and infrastructure ensures that encroachment of built development into the site is minimised, the visual impact of the development is minimised and its prominence reduced.

Alternative locations have been considered by the applicant which involved moving the building outside of the Local Wildlife Site. These alternative locations included siting the building in the south-west corner of the site or moving the building further up the site outside of the LWS. To site the building in the south-west corner on the existing training area would isolate the development away from existing buildings, would result in the building being more visually prominent and changes in levels would necessitate the construction of retaining walls which would make the project financially unviable. To move the building north out of the LWS area would also be a costly exercise and result in the development being financially unviable. It would require the relocation of a number of pitches, necessitate the construction of 3m high retaining walls and result in disruption to the sporting program. Other locations have been suggested such as on the existing car parking area, however, this would make the building more visually prominent within the landscape and car parking areas would have to be scattered around the site as oppose to concentrated in one area. It is therefore considered that there is no alternative location for the development.

As part of the proposal a new band of tree and scrub planting (approximately 5m wide) will be created between the proposed building and the LWS. This will incorporate native tree and scrub species and will be located on a south facing bank. This planting will extend from the western boundary to the eastern boundary and will provide an enhanced wildlife corridor of movement across the area.

In addition to the tree and scrub planting an area of species rich neutral grass will also be created on the south facing bank, the planting will be scalloped edge with grassland abutting the scrub and tree planting.

As indicated on the submitted indicative plans a green roof is also to be provided. To ensure maximum biodiversity benefits this will be seeded with a species rich natural grassland mix with variation in topography and substrate.

To the south-west of the site the applicant's are proposing to create three bunds which will be mass planting with over 1000 trees and scrubs. The existing hedgerow along the south-west of the site is of high connectivity value which will help facilitate species movement between this area and the LWS.

To improve connectivity of habitats throughout the site, hedgerows to the north-east and eastern part of the site will be "gapped up" so as to provide better movement of wildlife to and from the LWS and throughout the wider area and link it into the wider strategic GI Network which traverses the eastern side of the town.

Following consultation with WCC Ecologists it is considered that the proposed mitigation would result in a no net loss of biodiversity. In addition to this the proposed mitigation including the hedgerow planting will help improve connectivity in accordance with the NPPF. The proposed hedgerow enhancement to the east and north east of the site would improve connectivity of this habitat where there is little connectivity at present.

Comments from third parties and Warwickshire Wildlife Trust make reference to Policy CS14: Enhancing the Strategic Green Infrastructure Network. This policy states that the Council will work with partners towards the creation of a comprehensive Borough wide Strategic GI network. This will be achieved through the protection, restoration and enhancement of existing GI assets within the network as shown on the Proposals Maps. The application site and where the building is proposed to be sited does not form part of the GI Network as shown on the Proposals Map. The GI Network is sited east of the application site. Whilst the site itself is not within the GI network it is located close to the Rains Brook and is approximately 0.3km from the Oxford canal, both which form part of the Strategic Network. Whilst the LWS itself does not form part of the GI network, taking into account its high biodiversity and its location close to the GI network, the LWS is considered as a 'node' or stepping-stone thereby contributing to the conservation of these sites. Whilst the proposed development would impact upon this node the outline mitigation will ensure that there is a no net loss of biodiversity and the proposed hedgerow enhancement along the east and north-east boundary would help improve the connectivity of this habitat where there is little connectivity at present and also improve the connectivity of the LWS to the GI networks, and facilitate species movement between the LWS and the GI network.

The proposed development will help the development of sports within the Borough with it meeting the squash and gymnastic provisions identified within the Sports Facilities Strategy. Such a building will have significant social benefits to the Borough as well as economic benefits by retaining and expanding existing facilities within the Borough. Comments from the Warwickshire Wildlife Trust state that this is not a strategic development identified within the Core Strategy 2012, however, the Core Strategy does not identify strategic development for leisure. In addition to this, the application site (excluding that area to be extended) is already used for leisure purposes so the principle of the development with no sequentially preferable location

is acceptable. Whilst there will be loss of a small proportion of the LWS, this is not considered adversely significant when considered against the amount of the LWS that would be retained. In addition, the proposed measures outlined above will contribute towards ensuring there is no net loss of biodiversity as a result of the development which is in line with national policy set out in the NPPF.

In the short term the development would result in the loss of a relatively small proportion of a LWS, however, it is considered that, the proposed mitigation, once it has been established, would have wider benefits in terms of biodiversity, as it is envisaged, and would be secured through conditions, that the mitigated area is created in such a manner that it will become a wildlife-rich area. The hedgerow along the south-east boundary will link this mitigated area with the LWS to facilitate species movement between the two sites. The enhancements to the hedgerows along the east and north-east boundary will facilitate species movement between the LWS and the wider GI Network. It is therefore considered that taking into account the proposed mitigation there will be a no net loss of biodiversity in accordance with 'saved' local plan policy E6 and the NPPF. In the long-term it is envisaged that there would be net gains in terms of biodiversity in the locality.

Concerns have been raised by third parties that during construction a greater area of the LWS would be encroached upon. To address this it is proposed that on the line of the new building, sheet piling will be used to support the retained area during construction and off centre foundations will be used to prevent any excavation into the retained area. A condition shall be imposed to ensure that a Construction Ecological Management Plan is submitted prior to commencement of work. Given these precautions, that construction can be carried out with minimal effect upon the LWS.

A number of comments have been received from third parties stating that in that granting permission for the proposed development, the LPA is failing in its duties under section 40 of the Natural Environmental and Rural Communities (NERC) Act 2006. However, the Duty requests that "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". By consulting with WCC Ecologist Unit due 'regard' has been given to 'conserving biodiversity' in compliance with the NERC Act 2006.

Residential Amenities:

The building is proposed to be sited at the furthest point within the site away from neighbouring properties. As such the building is to be sited some 330m away from residential properties. Given the location of the building it is not considered to have a materially harmful impact upon the amenities of nearby residential properties and therefore accords with policy CS16 of the Rugby Borough Core Strategy 2011. Concerns have been raised relating to light pollution, however, light emanating from the building will be filtered through landscaping and as such would not materially impact upon nearby residential building.

Sustainability

Within the design and access statement submitted as part of the application the applicant has demonstrated how the development would minimise energy consumption in accordance with policy CS17 which requires developers to

demonstrate how developments over a certain threshold will reduce energy consumption. Whilst further details will be required through conditions the applicant has clearly demonstrated that water conservation and reduced energy consumption can be achieved. The proposed development therefore complies with policy CS16, CS17 and the Rugby Borough Council Local Development Framework Sustainable Design and Construction SPD February 2012.

Recommendation

Approval subject to conditions

DRAFT DECISION

APPLICATION NUMBER

R11/2381

DATE VALID

01/03/2012

ADDRESS OF DEVELOPMENT

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

APPLICANT/AGENT

Hb Architects
The Triforium
17 Warwick Street
Rugby
Warwickshire
CV21 3DH
On behalf of Brian Cringan

APPLICATION DESCRIPTION

Outline planning permission for the extension of the site curtilage and the erection of a covered sports facility and associated works (appearance and landscaping matters reserved).

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 to the satisfaction of the Local Planning Authority:

- a - Appearance,
- b - Landscaping,

REASON:

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

CONDITION: 4

The approved landscaping scheme submitted as part of the reserved matters specified in Condition 3b together with outstanding existing landscaping approved under R02/0487/5742/P dated 15.10.2004 shall be implemented before the building hereby permitted is first occupied. 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 LPA 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 LPA gives its written consent to any variations.

REASON:

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

CONDITION: 5

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:

Amended Location Plan Dwg No. R129:11:01C received by the LPA on the 2nd August 2012.

Amended Site Layout Plan drawing R129:11:10E received by the LPA on the 3rd August 2012.

Travel Plan ref 26542 dated February 2012

Transport Statement Ref 26542 dated February 2012

Ecological Appraisal dated February 2012

Design and Access Statement dated February 2012

Application Form dated 20/02/2012

REASON:

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

CONDITION: 6

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: 7

No development shall commence unless and until an Construction Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriate scale plan showing the Environment Protection Zones where any construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
- d) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of Environment Protection Zones to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the planning authority.

REASON:

To protect features of recognised nature conservation importance including the Kilsby Lane Meadow Local Wildlife Site and protected species.

CONDITION: 8

A detailed plan showing habitat enhancement areas as shown on the indicative plan attached to this decision, together with a habitat management plan for these enhancement areas, and timetable of its implementation, shall be submitted to and approved in writing by the LPA prior to commencement of development. The plan shall include:

- i) Description and evaluation of the features to be managed;
- ii) Ecological trends and / or constraints on site that may influence management;
- iii) Aims and objectives of management;
- iv) Appropriate management options for achieving aims and objectives;
- v) Prescriptions for management actions;
- vi) Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually;
- vii) Personnel responsible for the implementation of the plan;
- viii) Monitoring and remedial/contingencies measures triggered by monitoring.

The plans shall be carried out as approved, unless otherwise approved in writing by the planning authority. The works shall be carried out in accordance with the agreed timetable.

REASON:

To protect and enhance the ecological character of the area in accordance with the National Planning Policy Framework

CONDITION: 9

No development shall commence until details of internal layout of the covered sports facility have been submitted to and approved in writing to the Local Planning Authority in consultation with Sports England. The covered sports facility shall not be constructed other than substantially in accordance with the approved details.

REASON

To ensure the development is fit for purpose and sustainable and to accord with Development Policy Plan.

CONDITION: 10

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: 11

Prior to the installation of any external lighting, full details of the design and appearance of the lighting columns, fixtures and fittings, together with their associated angle, fall, spread and intensity, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed and operated in accordance with the approved details.

REASON:

To prevent unnecessary light pollution in the open countryside and in the interests of the amenities of the area.

CONDITION: 12

All refrigeration and air handling plant, if fitted, should be so designed, constructed, installed and operated as not to cause nuisance to people living nearby or local businesses. Details should be submitted to and approved by the local planning authority. All refrigeration and air handling plant shall then installed and operated in accordance with the approved details.

REASON

In the interest of residential amenity

CONDITION: 13

A footpath surfaced with a suitable bound material linking the indoor facility and Kilworth Road shall be created and brought into use prior to the indoor facility first coming into use. The footpath shall be retained in perpetuity.

REASON

To improve pedestrian access to the site

CONDITION: 14

No part of the development shall be occupied otherwise than in accordance with the Travel Plan hereby approved, and the provisions of the approved Travel Plan shall continue to be implemented whilst any part of the development is occupied, unless agreed otherwise in writing by the Local Planning Authority.

REASON

To promote sustainable modes of transport to the site and reduce the reliance of the private car

CONDITION: 15

The developer is required to submit an events management plan detailing how the traffic will be accommodated and signed in and around the site. This should also detail how the site is proposed to operate including the use of the site by RTJFC and Rugby Gymnastics Club and highlight areas that can be used as informal overflow parking should this be required due to an increased demand. The plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first event being held on the site. The Events Management Plan shall be implemented in accordance with the details approved.

REASON

In the interest of highway safety

CONDITION: 16

The accommodation for car parking and the uncovered cycle stands shown on the approved amended plan drawing no R129-11-10E shall be provided before the first occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles and cycles of persons working in or calling at the premises and shall not be used for any other purpose.

REASON:

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

CONDITION: 17

The indoor football facility shall not be used by people over the age of 18 or person other than 'bone fide member' of Rugby Town Junior Football, except for the following

- those attending officially accredited Football Association training courses for referees, coaches and player development
- members of Rugby Town JFC Under 21 Team and Rugby Town Ladies Football Club
- those attending officially accredited fixtures played by Rugby Town Junior Football Club, Rugby Town JFC Under 21 Team and Rugby Town Ladies Football Club

Unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the locality and to ensure that the proposed development is acceptable.

CONDITION 18

The indoor football facility shall only be used for purposes associated with indoor football and shall not be used for any other purposes unless otherwise agreed in writing by the Local Planning Authority before that use commences.

REASON

In the interests of the amenities of the locality and to ensure that the proposed development is acceptable.

CONDITION: 19

The squash court shall be used only by 'bone fide' members of Rugby Town Squash Club, except for those attending officially accredited events/tournaments in which members of Rugby Town Squash Club are participating within.

Unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the locality and to ensure that the proposed development is acceptable.

CONDITION: 20

The gymnasium shall be used only by 'bone fide' members of Rugby Gymnastics Club, except for those attending officially accredited events/tournaments in which members of Rugby Gymnastic Club are participating within.

Unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the locality and to ensure that the proposed development is acceptable.

CONDITION: 21

Prior to the occupation of the proposed building timber bollards shall be installed along the north side of the north access road as shown on drawing R129:11:10E received by the LPA on the 3rd August 2012. Notwithstanding details shown on the submitted drawing, the timber bollards shall be set back 300mm from the access road. Unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interest of residential amenity and to deter parking outside of the designated car parking spaces.

CONDITION: 22

Prior to commencement of development details shall be submitted to the Local Planning Authority in writing to show how the current overflow parking area approved under planning permission R09/0799/PLN dated 4th January 2010 is to be suitably surfaced. The overflow parking area shall then be surfaced prior to first occupation of the building in accordance with the details approved.

REASON

To ensure that this overflow parking area is suitably surfaced to ensure that it is useable throughout the year regardless of weather conditions.

CONDITION: 23

Notwithstanding details submitted, prior to commencement of development details of the technology to be incorporated into the design of the building to achieve the carbon reduction shall be submitted to and include the submission of an Energy Performance Certificate to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall be: 10% carbon emissions reduction efficiency. These approved details shall then be incorporated into the design of the building prior to occupation and then retained in working order in perpetuity.

REASON

To ensure energy efficiency through sustainable design and construction is achieved in accordance with CS16 and CS17.

CONDITION: 24

Notwithstanding details submitted prior to commencement of development details of water efficiency measures to be incorporated into the design of building to meet standards equivalent to BREEAM very good 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 building prior to their first occupation and then retained in working order in perpetuity.

REASON:

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

CONDITION 25

Prior to commencement of works details shall be submitted to the Local Planning Authority showing trees and scrubs to be retained and trees and scrubs to be removed or relocated as part of this development. 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 any works.

REASON:

In the interest of visual amenity.

CONDITION: 26

Details shall be submitted to the Local Planning Authority to show how the existing grass bund which is to be removed as part of this development, is to be removed from the site or ways in which it will be incorporated into the proposed development. The removal of this bund shall then be undertaken in accordance with the approved details.

REASON

To ensure that the material arising from the bund is disposed of or utilised in a correct manner.

CONDITION 27

The proposed 'service road' as shown on drawing no. R129:11:10E shall be constructed prior to first occupation of the building and shall remain in perpetuity.

REASON

To ensure the proposed building and be accessed sufficiently.

CONDITION 28

Before any work on site takes place, a scheme for the loading, unloading and storage of construction plant and materials to be used on site, the parking of all vehicles including the cars of construction employees and other people who will be working at or visiting the site, including details of construction traffic routes, a shall be submitted for the written approval of the Local Planning Authority. The proposed development works shall be carried out in accordance with the approved details.

REASON

To protect all retained/protected trees during the development phase

CONDITION: 29

Construction work on site 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 ON SUNDAYS & BANK HOLIDAYS.

REASON

In the interest of residential amenity

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Council Core Strategy 2011

Policy CS1 Development Strategy

Policy CS11 Transport and New Development

Policy CS14 Enhancing the Strategic Green Infrastructure Network

Policy CS16 Sustainable Design and Construction

Policy CS17 Reducing Carbon Emissions

Saved Local Plan Policies

Policy GP2 Landscaping

Policy E6 Biodiversity

Policy T5 Parking Facilities

Rugby Borough Council Planning Obligations Supplementary Planning Document, March 2012

Rugby Borough Council Local Development Framework Sustainable Design and Construction SPD February 2012.

National Planning Policy Guidance

National Planning Policy Framework 2012

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 proposal seeks to help with the development of sports within the Borough and will have significant social benefits to the Borough as well as economic benefits by retaining and expanding existing facilities within the Borough. Whilst the proposed development is located outside of the Rugby Urban Area within the open countryside, it is considered, through the evidence submitted, that the site is sequentially preferable and that there is no sequentially preferable sites within the Rugby Urban Area. It is therefore considered that the location of the proposed development complies with policy CS1. It is considered that the proposal can be accommodated in a form that would not have an adverse impact on the character of the area or the amenity of neighbouring properties in accordance with policy CS16 of the Rugby Borough Core Strategy 2011. Subject to biodiversity mitigation the proposal ensures that there is no net loss of biodiversity, the development is therefore in compliance with national policy set out in the NPPF. It is considered the proposal will not have an adverse impact on protected species or green infrastructure, in accordance with policy CS14 of the Rugby Borough Core Strategy 2011 and saved policies E6 of the Rugby Borough Local Plan 2006. A suitable landscaping scheme can be provided in accordance with saved policies E6 of the Rugby Borough Local Plan 2006. Subject to conditions parking facilities can be provided in accordance with policy CS11 of the Rugby Borough Core Strategy 2011 and saved policy T5 of the Rugby Borough Local Plan 2006. It is not considered that the proposed development would materially impact upon the highway network.

Reference number: R11/2228

Site address: Fields Farm, Lower Green, Woolscott

Description: Extension to a livestock sleep / collection barn.

Case Officer Name & Number: Richard Redford, ext 3625

The Proposal;

Planning permission is sought for the extension to an existing livestock barn. It will be L-shaped with an overall length and width of 36m and 33m respectively. It is to be constructed steel sheeting to match that of the existing buildings to which it will be attached.

Additional correspondence received from both the applicant and his agent details that the proposed extension is required due to an increase in the amount of land owned and rented by the applicant in association with an increased number of heads of livestock with there being no more than 2 vehicular movements per week in association with the proposed extended building and that it will be used only for the applicants own livestock.

Site History;

Erection of dwellings (R79/0968/11188/OP)	Refused 05.03.1980
Erection of an agricultural dwelling(R80/0968/11188/OP)	Refused 04.02.1981
Conversion of existing stables and cow sheds to provide 2 x one-bed dwellings (R00/0457/11188/P)	Refused 08.11.2000
Conversion of existing stables and cow sheds to provide two Holiday sheds (R00/0933/11188/P)	Approved 18.01.2001
Prior determination for the erection of an agricultural building. (R07/1907/AG)	Required 23.11.2007
Provision of new vehicle access (R07/1426/PLN)	Approved 19.09.2007
Application for prior determination to provide covered storage for Machinery and feed (R08/0473/AG)	Not required 15.04.2008
Determination as to whether prior approval is required for the erection of a barn (R08/1789/AG)	Required 17.12.2008
Erection of a steel framed agricultural building (R09/0216/PLN)	Approved 17.04.2009
Use of building and land as a haulage depot	Enforcement notice issued 30.06.2010 and appeal dismissed on 18.05.2011

Erection of 2 no. attached dwellings adjoining the existing farm house (R10/0661) Refused 03.02.2011

Consultee Correspondence;

Highway Authority	No objections	
Environmental Health	No objections	Request condition
WCC Ecology	No objections	Request informative

Third Party Correspondence;

Grandborough Parish Council	No objections	Request enforceable conditions if approved
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Other Relevant Information;

The application is brought before you at the request of Cllr Hazelton and was the subject of a Planning Committee site visit this afternoon.

The appeal site lies on the east side of Woolscott Lane (a classified road - C193) approximately 1.8km from the village of Grandborough. It lies within the open countryside and is surrounded by fields used for arable and pasture grazing purposes. The site itself contains arable/pasture fields and a detached house. Adjacent to the main dwelling are two attached holiday let cottages and a large storage building constructed in steel cladding, together with a steel framed building situated 25m away from the road. There are two site entrances off Lower Green with the more recently formed access off Woolscott Lane to the north-west of the application site being used in relation to the proposal.

Relevant Policies;

RBCS Policy CS1	Complies	Development Strategy
RBCS Policy CS16	Complies	Sustainable Design & Construction

NPPF

Consideration;

The main issues in the consideration of the application relate to its acceptability or otherwise in this countryside location then subsequently matters relating to other relevant matters including design, appearance and amenity.

The provisions of policy CS1 seek to direct development to the most sustainable locations with town centre and urban areas being areas 1 and 2 with countryside locations being the 5th location of 6. The supporting text for countryside locations details that only where national policy allows for development will they be supported. The provisions of the National Planning Policy Framework (NPPF) indicate the need to support economic growth in rural areas including in farming based operations.

In this instance the proposal is for the extension of an existing open sided structure used for the holding of the applicants livestock. The details submitted as part of the application as well as the details subsequently provided following requests by officers have highlighted that the applicants livestock levels have increased within the current year with proposals for continued increase from 2013 onwards hence the basis for the application to extend the existing facility.

As indicated earlier part of the site and the building adjacent to the proposed extension were used without permission for haulage purposes. The appeal against the enforcement notice was dismissed and the operations required by the enforcement notice are nearing compliance with monitoring of the site continuing.

Notwithstanding this unauthorised use of part of the site for haulage purposes the predominant use of the site including surrounding land appears to be for farming purposes which is an appropriate use within this countryside location given that it cannot readily be accommodated in any of the other areas of higher preference such as the urban area. Given this and the fact that the proposal comprises an extension to an existing livestock housing structure the principal of the development is acceptable in accordance with policy CS1 of the Core Strategy and the NPPF.

Whilst the proposal represents a significant increase in the size of the existing structure, it is of a design and appearance in-keeping with both the existing building to which it will be attached and be an extension to as well as the other building adjacent to it. Its design and appearance are also in-keeping with its countryside location. The use of materials to match the existing building will also ensure it fits in without raising any adverse or detrimental impacts. Its scale, massing and proportions are in-keeping with the existing building so will also ensure it fits in without raising any adverse or detrimental impact. The positioning of the proposal is such that it will not impact upon amenities. Overall therefore the proposal complies with policy CS16.

Details submitted by the applicant and his agent following discussions with officers have indicated that the building as extended will be used solely by the applicants for their own livestock. It is considered appropriate that a condition restricting the use of the extended building to livestock within the applicants ownership and for no other purpose would comply with the tests for conditions and is necessary given that the justification for the proposal is the applicants own livestock.

Recommendation;

Recommend approval subject to conditions.

Report prepared by: Richard Redford 31st July 2012

DRAFT DECISION

APPLICATION NUMBER

R11/2228

DATE VALID

23/03/2012

ADDRESS OF DEVELOPMENT

FIELDS FARM
LOWER GREEN
WOOLSCOTT
RUGBY
CV23 8DD

APPLICANT/AGENT

Mr Bob Faxon
Schoonberg Walker & Associates
3 Sunnyside
The Green
Broadwell
Rugby
Warwickshire
CV23 8HD
On behalf of Mr Robert Mawby

APPLICATION DESCRIPTION

Extension to a livestock sheep / collection barn.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Application forms, drawing numbers N20110926 sht 1 of 2 and N20110926 sht 2 of 2 all submitted as part of the planning application and received by the Local Planning Authority on 23rd March 2012; and

Applicants letter dated 13th June 2012 received by the Local Planning Authority on 15th June 2012; and

Justification report by the agent received by the Local Planning Authority on 11th June 2012; and

Agents letter dated 18th July 2012 received by the Local Planning Authority on 19th July 2012; and

Agents letter dated 23rd July 2012 received by the Local Planning Authority on 25th July 2012.

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 extended barn as hereby approved shall only be used to house the applicants livestock as well as bedding materials associated with their livestock and for no other purpose without the prior written agreement of the Local Planning Authority.

REASON:

To ensure the extended barn is used for the purposes provided as justification in support of the application.

CONDITION 4:

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

REASON:

To ensure a satisfactory external appearance.

CONDITION 5;

Prior to the development hereby approved commencing full details on the existing and proposed sewage treatment plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON;

To ensure that the existing and / or proposed sewage treatment plant is satisfactory in relation to the approved use.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy Policies CS1 and CS16

NPPF

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 extension is an appropriate form of development in the countryside and will be in keeping with the existing agricultural building and surrounding area and will not adversely impact on the amenity of the locality in accordance with policies CS1 and CS16 of the Rugby Borough Core Strategy 2011.

INFORMATIVE 1;

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.

Reference number: R11/2394

Site address: Wolvey Garage, 3 Coventry Road, Wolvey

Description: Erection of 7 dwellings with associated access.

Case Officer Name & Number: Richard Redford, ext 3625

The Proposal;

Planning permission is sought for the erection of 7 dwellings comprising 5 detached and 2 semi-detached. The proposal also comprises access arrangements and landscaping with full material and landscaping (hard and soft) details having been submitted. A viability appraisal (to be private and confidential) has been provided. The Design & Access Statement details building heights will be 8m, the same as approved in the outline permission.

Site History;

R95/0227/9804/OP	Demolition of existing bungalow and garage buildings and use of land for residential development.	Refused 19.05.95
R04/0601/OP	Outline planning application for residential development	Refused 26.07.04
R06/0266/OP	Outline application for demolition of existing buildings and replacement with a residential development.	Refused 30.03.06
R06/0671/OP	Outline Planning Permission for demolition of existing garages and replacement with a residential development (Resubmission).	Refused 08.06.06 Appeal dismissed
R09/1023/PLN	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.	Approved 08.02.2011

Consultee Correspondence;

Highway Authority	No objections	Request conditions and informatives
WCC Ecology	No objections	Request informatives
Environmental Health	No objections	Request conditions and informatives
WCC Archaeology	No objections	Request condition

Third Party Correspondence;

Wolvey Parish Council	Object	On the grounds of the 7 dwellings proposed being too large; too many proposed for the size of the site contrary to Parish Plan that seeks to keep density to a minimum; insufficient parking provision with resultant spill onto Coventry Road; is a shortage of affordable starter homes and lack of bungalows in Wolvey; no affordable housing proposed as part of development; Wolvey Housing Need Survey has identified need for four 2-bed homes to rent that have not been provided with some capable of being provided on this site; and the combination of this site and adjacent site off Orchard Close of more benefit.
Neighbours (1)	Support	Have no objections to the proposal but would like to see this site and adjacent site with permission for 3 dwellings accessed off Orchard Close combined and developed together.
Petition (1 of 5)	Support	No objection but would like to see it combined with the dwellings adjacent site off Orchard Close with permission approved but with overall access off Orchard Close.

Other Relevant Information;

The application is before your Committee for determination at the request of Cllr Pacey-Day.

The site is located within the defined settlement boundary for Wolvey which is designated as a main rural settlement. Currently the site is occupied by a bungalow and a number of buildings with an authorised use for garage purposes although they are not currently in use. Ground levels in and around the site are generally level although there is a slight fall from Coventry Road toward the rear of the site with it being surrounded by residential dwellings of various heights ranging from bungalows to 2-storey 'with pitched roof above' dwellings. There is a telephone exchange site and building on the adjacent site to the south.

Relevant Policies;

RBCS Policy CS1	Complies	Development Strategy
RBCS Policy CS2	Complies	Parish Plans
RBCS Policy CS16 Construction	Complies	Sustainable Design &
RBCS Policy CS20	Complies	Local Housing Needs

Saved Local Plan Policy GP2 Complies Landscaping

Wolvey Housing Needs Survey 2008
Housing Needs SPD March 2012
Planning Obligations SPD March 2012

NPPF

Consideration;

The main issues for consideration relate to the principal of the development, provision of identified local needs dwelling, design, appearance, amenity, access, parking and ground contamination.

Located within the Main Rural Settlement of Wolvey policy CS1 aims to direct development to locations in a preference with main rural settlements being 3rd in the list after the town centre and the Rugby urban area. In respect of main rural settlements the policy indicates that residential development in these settlements is acceptable with local needs housing being prioritised over open market housing where possible. As such the principal of the residential development on the site is acceptable.

In respect of the provisions within policies CS1, CS2 and CS20 on local needs housing with it being prioritised over market housing the Wolvey Housing Need Survey August 2008 details that there is a need 6 two-bed houses and 1 three-bed house. As part of the application a Viability Report was submitted on a private and confidential basis that details the proposal would not be viable if any or all of the houses identified in the Housing Needs Survey were provided. This report has been assessed and it has been concluded that if the provision of some of or all of the required local needs housing were to be provided the proposal would not be viable. The proposal therefore complies with the requirements of policies CS1, CS2 and CS20

The proposal has been arranged in a manner so that the buildings are all fronting toward Coventry Road with all having front and rear gardens as well as dedicated parking including each unit having an a garage. The dwellings have been designed in a manner that draws on other local styles allowing them to fit in with the character, appearance and street scene of the immediate and wider localities. Their proportions, scale, massing and bulk are similar to other dwellings in the area further ensuring they will fit in without raising any adverse or detrimental impacts. Submitted as part of the application are materials types to be used with the dwellings to be constructed of Hampton Rural Blend bricks and black coloured Gemini Interlocking Twin Plain Tiles which are in-keeping with other buildings in the locality and are therefore acceptable. With regards to their relation with each other as well as neighbouring sites, they have been arranged in a manner where the only windows in their flank elevations serve utility rooms and WC's, which can be conditioned to be obscure glazed and fixed shut, meaning there will no over-looking. They have also been positioned so all principal room windows are at least 11m from their rear site boundaries as well as orchestrated so as to ensure no over-looking, loss of privacy or loss of light.

The submitted plans detail 1.8m high close-boarded fences will be used on site boundaries around rear gardens whilst also showing all hard and soft landscaping. These have been assessed and are acceptable as they will enable the development to fit in with the area whilst also providing future residents of the dwellings with good levels of amenity space that is usable.

The proposal complies with the requirements of policy CS16 as well as saved Local Plan policy GP2.

The proposal has been laid out within the site so that all dwellings face toward Coventry Road with the dwellings on plots 1, 2 and 3 being accessed directly off Coventry Road through 2 dropped kerbs whilst the remaining 4 plots are accessed via the existing dropped kerb. In respect of this proposed highway arrangement the Highway Authority are satisfied that it will not impact on highway or pedestrian safety with there being sufficient room within the site for users to safely turn so as to be able to enter and leave the site within a forward gear.

In respect of parking provision Appendix 2 of the Planning Obligations SPD provides details on parking levels. The application proposes a total of 14 spaces with sufficient turning and manoeuvring spaces. Based upon the number of bedrooms detailed on the plans and in the application forms a total of 13 on-site spaces are required. It can be seen that the proposal exceeds this level and is acceptable.

In respect of the objections received and the grounds not covered above the following are relevant. The objection letters refer to an adjacent planning permission for 2 dwellings accessed off Orchard Close with this current application having the potential to incorporate this adjacent permission with the aim of, amongst other things, reduce traffic levels on Orchard Close. This suggestion has been put to the agent who has responded by indicating that if the adjacent site was incorporated into the current application with amended plans provided it is in their opinion unlikely to be supported due to amenity, highway and character concerns. It has also been looked at by officers who consider that the adjacent sites inclusion into the site covered by this application would result in the number of units having to be reduced as well as being likely to lead a sub-standard road within the site in addition to unacceptably small rear garden areas, poor relationships with neighbouring dwellings and providing a poor appearance in relation to the Orchard Close street scene.

Overall therefore the proposal is acceptable and recommended for approval subject to conditions being attached.

Recommendation;

Recommend approval subject to conditions.

Report prepared by: Richard Redford 2nd August 2012

DRAFT DECISION

APPLICATION NUMBER

R11/2394

DATE VALID

27/04/2012

ADDRESS OF DEVELOPMENT

WOLVEY GARAGE
3 COVENTRY ROAD
WOLVEY
NR HINCKLEY
LE10 3LD

APPLICANT/AGENT

Mike Ramus
Michael Ramus Architects Ltd
76 Prior Road
Kenilworth
Warwickshire
CV8 1LQ
On behalf of James O'Flanagan, James
O'Flanagan Ltd

APPLICATION DESCRIPTION

Erection of 7 detached dwellings with associated access.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Application forms, agents covering letter dated 25th April 2012, Design & Access Statement dated April 2012, Forticrete Gemini Interlocking Plain Roof tile in blk details dated June 2011, Hansom Hampton Rural Blend brick details, site location plan, drawings numbered 05 Rev A, 05 Rev 9 and 07 all dated April 2012 all submitted as part of the planning application received by the Local Planning Authority on 27th April 2012; and

Bat Survey Report dated June 2012 submitted to and received by the Local Planning Authority on 20th June 2012

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 landscaping scheme, as detailed on the approved plans, 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 LPA 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 LPA gives its written consent to any variations.

REASON:

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

CONDITION 4:

The dwellings hereby approved shall be constructed of the materials as detailed in the application forms and submitted details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

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

CONDITION 5:

Prior to the first occupation of the dwellings hereby approved the 1.8m high close boarded fencing shown on the approved plans shall be erected and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of amenity.

CONDITION 6:

The garages and parking spaces as shown on the approved plans shall be provided prior to the occupation of the dwellings and retained thereafter solely for the purposes of parking associated with the dwellings to which they relate and for no other purposes.

REASON:

To ensure sufficient on-site parking is provided prior to occupation and retained thereafter in association with the dwellings approved.

CONDITION 7:

The windows to be formed in the flank walls of each of the dwellings hereby approved as part of the development shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION 8:

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

REASON:

In the interest of residential amenity.

CONDITION 9:

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 10;

Prior to work commencing on any part of the development, a Phase II invasive site investigation survey of the grounds and building shall be carried out and subsequent report, to include any mitigation or remediation measures where appropriate, shall be submitted to and agreed in writing by the Local Planning Authority. Any mitigation or remediation measure agreed shall then be implemented in accordance with the agreed scheme before the development commences unless otherwise agreed in writing by the Local Planning Authority. Confirmation and evidence of the removal of any underground tanks shall be submitted to and acknowledged in writing by the Local Planning Authority.

REASON:

In the interests of amenity and given the potential for land contamination on the site given its historic use for industrial purposes.

CONDITION 11:

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 3.0 metres for the single access and 5.0m for the shared access with a gradient not steeper than 1 in 10 and hard surfaced in a bound or blockwork material for a distance of 7.5 metres from the near edge of the highway carriageway.
- b) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 5.5 metres from the near edge of the highway carriageway.
- c) Visibility splays for vehicles having been provided with an 'x' distance of 2.4 metres and 'y' distances of 43 metres as measured from the centre of the access. No structure, erection, trees or shrubs exceeding 0.9 metres in height shall be placed, allowed to grow or be maintained within the visibility splays so defined.
- d) 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 12:

The development hereby permitted shall not be occupied until all parts of existing accesses to Coventry Road (B4109) not included in the proposed means of access have been permanently closed and the highway features (including the verge and kerblines) have been reinstated in accordance with details to be submitted and approved in writing by the Local Planning Authority.

REASON:

In the interest of highway safety.

CONDITION 13;

The development shall not be occupied 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 highway safety.

CONDITION 14;

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

REASON:

In the interests of highway and pedestrian safety.

CONDITION 15;

Before any work on site takes place, a scheme for the loading, unloading and storage of construction plant and materials to be used on site, the parking of all vehicles including the cars of construction employees and other people who will be working at or visiting the site and for ensuring that no mud or other materials are deposited on the highway shall be submitted for the written approval of the Local Planning Authority, in consultation with the Highway Authority. The proposed development works shall be carried out in accordance with the approved details.

REASON:

To ensure no adverse impact on highway or pedestrian safety.

CONDITION 16:

No development shall commence on site until a photographic record of the building has first been obtained in accordance with a brief to be first agreed in writing by the Local Planning Authority in consultation with the Warwickshire Museum. The record so obtained shall be deposited with the Museum prior to work commencing.

REASON:

In the interest of archaeology.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy policies CS1, CS2, CS16 and CS20

Saved Rugby Borough Local Plan 2006 Policy GP2

Wolvey Housing Needs Survey 2008

Housing Needs SPD March 2012

Planning Obligations SPD March 2012

NPPF

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 development of the site for housing is an appropriate form of development within the main rural settlement of Wolvey and is of a design, appearance, scale and massing appropriate to its location that will not impact upon amenities of the locality whilst also providing sufficient parking provision in accordance with policies CS1, CS2, CS16 and CS20 of the Rugby Borough Core Strategy 2011 as well as Saved Policy GP2 of the Rugby Borough Local Plan 2006.

INFORMATIVE 1;

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010 making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. It should also be noted that if the work to the house is not carried out within two years of issue of the submitted bat report then further survey work may be necessary. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

INFORMATIVE 2;

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, so should work take place during this time period, then the site should ideally be checked for their presence before work commences.

INFORMATIVE 3;

The applicant is respectfully advised that if additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants. Consideration should be given to the provision of suitable bat and bird boxes within the new build or adjacent trees in order to increase opportunities for wildlife. Many bat and bird populations have declined dramatically in recent years due to loss of roost, nest and foraging sites as a result of development. However a variety of bat and bird species use boxes and they can be particularly useful in the urban environment, where natural nesting places can be scarce. Further advice and information can be obtained from the Bat Conservation Trust (BCT), and the Royal Society for the Preservation of Birds (RSPB). WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required, in particular regarding which type of boxes to use.

INFORMATIVE 4:

In order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site 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 ON SUNDAYS & BANK HOLIDAYS.

INFORMATIVE 5;

The building is in a residential area and demolition may cause noise nuisance to local residents. Demolition should only be permitted between the hours 0800 - 1800 Monday-Friday, Saturday 0900 - 1600.

INFORMATIVE 6;

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 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{s}/ developer{s}] 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 8;

Before any improvement works required by this planning permission are commenced to the existing highway, the developer shall enter into an Agreement under Section 184 of the Highways Act 1980 with the Highway Authority (Warwickshire County Council).

Reference number: R11/0693

Site address: 1st, 2nd and 3rd floors, 9 North Street, Rugby

Description: Change of Use of 1st, 2nd and 3rd floor offices to 29 residential units (8 x one bed and 21 x two bed units)

Case Officer Name & Number: Richard Redford, ext 3625

The Proposal;

Planning permission is sought for the change of use of the 1st, 2nd and 3rd floors of the building from offices to form 29 residential flats comprising 8 one-bed units and 21 two-bed units. Details submitted with the application included a Design & Access Statement, Planning Statement, Marketing Report and a Noise Assessment.

Following discussions with officers an Air Quality Assessment was received. Additionally details addressing affordable housing, waste collection, air condition and heating methods have been received from the agent

Site History;

The site has no relevant planning history.

Consultee Correspondence;

Natural England	No comments	
Severn Trent Water	No objections	Request a condition
Environmental Health	No objections	Request conditions and informatives
Strategic Development	No objections	Request open space contributions in addition to commuted sum for affordable housing following discussions involving Housing officers
Economic Development	No objections	Details living space in the town centre is good but highlights potential concern over loss of office space
Housing	No objections	Request off-site commuted sum in-lieu of on-site affordable housing provision
WCC Highway Authority	Object	On the grounds of inadequate levels of on-site parking provision, no details on how non-car use would be encouraged, no provision of

on-site cycle storage, no details on pedestrian drop-off point and it not having been demonstrated how waste will be collected from the site.

WCC Library Services	No objections	Request financial contribution
Warwickshire Fire & Rescue	No objections	
WCC Ecology	No objections	Request informatives

Third Party Correspondence;

No third party correspondence has been received.

Other Relevant Information;

Located within the Rugby Town Centre the site is occupied by a 4-storey art-deco style flat roofed building fronting onto North Street but with a side elevation facing onto the service road for The Clocktowers Shopping Centre. Also situated within the Primary Shopping Area the site lies immediately adjacent to the Town Centre Conservation Area.

Currently with a bank at ground floor with offices above, the site is surrounded by a variety of town centre uses including shops, banks, offices and public houses. Ground levels fall along North Street from the clock tower past the application site and on towards Caldecott Park.

Relevant Policies;

RBCS Policy CS1	Complies	Development Strategy
RBCS Policy CS6	Complies	Development In Rugby Town Centre
RBCS Policy CS7	Complies	Retail Frontages
RBCS Policy CS10	Complies	Developer contributions
RBCS Policy CS16	Complies	Sustainable Design
RBCS Policy CS19	Complies	Affordable Housing

Housing Needs SPD
 Planning Obligations SPD

NPPF

Consideration;

The issues for consideration in this application relates to the principal of the proposed development, affordable housing, design, appearance, amenity, parking and contributions.

Principal Of Development:

Located within the town centre within the Rugby Urban Area the site is situated in the 1st preference location as detailed in policy CS1 on Development Strategy which seeks to ensure development is directed in a structured manner to the most appropriate locations with the town centre being in the most preferable location. The supporting text for the Rugby Town Centre for this policy acknowledges that it is not the most suitable location for major housing developments but does at the same time acknowledge the potentially positive benefits of 'above shop' living.

Policy CS7 relates to retail frontages but indicates that within the primary shopping area and town centre the provision of residential units at upper levels will be capable of support subject certain criteria. At present the upper floors to which the proposal relates are in office use and their change of use to residential is considered not to harm the retail function or character of the town centre. Furthermore, it is considered that it will not impact upon the vitality and viability of the town centre.

On this basis it can be seen that the proposed change of use to provide residential dwellings in the form of flats on the upper floors of the building complies with policies CS1 and CS7 meaning the principal of the development is acceptable.

Affordable Housing & Contributions:

Policies CS10 and CS19 relate to developer contributions and affordable housing respectively with both the Housing Needs and Planning Obligations SPD's providing further information.

As a total of 29 units are proposed resulting in the proposal being a major application. The provisions of policy CS19 on affordable housing require that on developments for 15 or more residential units an affordable housing provision of 33.3% be provided as part of the development which in this instance would equate to 10 units. In conjunction with the provisions of both policies as well as the 2 SPD's discussions have taken place between the agent and a number of Housing Associations that has highlighted there is no demand from these housing providers for residential units of the type proposed. Further to this discussions with officers over a commuted sum for off-site provision of affordable housing have taken place with a figure of £388,500 having been agreed. The agent has agreed to enter into a Section 106 Legal Agreement requiring the provision of this sum.

With respects to open space contributions calculations have indicated the need for a financial contribution of £48,325 which included a contribution for children and young peoples open space for all of the dwellings proposed. Due to the proposal including 8 one-bed units in which there will not be any children or young people a re-calculation to omit these from the total has resulted in the contribution required being reduced to £42,124 which the applicant has agreed to pay through a Section 106 Legal Agreement.

The applicant has also agreed to pay a financial contribution of £2,923 toward libraries also to be done through the Section 106 Legal Agreement.

Design & Amenity:

With regards to design and appearance of the proposal very little will change externally. The submitted plans indicate the windows will be replaced although no details have been provided showing the proposed new window details. In this particular instance the current windows provide an interesting and unique feature to the building contributing towards its character and appearance as well as to the adjacent Town Centre Conservation Area so it is considered that a condition be attached to any approval requiring window details be provide prior to any commencement of development in order to ensure the windows to be put in retain the positive contributions to the building and area that the current one do.

Given that the site is located within the town centre there is the potential for adverse impact on future residents of the proposal from noise and disturbance. In terms of these amenities Environmental Health have requested conditions pertaining to the replacement windows to the North Street elevation be non-openable to protect from noise and air quality issues as well as the replacement windows having secondary glazing. With regards to the pre-commencement condition providing details on primary and secondary glazing it has also been requested that as part of this condition details on the proposed mechanical ventilation system be submitted and approved in order to ensure the building is suitable ventilated without the windows (primary and secondary) having to be opened that would negate the need for the windows. In addition to this other conditions have been requested including one pertaining to the location of air conditioning units being submitted to and agreed in writing by the Local Planning Authority before any development commences. Concerns have also been raised over potential internal noise transference as well as odour from the current heating plant. Both of these issues can be covered through pre-commencement conditions requiring finalised floor layout plans to ensure appropriate layout to ensure noise transference is acceptable as well as full details and plans showing a new heating system that will remove odour concerns.

Overall therefore the proposal complies with the requirements of policies CS6 and CS16.

Parking & Highways:

The Highway Authority has objected to the proposal primarily on the failure to provide sufficient parking provision with other issues having been raised relating to no on-site cycle storage having been provided along with no details on pedestrian drop-off points or waste collection and how non-car use being encouraged.

Parking standards are contained within the Planning Obligations SPD which identifies the site as being within a high access area. In total the proposal would require a total of 21 parking spaces be provided. None are proposed as part of the development. Whilst in most instances this would be likely to result in a refusal reason given the sites location in the middle of the town

centre where residents would have very good access to a significant level of different bus and train services whilst knowing private parking provision was very restricted. Given these very specific site circumstances it is considered that the omission of parking spaces is in this instance acceptable.

With respect of the other issues raised by the Highway Authority cycle storage can be address through use of a planning condition whilst waste collection details were provided in the submitted Design & Access Statement and are acceptable. In terms of no details having been provided for pedestrian drop-off points or how non-car use will be encourage the site is a town centre location with very good transport links and necessary facilities within a few minutes walk that coupled with the size of the proposed units as one and two-bed flats meaning dependency on the car is naturally reduced. In terms of dropping off points there are authorised parking facilities within the immediate area that would provide for this.

As such it is recommended that the application be approved subject to the a Section 106 Legal Agreement to provide £388,500 commuted sum for the provision of affordable housing off site, £42,124 for open space and £2923 for libraries.

Recommendation;

Recommend approved subject to the applicant entering into a Section 106 Legal Agreement and conditions.

Report prepared by: Richard Redford 1st August 2012

DRAFT DECISION

APPLICATION NUMBER

R11/0693

DATE VALID

21/09/2011

ADDRESS OF DEVELOPMENT

1st, 2nd and 3rd Floors
9 NORTH STREET
RUGBY
CV21 2AB

APPLICANT/AGENT

Sally Stroman
Wilbraham Associates Ltd
18a Regent Place
Rugby
Warwickshire
CV21 2PN
On behalf of JA & DV Michalik, Trustees for
Hadleigh Services Ltd

APPLICATION DESCRIPTION

Change of Use of 1st, 2nd and 3rd floor offices to 29 residential units (8 x one bed and 21 x two bed units)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Application forms, Design & Access Statement dated September 2011, Planning Statement dated September 2011, Post Marketing Report by Howkins & Harrison dated 27th September 2011, Noise Assessment by ANV dated August 2011 and drawings numbered 2121-01, 2121-02, 2121-03, 2121-04, 2121-05, 2121-06, 2121-07, 2121-08, 2121-09, 2121-10, 2121-11, 2121-12, 2121-13, 2121-14 and 2121-15 all dated June 2011 and all documents forming part of the application submitted to and received by the Local Planning Authority on 21 September 2011; and

Air Quality Assessment report by REC numbered 32894p1r1 dated 6th December 2011 submitted with an agents covering letter dated 7th December 2011 received by the Local Planning Authority on 7th December 2012

REASON:

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

CONDITION 3;

Prior to the development hereby approved commencing final internal floor layout plans shall be provided to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of the amenities of future occupiers.

CONDITION 4;

Prior to the development hereby approved commencing full details of mechanical ventilation to be used in the development shall be provided along with elevational and layout plans showing full details, including cross sections where appropriate, of the replacement primary and secondary windows as well as the location of the mechanical ventilation. Details shall also be provided indicating the glazings compliance with the contents of the ANV Acoustics Consultants report dated August 2011 in respect of minimum sound reduction. The development shall then be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of visual amenity and the protection of the amenities of future occupiers of the residential units approved.

CONDITION 5;

Prior to the development hereby approved commencing full details of the intended heating system to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON;

To ensure the protection of amenities of future occupiers.

CONDITION 6:

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 along with plans showing the location of any plant 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 7:

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 8:

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 9;

Prior to the development hereby approved commencing details of proposed cycle storage / parking provision in association with the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented prior to the first occupation of any of the approved units and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure sufficient cycle parking provision is provided.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Core Strategy Policies CS1, CS6, CS7, CS10, CS16 and CS19

Housing Needs SPD

Planning Obligations SPD

NPPF

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 change of use is an acceptable form of development within the town centre that will provide an element of town centre living whilst not adversely impact on the amenity of neighbouring properties, in accordance with policies CS1, CS6, CS7, CS10, CS16 and CS19 of the Rugby Borough Core Strategy 2011.

INFORMATIVE 1;

This is the subject of a Section 106 Legal Agreement.

INFORMATIVE 2;

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

INFORMATIVE 3:

In order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site 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 ON SUNDAYS & BANK HOLIDAYS.

Reference number:

R12/0600

Site address:

Former Peugeot Works, Site A, Oxford Road, Ryton on Dunsmore, CV8 3DZ

Description :

Outline application for 13.39HA of the northern part of the former Peugeot Works Site for up to 51,860 sqm of employment comprising of up to 47,756 sqm of Class B8 (warehouse & distribution) with ancillary offices and up to 4,104 sqm of Class B1(c)/B2/B8 (light industry/general industry/warehouse & distribution with ancillary offices), including vehicle parking and landscaping with access from existing roundabout.

Case Officer Name & Number:

Richard Holt 01788 533687

Description of Site:

The application site, known as Site A, lies within the designated West Midlands Green Belt and forms part of the former Peugeot Works complex and therefore is allocated as a Strategically Significant Employment Site. To the north is the A45(T) road and to the south-west is the A423 Oxford Road, which meet at the northern edge of the former Peugeot site. To the south-east lies the remainder of the site known as Sites B & C. Site B has planning permission for Class B8 uses, whilst Site C is subject to a pending application for the parking and storage of heavy goods vehicles and trailers.

Overall the site is generally flat although slightly elevated compared to adjacent land, particularly to the north and west, and is surrounded by palisade fencing, with soft landscaping concentrated along the extremities of its boundaries. The buildings on site that served the Peugeot Works have now been demolished and the site has been cleared apart from some mounds of hardcore.

A scrap metal yard including skip hire, motocross track and sewage plant with the River Avon beyond lie to the north, predominately residential properties lie to the south and south-west, whilst fields with the River Avon beyond lie to the west.

This application was requested to be determined by Planning Committee by Cllr Lowe.

Description of Proposals:

This is an outline planning application for 13.39 hectares of the northern part of former Peugeot Works Site for up to 51,860 sqm of employment floorspace comprising of up to 47,756 sqm of Class B8 (warehouse & distribution) with ancillary offices and up to 4,104 sqm of Class B1(c)/B2/B8 (light industry/general industry/warehouse & distribution with ancillary offices), including vehicles parking and landscaping with access from the existing Oxford Road roundabout. Matters relating to appearance, landscaping, layout and scale will be considered at the reserved matters stage with only access being considered at this stage.

Two specific core development zones have been indicated CD1 which would be utilised for Class B8 purposes whilst CD2 would have a potential mix of Class B1(c), B2 & B8 uses. CD1 would occupy the majority of the site with the main section containing buildings up to 12.5 metres to the eaves and 15 metres to the ridge. Part of CD1, annotated as CD1B, running parallel to Oxford Road and CD2 at the northern most part of the site, will have buildings restricted to 9 metres to the eaves

and 10 metres to the ridge. An Outer Development Zone for parking and circulation will lie to the immediate southern, northern and western edges of CD1. Around the edge of the site, apart from the south-eastern edge where it abuts Site B, an area of structural landscaping will be provided.

The agent's consider that the proposed development could create between 700 to 1000 jobs and the site would operate 24 hours a day, 7 days a week.

A planning, design and access statement was submitted with the application, which raised various points including:

- 1) extant planning permission on site for industrial redevelopment;
- 2) promotion of development of employment land is central to the Core Strategy;
- 3) demand is for distribution floorspace in area – important and fast growing sector of regional economy;
- 4) enhanced landscaping to site;
- 5) masterplan for site can enable segregation of HGV traffic routing away from residential properties;
- 6) direct access onto A423 which links to A45(T);
- 7) footpaths, cycle links and bus routes nearby;
- 8) efficient use of employment land, job creation & redevelopment of vacant site;
- 9) overall visual improvement of site, particularly through building dispersal; and
- 10) Openness or visual amenity of Green Belt will not be unacceptably injured.

The applicant's agent has also submitted a National Planning Policy Framework Statement, Noise Assessment, Air Quality Assessment, Transport Assessment, Foul Drainage Strategy, Drainage Assessment, Flood Risk Assessment, Geo-Environmental Assessment, Landscape & Visual Impact Assessment and a draft Section 106 Legal Agreement.

Relevant Planning History:

The application site has an extensive planning history over many years with its origins in car manufacturing dating back to 1945. In 2007 the site was split into three separate areas known as A, B & C. The recent site histories relating to Sites A & B are the most relevant in the consideration of this application and they are detailed below. Based on the approval of various pre-commencement conditions and the construction of the emergency access road on to Oxford Road in connection with the Class B8 use on Site A following planning permission in April 2008 that approval remains extant.

Site A:

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

Approved 30/04/2008

Site B:

Outline planning permission for redevelopment of 25.93 HA for storage and distribution (Class B8) and General Industry (Class B2) (With up to 30% B2) up to a total maximum of 120770m2 including new access on to Oxford Road (A423).

Approved 18/04/2008

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

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

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

Renewal of outline planning permission (R07/2010/OPS) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m², including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping]. Approved 12/12/2011

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

Technical Consultations:

Original Plans:

NATS/NERL Safeguarding Coventry Airport	No objections Comment	Buildings below obstacle limitation surface heights, but restrictions on crane heights apply; No increase in bird strike risk (eg fruit and berry bearing trees and additional standing water should be resisted); Lighting must not dazzle pilots; Further details of construction will be assessed by Aerodrome Licence Holder; and Safeguarding Advice Notes should be passed to applicant.
Warks Police	No objections	
Warks Fire & Rescue	No objection, subject to a condition	
WCC Archaeology	No objection, subject to a condition	
WCC Highways contributions	No objections, subject to conditions/Section 106	
WCC Ecology	No objections, subject to conditions	

Natural England	No objections, subject to standing advice, but also advise further survey work in relation to protected species is done.
Coventry City Council	No objections
RBC Environmental Services	More information needed regarding noise impact and vehicle movements.
Highways Agency	No objections, subject to a condition and informative
Environment Agency	No objections, subject to a condition and informative

Revised Plans:

RBC Environmental Services	No objections, subject to conditions
WCC Ecology	No objections, subject to a condition and informatives
Natural England	No objections, subject to a condition and informatives

Third Party Consultations:

Original Plans:

Neighbours (3)	Object	Intensity and scale of development will have profound impact on character and nature of rural landscape; Proposed height of 18m will dominate skyline and take away open feel enjoyed by residents; Previous permission for sortation unit was similar to previous use, proposal is 2.5 times greater in building footprint; Building far closer to residential housing on Oxford Road; Adverse impact on quality of life enjoyed by residents; Failure to identify properties most affected; Oxford Road has no highway lighting; Light pollution; Understated HGV movements at night; Noise levels would be above World Health Organisation guidelines; Noise at night will threaten sleep; Previous car plant use had distances from properties and of a scale that were considerably less impactful; Inappropriate development in Green Belt; Dust pollution; Impact must be considered in conjunction with Site B; Landscaping needs to remain intact, not torn down like at Site B.
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Ryton on Dunsmore Parish Council	Object
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Do not object to principle;
Concern at proposed heights – considerably higher than original car plant and Sortation Centre;

18m high structure will destroy openness and visual amenity of Green Belt;
 Very detrimental impact on surrounding landscape;
 Substantially overlook residential properties on Oxford Road;
 Height should be limited to 10m.

Revised Plans:

Neighbours (3)	Comment	Web site not accessible
Neighbours (2)	Object	<p>Sites A & B not comparable as Site B was previously heavily developed with buildings whilst Site A was mainly car parking; Site A area previously had far less impact on rural landscape and Green Belt; Reduction in roof height from 18m to 15m is not sufficient; Detrimental change to character to current and previous open plan feel of Oxford Road; Loss of view; Adverse impact on residential amenity from HGVs all night long; Diesel fumes bring on cancer; Already subject to speeding trucks and motorbikes; Traffic calming measures/speed camera required for Oxford Road; Improvements to properties along Oxford Road, eg sewers and street lighting never happened; 4 metre high acoustic fence to combat noise will give site a prison like appearance; Acoustic fence will not reduce noise to first floor bedrooms of houses; Noisy activities should be dealt with at source and sited away from residents; Should be prescribed operating hours – normal practice; Multi-end user makes determining origins of noise once operation almost impossible; Still inappropriate development within Green Belt.</p>

Ryton on Dunsmore Parish Council
 Object

Visual impact on residents, particularly along Oxford Road;
 15m ridge height too high, should be limited to 12m in line with previously approved application;
 Contrary to Policy GP1.

Relevant Planning Policies & Guidance:

Rugby Borough Council Local Plan, 2006 Saved Policies:

GP2	Complies	Landscaping
E6	Complies	Biodiversity

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

Rugby Borough Core Strategy 2011:

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

West Midlands Regional Spatial Strategy:

PA6	Portfolio of Employment Land
PA9	Regional Logistic Sites

National Planning Policy Framework, 2012

Rugby Borough Council Planning Obligations Supplementary Planning Document, 2012

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

Assessment of Proposals:

General Principles & Green Belt:

The previous buildings on site had evolved over many years so there was a variety of heights, building materials and styles, but on average range between 10 to 12 metres to the eaves. The previous chimney stacks dominated the skyline and were visible from many public vantage points. The amended plans now illustrate the proposed buildings being slightly taller, with the majority of the buildings on site having an eaves height of 12.5 metres rising to 15 metres to the ridge line. The existing Peugeot buildings had a combined floorspace of approximately 143,064m² over both application sites A and B. The current planning permissions for both Site A & Site B currently permits buildings with a total floorspace of 143,394m². The proposed development on Site A would increase this overall figure to 172,630m², approximately a 20% increase in floorspace over the original buildings.

Saved Local Plan Policy ED4 refers to the site as a Major Developed Site in the Green Belt. It states that planning permission will only be granted for redevelopment if it does not result in built development occupying a larger area than was previously the case or the height of the existing buildings being exceeded, unless there would be an overall landscape benefit. It is clear that the proposed development does occupy a larger area than those buildings that were previously across the site and certain sections would be greater than the height of the previous buildings. It is necessary therefore to establish if there would be an overall landscape benefit. It is accepted that the proposed development will provide modern buildings broken up with parking, circulation areas and landscaping that would potentially be more attractive than those previously on the site and it is also noted that the core area of landscaping around the site will be greater than when the site was occupied by

Peugeot. However, it is considered that the overall landscape benefit is not sufficient enough to outweigh the impact of the extent and height of the intended buildings across the site and the development would not therefore result in an overall landscape benefit. On this basis, the proposal is not compliant with saved policy ED4.

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

Para 89 of the NPPF states that complete redevelopment of previously developed sites would not be inappropriate development provided that there would be no greater impact on the openness of the Green Belt. It is considered that the proposal will have a greater impact upon the openness of the Green Belt, particularly as the floorspace is increasing by c20%, and therefore constitutes inappropriate development. As required by paras 87 and 88 of the NPPF, very special circumstances will therefore be required in order to outweigh the potential harm by reason of inappropriateness.

It is acknowledged that the development of this site would not have a greater impact on the purposes of including land within the Green Belt as set out at para 80 of the NPPF. Further, as already stated, the principle of economic development of this site has long been accepted both by the previous use of the site and its allocation as a major developed and strategically significant employment site in the Green Belt within the previous Local Plan. This reflects an acceptance of the substantial benefits to the local and sub-regional economy that would result from the proposed development. It was previously acknowledged within the West Midlands Regional Spatial Strategy that the provision of employment uses on this site would contribute to the delivery of Coventry City Council's employment targets. This is noted within the Core Strategy in the supporting text to Policy CS1. Nevertheless, this does not reduce the economic benefits of the proposals and the sub-regional nature of these benefits should be recognised and carry significant weight as part of this decision.

The applicant's agent considers that very special circumstances do exist and have referred to the benefits the development would bring to job creation in the area, the efficient use of employment land, the previous use of the site and its landscape character and Government Policy on promoting growth. They have also submitted further evidence from Jones Lang LaSalle, specialist property advisors, who have confirmed that the West Midlands remains a focus for the logistics sector and the site is well located for large distribution buildings. However, they have advised that an allowance should be made for some smaller Class B2 uses to enable a future developer flexibility to meet demand from that sector in the future. These are significant factors and contribute to very special circumstances, particularly as para 14 of the NPPF states that at its heart is a presumption in favour of sustainable development.

The visual impact of a series of uniform modern buildings compared to the previous buildings across the site, including the chimney stacks, would be an improvement. In addition, the amended plans now show an extensive structural landscape area around the edge of the site, especially on the southern side parallel to Oxford Road, that would benefit the overall appearance of the area compared to the limited areas of soft landscaping around the former Peugeot Works site. These factors also

contribute to the very special circumstances in the terms of Green Belt assessment. However, although the landscape improvement is welcomed and would comply with the principles of saved Policy GP2, it is acknowledged that it would not be so significant to outweigh the conflict with saved Policy ED4 as stated above.

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

West Midlands Regional Spatial Strategy:

The Government intends to abolish the West Midlands Regional Spatial Strategy (RSS) shortly and this is a material consideration in the assessment of this planning application. However, at this moment in time, the RSS is still a relevant document although the weight that can be apportioned to it is limited. Policy PA6 states that local authorities should aim to provide and maintain a range and choice of readily available employment sites to meet the need of the region. As the site is identified as a Strategically Significant Employment and Major Development Site in the Green Belt in the Core Strategy it is considered that this policy has been addressed.

Policy PA9 of the RSS focuses on the provision of concentrated development of warehousing and distribution uses (Class B8) otherwise known as Regional Logistics Sites (RLSs). Potentially Site A and Site B could account for 39 hectares of Class B8 development and concerns were raised previously that if Site C came forward for Class B8 development this would result in a total of 56 hectares, which is above the 50 hectares required for a RLS. The RSS gives priority to RLSs elsewhere in the West Midlands in order to avoid a concentration of such facilities in the same broad location. Although there is a pending application on Site C for the parking and storage of heavy goods vehicles and trailers, this will be assessed on its own merits. The planning permission for Site B does retain the flexibility of having up to 30% of the floorspace being a Class B2 use, whilst the current application on Site A has up to c9% of the floorspace being potentially utilised for Class B1(c) or B2 uses. Whilst it was previously considered unreasonable to impose a restrictive planning condition of the uses this is considered even more unreasonable following the Government's announcement to abolish the RSS and therefore the weight attached to Policy PA9 is limited.

Highways:

Alterations to the A45 will be required on the northern edge of the site to provide an emergency access. The Highways Agency has directed that they have no objections, subject to a condition and informative. A separate legal agreement will be required between the developer and the Highways Agency to carry out those works.

Concerns have been raised regarding HGV movements and the potential level of such movements during the night and that they seem low. However, the Highways Agency, WCC Highways and Environmental Services have not raised an objection on this basis. In fact, WCC Highways have raised no objection to the proposal subject to the submission and approval of a travel plan, financial contributions towards traffic management measures on A423 Oxford Road and for a HGV routing agreement. All these matters can be addressed via a Section 106 legal agreement,

which the applicant has prepared in draft form. On this basis, the proposal would comply with policies CS10 & CS11 and the NPPF.

The Local Plan's standards for commercial vehicle parking for commercial developments are considered on the basis of individual applications. The illustrative masterplan provides an indication of how the site could be developed with the core and outer development zones and the associated levels of parking. On this basis, 101 lorry trailer parking spaces are shown to serve the site. In relation to the potential provision of Classes B1(c)/B2/B8 units on the site within CD2 zone the proposed level of car parking envisaged would be 91 spaces. In accordance with the Council's maximum car parking standards this would not exceed the figure of 103 spaces for Class B1(c) or 91 spaces for Class B2 use but would exceed the figure of 69 spaces sought for Class B8 uses. However, within CD1 zone a total of 531 spaces are envisaged which would be below the maximum 796 parking spaces allowed for such a use based on the Council's parking standards. Therefore, whilst there could potentially be an overprovision of parking spaces for a B8 use within CD2 zone when assessed in conjunction with CD1 zone, where there is an under provision for a B8 use, it is considered that overall the level of car parking provided across the entire site would not lead to an over provision of car parking spaces.

A transport assessment has been submitted with the application which contains a Framework Travel Plan. That Plan indicates that a Travel Plan would be developed and a Travel Plan Coordinator would be appointed. Targets would be established and the Travel Plan would be monitored over a five year period. Car sharing, discounts for travel passes, tailor made public transport information for employees, bike loans, lockers and showers are all potential measures that may be included in a subsequent Travel Plan. The Travel Plan would be required as part of a Section 106 legal agreement if planning permission is forthcoming.

Final details of commercial, car and cycle parking would be addressed through any further reserved matters and conditions. Overall it is considered that the proposals would comply with saved policy T5, policies CS10 & CS11 and the NPPF.

Overall based on the site's location to the strategic road network, proximity to the city of Coventry, adjacent to a relatively frequent bus route along the A45 and based on the past use and planning policies affecting the site, the development is considered to be sustainable.

Amenity:

The most affected residential properties by the proposed development are those along the south-western side of Oxford Road. The closest residential building to the intended Core Development Zones is Peacehaven which lies approximately 50 metres away, although it does lie within 25 metres of the application site boundary. The closest part of the Core Development Zone to Peacehaven is known as CD1B and buildings within this section will be limited to a ridge height of 10 metres. Core Development Zone CD1A will be located approximately 95 metres away from the residential building of Peacehaven where buildings could potentially rise to 15 metres to the ridge. Owing to the shape of the site and juxtaposition with neighbouring properties, the residential flats above the Oxford Road Service Station will lie approximately 65 metres away from CD1B but 90 metres from CD1A zones. Notwithstanding an area of intended landscaping between the proposed buildings and the existing residential properties along Oxford Road, it is not considered that the proposed development would overshadow or have an overbearing impact upon those nearby properties based on the aforementioned distances.

A noise assessment and amended noise assessment have been produced. These concluded that whilst the noise from the slamming of car doors and the use of HGV brake systems are likely to exceed World Health Organisation criterion for the avoidance of sleep disturbance, appropriate mitigation measures could be installed, such as acoustic fencing, in order to make the proposal acceptable. An acoustic fence is proposed to be installed within the site towards the Oxford Road side, however, a wide area of structural landscaping will be provided between the Oxford Road and the acoustic fence. Final details of its location and design will be subject to condition. A series of other noise mitigation conditions have been recommended by Environmental Services, particularly during the construction process. These include the submission of a construction noise assessment, hours of construction and details of fixed plant and machinery.

In terms of air quality and ground contamination and the associated reports that accompanied the application, Environmental Services have confirmed that they accept the findings and consider no further assessments are required.

Subject to a series of conditions and informatives, overall Environmental Services consider the scheme is acceptable. Therefore, the proposal is considered to accord with policies CS11 & CS16 and the NPPF.

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

The applicant's agent has indicated that the external cladding of the buildings would be done in sympathetic colours on the upper elements of key elevations. The overall external appearance of the buildings is not to be considered as part of this application and will be assessed in due course at the reserved matters stage.

Sustainable Design & Construction:

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

Policy CS16 states that sustainable drainage systems (SUDS) should be used and development should meet specified water conservation levels. Opportunities for utilising SUDS are also referred to in saved Policy GP2. The application included both a Flood Risk Assessment and a Drainage Assessment. The latter document refers to SUDS and that the investigative works have identified that the site is underlain by sands and gravel which is suitable for the design of infiltration based systems. The Environment Agency has raised no objections subject to the imposition of conditions and informatives. The policy also states that all new non-residential development shall demonstrate water efficiency of the relevant BREEAM (Building Research Establishment Environmental Assessment Method) very good standard. It is considered that a condition can be imposed to any planning permission securing these requirements to which the applicant's agent has accepted.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that as a minimum all new development of 1000 sqm of non-residential floor space or more shall include equipment to reduce carbon dioxide emissions by at least 10%. It is accepted that as the application is in outline form only details of the design and construction of the proposed buildings is not known at this stage and therefore an assessment cannot therefore be made as to what types of technology or equipment would be most appropriate in order to achieve the required reductions in carbon emissions. Nevertheless, it is considered that such matters could be addressed at the reserved matters stage and via conditions which the applicant's agent has accepted.

Archaeology:

Although a written scheme of investigation (WSI) in association with archaeological works across the site has been already approved, as the latest proposal could potentially involve a greater area of ground disturbance WCC Archaeology have confirmed that the original WSI will need updating, particularly to include area CD2. Therefore, an archaeological condition will be required.

Ecology & Landscaping:

Initially Natural England considered that further ecological works were required to identify the potential presence of protected species on the site, particularly in relation to Great Crested Newts. Following further discussions with Natural England and WCC Ecology, it is considered that the site has limited ecological value for protected species and that potential newt habitats around the water bodies in Site C are far enough away from Site A not to require any further protected species surveys at this stage. Nevertheless, as the site has been cleared and vacant for several years a reptile survey would be required before development commences in relation to this latest application. Overall, the ecologists are content that these outstanding matters can be addressed by condition and therefore the proposal would accord with saved Policy E6 and the NPPF.

The site lies within the Princethorpe Woodland biodiversity opportunity area. Policy CS14 refers to enhancing the Green Infrastructure Network and where appropriate new developments must provide suitable Green Infrastructure linkages throughout the development and link into adjacent strategic and local Green Infrastructure networks or assets, where present. As stated above WCC Ecology consider the site has limited ecological value, however, the extent of new landscaping around the perimeter of the site will undoubtedly boost the Green Infrastructure of the immediate locality and assist in providing further wildlife habitats. This Council is considering the potential for the Community Infrastructure Levy to create a fund for the enhancement of Strategic Green Infrastructure in the future. This matter is ongoing and to date nothing has been finalised. Therefore, it is considered that the degree of landscaping proposed would accord with the principles of Policy CS14. In addition, the use of landscaping around the perimeter of the site will also minimise the visual intrusion on neighbouring uses and countryside and that when the reserved matters on landscaping are considered they can ensure that native species of ecological value are used. On this basis, the proposal would also comply with the general principles of saved Policy GP2.

Other Matters:

The site lies approximately 1,000 metres from the take-off/approach path at Coventry Airport. Whilst there are constraints on building and operational equipment heights, such as cranes during construction in order to safeguard aerodrome operations, the height of the proposed buildings is well below any potential limits. However, Coventry Airport has requested that they are consulted prior to erection of any

equipment such as cranes. They have also requested that several informatives are added so matters relating to bird strike, particularly in relation to landscaping and water bodies, lighting, general safeguarding and cranes are brought to the applicant's attention. On this basis, it is considered that the proposal would comply with saved policy T13.

Conclusion:

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

Recommendation:

Subject to the referral of the application to the National Planning Casework Unit, as the development results in inappropriate development in the Green Belt that will have a floorspace greater than 1,000 square metres and will have a significant impact on its openness, the Head of Planning & Culture be granted delegated powers to grant planning permission subject to the completion of a Section 106 legal agreement, conditions and informatives.

DRAFT DECISION

APPLICATION NUMBER

R12/0600

DATE VALID

26/04/2012

ADDRESS OF DEVELOPMENT

FORMER PEUGEOT FACTORY SITE
A
OXFORD ROAD
RYTON-ON-DUNSMORE
CV8 3DZ

APPLICANT/AGENT

Martin Friend
Vincent & Gorbng Planning Associates
Sterling Court
Norton Road
Stevenage
Hertfordshire
SG1 2JY
On behalf of Mr Chris Hall, Ryton Properties
Limited

APPLICATION DESCRIPTION

Outline application for 13.39HA of northern part of former Peugeot Works Site for up to 51,860 sqm of employment comprising of up to 47,756 sqm of Class B8 (warehouse & distribution) with ancillary offices and up to 4,104 sqm of Class B1(c)/B2/B8 (light industry/general industry/warehouse & distribution with ancillary offices), including vehicles parking and landscaping with access from existing roundabout.

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 for each plot/phase, including their associated curtilage, shall be submitted to and approved in writing by the Local Planning Authority before any part of the development of that plot/phase is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a - Layout,
- b - Scale,
- c - Appearance &
- d - Landscaping, including bunding

REASON:

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

CONDITION 4:

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents as detailed below:
Plan Ref: 4666 307B 'Development Parameters' received by the Local Planning Authority on 19th July 2012;

Resound Acoustics Noise Assessment June 2012 Rev 1 (25/06/2012) ref RA00168-Rep1 received by the Local Planning Authority on 25th June 2012;

Bioscan (UK) Limited letter ref DW/E1457/RH-120612 dated 12th June 2012 received by the Local Planning Authority on 21st June 2012;

AECOM Drainage Assessment January 2012 (excluding Appendix A);
AECOM Flood Risk Assessment January 2012 (excluding plans ref 307 & 308 from Appendix A);
AECOM Geo-Environmental Assessment March 2012 (excluding Appendix A);
AECOM Foul Drainage Strategy January 2012 (excluding plan ref 307);
SKM Colin Buchanan Transport Assessment VN50032 March 2012 (excluding Appendix A); and
Resound Environment Air Quality Assessment March 2012 ref RE00016-Rep 1 (09/03/2012);
all of the above received by the Local Planning Authority on 30th March 2012;

REASON:

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

CONDITION 5:

No development shall commence on any building or structure unless and until full details of the colour, finish and texture of the materials to be used on all external surfaces, together with samples of the facing materials, for that building or structure have been submitted to and approved in writing by the Local Planning Authority. The development of that building or structure shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION 6:

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

REASON:

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

CONDITION 7:

Notwithstanding the details and reports submitted, no development shall commence on any plot/phase until details, including full calculations, elevations and siting, of an acoustic fence/landscaped bund have been provided along the south-western section of the site parallel to the A423 Oxford Road for that plot/phase. The acoustic fence/landscaped bund shall then be installed prior to the first occupation of that plot/phase and remain in place in perpetuity.

REASON:

In the interests of the residential amenities of the locality.

CONDITION 8:

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

REASON:

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

CONDITION 9:

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

REASON:

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

CONDITION 10:

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:

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

CONDITION 11:

No development shall commence until an updated reptile survey has been carried out at the appropriate time of year and during appropriate weather conditions by a suitably qualified ecologist. Appropriate mitigation measures as recommended following the results of the survey shall be submitted to and approved in writing between the applicant and the Local Planning Authority and then implemented into the development design in accordance with the approved details.

REASON:

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

CONDITION 12:

No building shall be first occupied on any plot/phase until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site and associated with that building/plot has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied on any plot/phase until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety.

CONDITION 13:

No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

REASON:

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

CONDITION 14:

No building shall be first occupied until the alterations to the A45 (T) road access (as depicted on plan ref 54110TBMD_013 in Appendix B of the SKM Colin Buchanan Transport Assessment received by the Local Planning Authority on 30th March 2012) has been implemented and completed to the satisfaction of the Local Planning Authority.

REASON:

To enable the A45 trunk road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety on the trunk road.

CONDITION 15:

Prior to the installation of any external lighting, full details of the design and appearance of the lighting columns, fixtures and fittings, together with their associated angle, fall, spread and intensity, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed and operated in accordance with the approved details.

REASON:

To prevent unnecessary light pollution in the Green Belt and in the interests of the amenities of the area.

CONDITION 16:

A scheme for the containment, mitigation and management of noise emanating from the site, including details of all external mechanical fixed plant equipment, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each individual building. The scheme shall be implemented in accordance with the approved details.

REASON:

In the interests of the amenities of the locality.

CONDITION 17:

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

REASON:

In the interests of the amenities of the locality.

CONDITION 18:

A vibration assessment and mitigation of all proposed plant on site shall be submitted to and approved in writing by the Local Planning Authority, together with details of the siting of such plant equipment, prior to the installation of the plant. All external mechanical plant (eg generators) shall be contained in suitably acoustically designed enclosures and all machinery in-situ should be mounted on suitably designed anti-vibration pads. The plant shall be installed in accordance with the aforementioned approved details.

REASON:

In the interests of the amenities of the locality.

CONDITION 19:

No development shall commence on any plot/phase until details of a construction method statement have been submitted to and approved in writing by the Local Planning Authority, to ensure best practice is adhered to during the construction of that plot/phase. Construction works shall be implemented in accordance with the approved details for that plot/phase and no construction work shall take place on that plot/phase other than between the hours of 07:30 and 18:00 on Mondays to Fridays and between 08:00 and 13:00 on Saturdays, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of the amenities of the locality.

CONDITION 20:

Prior to the commencement of any change from one of the approved uses to the other within Core Development Zone 2, as stated within the description of the proposed development of this permission and under the provisions of Article 3, Schedule 2, Part 3, Class E of the Town & Country Planning (General Permitted Development) Order 1995 (as amended), the occupier/owner shall notify the Local Planning Authority in writing of the intended change of use no later than one month prior to the implementation of that change of use.

REASON:

For the avoidance of doubt.

CONDITION 21:

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

REASON:

In the interests of promoting sustainable transport measures.

CONDITION 22:

In conjunction with Condition 3(a) of this decision, no development shall commence on any plot or in any phase until details of the parking of cars and commercial vehicles, including loading and unloading of vehicles, in accordance with the Local Planning Authority's parking standards, together with detailed plans indicating the extent and position of such accommodation, shall be submitted to and approved in writing by the Local Planning Authority. The parking, loading and unloading associated with that plot or phase shall be implemented in accordance with the approved details and permanently retained for such purposes.

REASON:

In the interests of the amenities of the locality.

CONDITION 23:

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

REASON:

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

CONDITION 24:

The landscaping scheme, as detailed on the approved plans and submitted as part of Condition 3(d) of this permission, shall be implemented no later than the first planting season following first occupation of the building/phase to which it relates. 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.

REASON FOR APPROVAL:

The proposed scheme would represent inappropriate development by virtue of the greater impact on the openness of the Green Belt, however very special circumstances have been demonstrated to justify the proposal. Furthermore the site is allocated as a Strategically Significant Employment and Major Development Developed Site in the Green Belt where the retention of employment sites is sought in accordance with saved Policy ED5. The proposed scheme would result in built development occupying a larger area than was previously the case without an overall landscape benefit of such a scale to represent compliance with saved Policy ED4. Nevertheless, based on the planning history of the site and the publication of the National Planning Policy Framework (NPPF) limited weight should be apportioned to saved Policy ED4 and greater emphasis should be placed on the need to boost economic growth and achieve regional employment targets.

The amended plans now demonstrate an acceptable relationship with adjacent properties and a combination of reduced maximum building heights, structural landscaping and a series of conditions means their amenity would not be adversely affected. The proposal would therefore accord with Policy CS16 of the Rugby Borough Core Strategy, 2011. Subject to the completion of a legal agreement, the proposed development would not have an adverse impact on highway safety and a satisfactory level of car parking can be provided on site. Therefore the development would comply with policies CS10 & CS11 of the Rugby Borough Core Strategy, 2011 and saved policy T5.

It has been demonstrated that subject to conditions, the proposed scheme would not have an adverse impact on ecology, satisfactory landscaping can be incorporated into the development, and both water efficiency and carbon reducing technologies could be implemented. On that basis, the development would accord with policies CS14, CS16 & CS17 of the Rugby Borough Core Strategy, 2011 and saved policies GP2 & E6 and the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Council Local Plan 2006 (Saved Policies) GP2, E6, T5, T13, ED4 & ED5.

Rugby Borough Council Core Strategy 2011 CS1, CS10, CS11, CS14, CS16 & CS17.

West Midlands Regional Spatial Strategy PA6 & PA9

National Planning Policy Framework, 2012

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

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:

This application is subject to a Section 106 legal agreement.

INFORMATIVE 2:

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

INFORMATIVE 3:

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

Note 1 - Safeguarding - An Overview

Note 2 - Lighting near Aerodromes

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

Note 4 - Cranes and Other Construction Issues

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

INFORMATIVE 4:

In view of the records in the wider surrounding area of the site, care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 0845 601 4523 for advice on the best way to proceed. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010 the latter of which makes them a European Protected Species. Where newts are present a license might be necessary to carry out the works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523.

INFORMATIVE 5:

The existing trees and shrubs around the periphery of the site should be protected by an appropriate scheme during construction works in line with British Standard BS5837: 2005, Trees in Relation to Construction. In addition, 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 & Countryside Act. The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B. birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

INFORMATIVE 6:

With regard to Condition 16 of this permission, it is advised that details of the noise scheme for the containment, mitigation and management of noise emanating from the site should include information relating to the design of the external fabric of the buildings in order to optimise the containment of potential noise breakout. In addition, the applicant's attention is drawn to para 6.8 of the Resound Acoustics Noise Assessment Rev1 received by the Local Planning Authority on 25th June 2012 with regard to the design and construction of the buildings.

INFORMATIVE 7:

The submission of the surface water drainage scheme as detailed in Condition 13 of this permission should include the following:

1. Limiting the rate of surface water run-off generated by the site to discharge at no more than 396 l/s as detailed in the FRA, Job No 60238900, ref A/FRA, rev 3, dated 8-3-12 and Drainage Assessment, Job No 60238900, ref A/DA, rev 3, dated 8-3-12;
2. Attenuation of surface water on site to the 1 in 100 year flood event standard plus an allowance of 30% for climate change, using SuDS as proposed in the FRA, in line with the CIRIA C697 SuDS Manual hierarchy;
3. The proposed on site surface water drainage system should be designed to the Sewers for Adoption, 30 year standard or similar. However, details must also be provided to confirm that surface water will not leave the proposed site in the 100 year (including 30% climate change allowance) event. If the system surcharges, we may require additional space to be made for water, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water should be routed away from any proposed or existing properties. Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries; and
4. Details of how the entire surface water scheme shall be maintained and managed after completion.

INFORMATIVE 8:

The applicant is advised that as part of any reserved matters submissions they will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the development and adjacent land. The applicant may wish to discuss this matter further with Laura Perry of the Environment Agency on 01543 404960.

INFORMATIVE 9:

The highway works associated with this permission involve work within the public highway, which is land over which the applicant/agent has no control. The Highways Agency therefore requires the applicant/agent to enter into a suitable legal agreement to cover the design and construction of the works. Please contact Mr J McCarthy of the Highways Agency's Area 9 Team at an early stage to discuss details of the highways agreement. His contact details are as follows:

Area 9, Highways Agency, Floor 9, The Cube, Birmingham, B1 1RN.
Tel: 0121 6788742

INFORMATIVE 10:

With regard to Conditions 16 & 18 above, the applicant's attention is drawn to paras 5.39-5.42 and Table 5.10 of the Resound Acoustics Noise Assessment Rev1 received by the Local Planning Authority on 25th June 2012 with regard to fixed plant noise.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	15.08.2012
Report Title	Delegated Decisions – 13.07.2012 to 02.08.2012
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 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 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 – 15.08.2012

Delegated Decisions – From 13.07.2012 To 02.08.2012

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: 15.08.2012
Subject Matter: Delegated Decisions – 13.07.2012 to 02.08.2012
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 HEAD OF PLANNING AND CULTURE UNDER
DELEGATED POWERS FROM 13.07.2012 TO 02.08.2012

A. APPLICATIONS – DELEGATED

***Applications
Refused***

<i>R12/0893 Refused 16.07.2012</i>	12 Berrybanks Cawston	Conversion of garage to ancillary living accommodation.
<i>R12/1159 Refused 20.07.2012</i>	77 Bilton Road Rugby	Retrospective application for the replacement of a veranda cover to the rear of the property.
<i>R12/1186 Refused 23.07.2012</i>	Well Cottage Church Lane Rugby	Retrospective permission for the erection of a detached car port.

***Applications
Approved***

<i>R12/1109 Approved 12.07.2012</i>	8 Slade Road Rugby	Two storey rear extension with single storey element to provide larger kitchen/diner to ground floor and additional bedroom with ensuite to first floor
<i>R11/2201 Approved 13.07.2012</i>	Ashton Lodge Hotel Withybrook Road Street Ashton	Installation of vehicle barrier at the entrance to the car park and associated works.
<i>R12/1121 Approved 13.07.2012</i>	24 Warren Field Ryton on Dunsmore	Erection of a single storey rear extension.
<i>R12/1137 Approved 17.07.2012</i>	25 Shakespeare Gardens Rugby	Erection of a conservatory to the rear of the property
<i>R11/0988 Approved 17.07.2012</i>	Filling Station London Road Willoughby	Retrospective application for the change of use of former petrol station to car wash and valet
<i>R12/0900 Approved 17.07.2012</i>	20 Barton Road Bilton	Erection of a part two-storey part single-storey side and rear extension, provision of pitched roof to existing single-storey rear element,

		provision of canopy area to front and formation of block paved parking area.
<i>R12/1103 Approved 17.07.2012</i>	The Leyes Church Lane Thurlaston	Single storey front extension with proposed double pitched roof extensions to the garage roof and kitchen to replace existing flat roof and replacement roof on garden room
<i>R12/0662 Approved 17.07.2012</i>	London Midland Railway Club Hillmorton Road Rugby	Installation of solar panels on south facing roof slope.
<i>R12/1164 Approved 19.07.2012</i>	Orchard House Grays Orchard Thurlaston	Erection of a two storey side extension.
<i>R12/1145 Approved 19.07.2012</i>	20 Fellows Way Hilmorton	Proposed second storey side and rear extension above existing garage and single storey rear extension with creation of a juliet balcony at first floor level
<i>R11/1930 Approved 20.07.2012</i>	Bobs Café 352 London Road Dunsmore Heath	Change of use of land to sale and storage of motor vehicles.
<i>R12/0567 Approved 20.07.2012</i>	Horseshoe Cottage 9 Smeaton Lane Stretton under Fosse	Erection of new replacement stable block, consisting 3 stables, tack room/feed room, hay store, and covered grooming/blacksmith area. Associated hardcore/gravelled hardstanding.
<i>R12/0691 Approved 20.07.2012</i>	First Floor 30-31 Sheep Street Rugby	Change Of Use of first floor from offices (Use Class B1) to a counselling service (Use Class D1) with ancillary offices.
<i>R12/0884 Approved 20.07.2012</i>	Former Hunts Bookshop 31-32 High Street Rugby	Change of use of ground floor from A1 (retail) to A3 (restaurant)/ A5 (hot food takeaway) and first floor to an associated staff room area.
<i>R12/1134 Approved 20.07.2012</i>	4 Lawrence Sheriff Street Rugby	Change of use from Use Class A1 (shops) to Use Class A1 (shops), A3 (food and drink) and A5 (hot food takeaways) mixed use. Conversion of ground floor and basement from previous use as tourism offices and visitor centre. New use will include takeaway, café, retail space and delicatessen.
<i>R11/1317 Approved</i>	Holly Lodge Day Nursery Paddox	Erection of additional nursery building.

23.07.2012	Primary School Fareham Avenue Hillmorton	
R11/2115 Approved 23.07.2012	Mobbswood Farm Brinklow Road Coventry	Installation of a 50kW Wind Turbine.
R12/0017 Approved 23.07.2012	Village Green Corner of Main Road & Grove Road Ansty	Erection of a war memorial.
R12/0635 Approved 23.07.2012	The Haywaggon The Green Churchover	Renewal of planning permission R09/0316/PACA (dated 13 July 2009) for erection of a 10 bedroom hotel block and single storey front and rear extensions.
R09/0681/MAJP Approved 24.07.2012	Land between Lawford Lane and Beech Drive Bilton	Outline planning permission with access for the development of the site for residential care purposes comprising 36 extra care units, a 55- bed nursing home with incidental amenity and service facilities, a 40-bed dementia care home, and associated infrastructure including car parking, cycle paths and landscaping (amended).
R12/0595 Approved 24.07.2012	The Manor House Southam Road Kites Hardwick	Creation of a new vehicle access including the erection of brick piers and gates.
R12/0645 Approved 24.07.2012	Garage Building Serving 2 & 3 Oakdale Court Coventry	Insertion of garage doors and frames to garage building serving 2 and 3 Oakdale Court.
R12/0747 Approved 24.07.2012	Greenway Farm 41 Rugby Road Pailton	Proposed change of use from outbuildings to a granny annex and leisure facilities with a new build swimming pool extension.
R12/0970 Approved 24.07.2012	21 Birdingbury Road Marton Rugby	Refacing of part of the front and rear elevations with cedar cladding.
R12/0473 Approved 25.07.2012	Former Gala Bingo Land at Evreux Way & North Street Rugby	Change of use to temporary car park with associated works (retrospective).
R12/1210	43 St Margarets Avenue	Loft conversion to enlarge existing dwelling.

<i>Approved</i> 26.07.2012	Wolston Coventry	
<i>R12/0886</i> <i>Approved</i> 27.07.2012	120a Hillmorton Road Rugby	Change of use of first floor flat from residential to ancillary office (to be used in conjunction with ground floor retail use).
<i>R12/1195</i> <i>Approved</i> 27.07.2012	Schoolhouse Farm Barnacle Coventry	Erection of a stable and feed store.
<i>R11/1368</i> <i>Approved</i> 30.07.2012	2 Langdale Close Brownsover	Erection of a single storey rear extension.
<i>R12/1161</i> <i>Approved</i> 30.07.2012	27 Glebe Crescent New Bilton	Erection of two storey side and rear extension to dwelling
<i>R11/1721</i> <i>Approved</i> 30.07.2012	Ansty Park Land East of Coventry Eastern Bypass A46 Ansty	Erection of access road gates and fencing, modification to access road to provide turning facility together with signage, and erection of 3 CCTV columns.
<i>R12/0993</i> <i>Approved</i> 31.07.2012	GE Energy (Converteam UK LTD) Projects Drive off Boughton Road Brownsover	Erection of three permanent 8M standard flagpoles with halyard and finial located within the site frontage in the lawned area between the visitors carpark and the perimeter fence.
<i>R12/0474</i> <i>Approved</i> 31.07.2012	53 Rugby Road Clifton Upon Dunsmore	Erection of two storey side extension
<i>R12/0885</i> <i>Approved</i> 31.07.2012	104 Cambridge Street Rugby	Change of use of ground floor frontage from D1 (non - residential institution) to A1 (retail)
<i>R12/1244</i> <i>Approved</i> 31.07.2012	Grange Farm Sawbridge Road Grandborough	Erection of a new grain store and retrospective application for an agricultural building
<i>R12/1178</i> <i>Approved</i> 01.08.2012	5 Elsee Road Rugby	Erection of a two storey side extension
<i>R12/1261</i> <i>Approved</i>	153 Lawford Lane Bilton	Erection of a single storey rear extension

01.08.2012

R12/1238
Approved
01.08.2012

22 Malvern Avenue
Hillmorton

Proposed two storey side and rear extension and single storey rear extension to enlarge the existing kitchen and provide a utility room, workshop and further bedroom

Listed Building Consents

R12/1125
Listed Building Consent
20.07.2012

62 Oxford Road
Rugby

Listed Building consent for insertion of additional window into rear elevation.

R12/0761
Listed Building Consent
24.07.2012

Greenway Farm
41 Rugby Road
Pailton

Listed Building Consent for the external and internal alterations to the curtilage listed outbuildings.

Advertisement Consents

R12/0529
Advertisement Consent
25.07.2012

Former Gala Bingo
Land at Evreux Way &
North Street
Rugby

Retention of 2 no. free standing non-illuminated signs.

R12/0966
Advertisement Consent
31.07.2012

Thomas Cleaver
Jewellers
10 Regent Street

Display of illuminated fascia sign

R12/0992
Advertisement Consent
31.07.2012

GE Energy
(Converteam UK LTD)
Projects Drive
off Boughton Road
Brownsover

Display of 3 Flags - each to be flown separately from its own 8m high flag pole.

R12/1113
Advertisement Consent
31.07.2012

45 Regent Street
Rugby

Provision of 2 static externally illuminated fascia signage

Certificate of Lawful Use or Development

R12/1112
Certificate of Lawful Use or Development
12.07.2012

2 Lower Road
Coventry

Certificate of lawfulness for proposed loft conversion and insertion of rear dormer window

**Approval of Details/
Materials**

<i>R10/1057 Approval of non- material changes 16.07.2012</i>	Part Cawston Local Centre Land off Gerard Road (West of Scholars Drive) Cawston	Erection of single storey building comprising 4 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.
<i>R10/1057 Approval of details 16.07.2012</i>	Part Cawston Local Centre Land off Gerard Road (West of Scholars Drive) Cawston	Erection of single storey building comprising 4 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.
<i>R12/0326 Approval of details 16.07.2012</i>	Woodville Hotel Ltd 33 Bilton Road	Conservation area consent for demolition of glazed link and detached garage.
<i>R12/0324 Approval of details 16.07.2012</i>	Woodville Hotel Room Wing 33-37 Bilton Road	Demolition of glazed link between 2 listed buildings and demolition of detached garage. Various works to the listed building comprising internal and external alterations.
<i>R12/0318 Approval of details 23.07.2012</i>	Woodville Hotel 33 Bilton Road Rugby	Demolition of glazed link and detached garage. Conversion of bedroom wing of hotel to form 9 residential flats and erection of a new detached 2-storey building to provide an additional 2 residential flats. Re-instatement of dividing brick wall between 33 and 37 Bilton Road to front of building and provision of associated parking, landscaping and other associated works.
<i>R12/0475 Approval of non- material changes 23.07.2012</i>	89 Townsend Lane Long Lawford Rugby	Erection of two-storey side and rear extensions including works to roof, single storey rear extension, front porch and repositioning of conservatory.
<i>R04/1118/21371/D Approval of non- material changes 24.07.2012</i>	Area R Off Whitefriars Drive Cawston Grange Cawston	Erection of 205 dwellings, garages and associated works (submission of details pursuant to outline planning permission reference R95/0313/21371/OP dated 17 th November 1998)

<i>R10/0154</i> <i>Approval of non-material changes</i> <i>24.07.2012</i>	The Old Vicarage Vicarage Lane Dunchurch	Erection of detached dwelling with garage and store and provision of associated access.
<i>R12/0057</i> <i>Approval of details</i> <i>24.07.2012</i>	The Acre 5 Lawford Heath Lane Long Lawford	Erection of modular buildings and siting of 2 no. storage containers (for temporary 3 year period).
<i>R11/1975</i> <i>Approval of details</i> <i>25.07.2012</i>	Rugby High School Longrood Road Bilton	Extension and alteration to provide a new foyer and administration facilities.
<i>R11/2318</i> <i>Approval of details</i> <i>25.07.2012</i>	38 Bulkington Road Shilton	Extensions and alterations to dwelling to include alteration to roof, two storey and single storey extension to rear (to replace existing outbuildings) and elevational alterations.
<i>R11/0246</i> <i>Approval of details</i> <i>01.08.2012</i>	Plots 1, 2 and 3 Zone C Central Park Castle Mound Way	Erection of an employment building and use for purposes within Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987, as amended, with ancillary offices, together with the construction of vehicular access, parking, and servicing areas, earthworks, landscaping, fencing and drainage works.