

CONDITION: 19

Prior to any premises for Use Class A3 being brought into use, details of means to prevent grease, fat and food debris from entering the foul drainage system serving the premises shall be submitted to the Local Planning Authority for prior approval. The approved scheme shall be installed prior to such premises opening and shall thereafter be maintained in accordance with the approved details.

REASON:

To ensure details of development are acceptable to the Local Planning Authority and accord with Core Strategy Policy CS 16.

CONDITION: 20

Prior to the first opening of each new unit 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 new unit prior to their opening and then retained in accordance with the approved details. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall be equivalent to BREEAM 2008 very good standard.

REASON:

In order to ensure water efficiency is achieved through sustainable design and construction in accordance with Core Strategy Policy CS 16 and the Sustainable Design and Construction SPD 2012.

CONDITION: 21

The highway works on Old Leicester Road, provision of a bus lay-by on the A426, alterations to A426/access roundabout and site access alterations, shall be laid out in general accordance with plan C/SA/03/006/A08. These improvements shall be implemented within 12 months of commencement of development.

REASON:

In the interests of highway safety.

CONDITION: 22

Prior to the first occupation of each unit (Units 2 – 11, Unit A2 and Unit A3), details of the equipment and technology to be incorporated into the design of each unit (Units 2 – 11, Unit A2 and Unit A3) to achieve carbon emission reductions shall be submitted to the Local Planning Authority in writing and include the submission of an Energy Performance Certificate. Unless otherwise agreed in writing with the Local Planning Authority, each unit will demonstrate an improvement of 9% against Building Regulations standards (including the 2% site wide carbon reduction arising from external lighting). The approved efficiency measures shall be implemented in accordance with this approval and shall be retained in working order in accordance with the scheme.

REASON:

To ensure energy efficiency is achieved through sustainable design and construction in accordance with Core Strategy Policy CS 17 and the Sustainable Design and Construction SPD 2012.

CONDITION: 23

All tree protection measures and tree works identified within the arboricultural report/tree protection plan relating to the approved design details should be implemented prior to the relevant development phase and to the satisfaction and written approval of the LPA. Protective measures should remain in place until completion of all construction works. Root protection areas should be treated as sacrosanct with no building activity, ground disturbance or storage of building materials taking place within them. All tree works should be carried as per BS3998:2010 (Tree work recommendations).

REASON:

To protect retained tree stock during the development phase in interests of local amenity and in accordance with Core Strategy Policy CS 16 and Saved Policy GP2.

CONDITION: 24

In the first planting season following completion of development works the landscaping scheme should be implemented in accordance the approved design details. If within a period of 5 Years from the date of planting of that tree/shrub, or any tree/shrub planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub of the same species and size originally planted shall be planted at the same place by the developer/site owner, unless the LPA gives its written consent to any variations.

REASON:

To maintain continuity of tree cover in the local area in accordance with Saved Policy GP2

CONDITION: 25

The gross internal Class A1 floorspace of the retail park hereby permitted shall not exceed 29,675m² (which for the avoidance of doubt includes mezzanine floorspace) and there shall be at no time any additional floorspace created whether by extension or internal alterations including the installation of further mezzanine floors or roofing of open yards.

REASON:

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

CONDITION: 26

The retail units within the retail park hereby permitted shall not be subdivided to create any additional independent retail units, unless having received prior approval in writing by the Local Planning Authority.

REASON:

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

CONDITION: 27

The proposed retail floor space to be used for ancillary food sales within the retail park shall not exceed 800m² and there shall be at no time any addition unless having received prior approval in writing by the Local Planning Authority.

REASON:

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

CONDITION: 28

The Framework Travel Plan hereby approved shall be fully implemented in accordance with the details contained therein. Each occupier of the units within one month of occupation of any part of their unit shall submit for the written approval of the Local Planning Authority in consultation with the Highway Authority, a Green Travel Plan, which shall include incentives suggested and other mechanisms (if required) for achieving a 10% reduction in single car occupancy journeys to and from the site by employees. The initial starting point for discussions on the target of a 10% reduction in single occupancy employee car driver within five years will be a comparison against an agreed baseline figure at full opening of the development. This latter figure is to be based on best available data such as the census and the target will be reviewed to take into consideration the findings of the travel surveys and the success of implemented initiatives. The occupiers shall implement the Green Travel Plan once approved by the Local Planning Authority.

REASON:

In the interests of encouraging sustainable transport and Core Strategy Policy CS11..

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Core Strategy 2011

Policy CS1 – Development Strategy
Policy CS6 – Development in Rugby Town Centre
Policy CS8 – Town Centre Retail Allocations
Policy CS10 – Developer Contributions
Policy CS11 – Transport and New Development
Policy CS14 – Enhancing the Green Infrastructure Framework
Policy CS16 – Sustainable Design
Policy CS17 – Reducing Carbon Emissions

Saved Policies of Local Plan 2006

Saved Policy GP2 – Landscaping
Saved Policy E6 – Biodiversity

Supplementary Planning Documents

Rugby Borough Sustainable Design and Construction SPD 2012
Rugby Borough Planning Obligations SPD 2012

National Guidance

National Planning Policy Framework 2012 (NPPF)
Town Centre Practice Guidance Notes on Need, Impact and the Sequential Approach 2009

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 site is located at an out of centre location for the purposes of the Core Strategy and the National Planning Policy Framework (NPPF). Both documents recognise that retail development in such locations can be acceptable where the sequential and impact tests are satisfied. It is considered that the applicant has demonstrated in accordance with Paragraph 24 of the NPPF that there are no suitable or available sequentially preferable sites that can accommodate the proposed development. Also in line with Paragraph 26 of the NPPF it is considered that the applicant has demonstrated that there will not be a significant adverse impact on investment within the catchment area as a result of the proposal and it is not considered that the proposal will have a significant adverse impact on the vitality and viability of the town centre complying with policy CS1 of the Rugby Borough Core Strategy 2011.

The design of the buildings and landscaping is considered to be acceptable and would not adversely affect the character and appearance of the area. Furthermore, it is considered that the proposal would not cause significant harm to amenity of neighbouring occupiers in compliance with policy CS16 of the Rugby Borough Core Strategy 2011 and Saved Policy GP2 of the Rugby Borough Local Plan 2006.

The proposal is not considered to have significant impacts on the existing highway network and the improvements to the highway and public transport network are considered to be appropriate and acceptable complying with policy CS11 of the Rugby Borough Core Strategy 2011.

The sustainability and energy measures proposed are considered to be acceptable taking into account the significant improvement upon the existing site and the proposal provides for the protection of biodiversity and ecological enhancements in compliance with policy CS14 of the Rugby Borough Core Strategy 2011 and saved policy E6 of the Rugby Borough Local Plan 2006.

It is considered that the proposal does not increase the risk of flooding at the site or elsewhere and the mitigation measures proposed are appropriate acceptable.

The proposal accords with the policy criteria identified in the NPPF and the Council's adopted Development Plan and Supplementary Planning Guidance.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

The applicant/developer is advised to contact the Works Engineer at the Milton Keynes Office on 01908 302500 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust Code of Practice for Works affecting the Canal & River Trust.

INFORMATIVE: 2

Any works on Canal & River Trust land, or which require access to, or oversailing of, the Trust's land will require the prior consent of the Trust in the form of a commercial agreement. Please contact the Estates Team at the Milton Keynes Office on 01908 302500 for further advice

INFORMATIVE: 3

In relation to condition 13 any proposed mitigation should aim to achieve internal noise for habitable rooms in accordance with BS8233:1999. Internal noise levels to be achieved in all habitable areas attributable to external operation noise and fixed plant associated with the proposed redevelopment, with windows shut and adequate room ventilation provided are:

- * 30 dBLAeq 16 hour between 07:00 and 23:00 hours 30 dBLAeq between 23:00 and 07:00 hours.
- * For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

It is recommended that the applicant's chosen noise consultant contacts the Council's Environmental Protection team on (01788) 533857 to agree a suitable noise methodology and assessment criteria to be achieved.

INFORMATIVE: 4

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

INFORMATIVE: 5

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

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

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

For further information contact:-

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

Tel 0800 783 1423

www.considerateconstructors.co.uk

INFORMATIVE: 6

Best practice contained in the document - Burning on construction sites - BRE Pollution Control Guide - Controlling particles, vapours and noise pollution from construction sites should be complied with

INFORMATIVE: 7

To allow the proposals submitted for Condition 15 to be properly assessed, the following information would be expected to be submitted to the Local Planning Authority for each unit:

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

INFORMATIVE: 8

All vehicles permanently operating in the service yard area for each unit should be retrofitted with broadband reversing alarms

INFORMATIVE: 9

With regards to condition 16 to enable the scheme to be assessed the following information must be supplied to the Local Planning Authority.

1. A statement setting out why a lighting scheme is required, and the frequency and length of use in terms of hours of illumination during the summer and winter.
2. A site survey showing the area to be lit relative to the surrounding area, the existing landscape features together with proposed landscaping features to mitigate the impacts of the proposed lighting.
3. Details of the make and catalogue number of any luminaires/floodlights.
4. Size, type and number of lamps fitted within any luminaire or floodlight.
5. The mounting height of the luminaires/floodlights specified.
6. The location and orientation of the luminaires/floodlights.
7. A technical report prepared by a qualified Lighting Engineer or the lighting company setting out the type of lights, performance, height and spacing of lighting columns; the light levels to be achieved over the intended area, at the site boundary and for 25 metres outside it.

Details of companies who may be able to assist with supplying this information may be obtained from:

Institution of Lighting Engineers
Regent House
Regent Place
Rugby
CV21 2PN

TELEPHONE :- 01788 576492
FAX :- 01788 540145
Web :- www.ile.org.uk
E mail:- info@ile.org.uk

INFORMATIVE: 10

Attention is drawn to guidance contained in the document produced by the Department for Food Environment and Rural Affairs entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

The document is available online at:

<http://www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf>

Prevention of Food and Grease from Entering the Drainage System A3 Units

INFORMATIVE: 11

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

INFORMATIVE: 12

Condition number 21 requires works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

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

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

Reference number:

R10/0882

Site address:

Ansty Hall Hotel, Main Road, Ansty

Description:

Erection of two-storey building to incorporate 15 bedrooms, leisure suite with swimming pool, spa and gym and meeting and business facilities together with remodelled car park, landscaping, bin and cycle storage and formation of temporary access.

Case Officer Name & Number:

Richard Holt 01788 533687

Description of Site:

The application site is located to the north east of Ansty village approximately 1 mile (1.6 kilometres) from Junction 2 of the M6 with the M69 at the northern edge of Coventry city. The existing hotel is set back and elevated from the road, B4065, with an expanse of grassland and variety of trees within the foreground. The original building dates from 1678 but has been subject to many alterations and additions over the years. The main part comprises of three storeys predominately constructed from red brick, with stone dressings and moulded cornices with a slate roof. In more recent times there has been a series of two and single storey extensions to the building. An extensive area of car parking lies to the north-east of the hotel complex which is flanked by a mix of deciduous and evergreen trees. It is this existing car parking area which the majority of the application relates to.

Ansty Hall is a Grade II* listed building and lies within the designated West Midlands Green Belt. The application site equates to approximately 0.7 hectares, however, the overall grounds of Ansty Hall are understood to extend to around 3.2 hectares.

To the south, north, north-east and north-west is agricultural land, whilst to the east is Ansty Golf Club & Conference Centre. To the west is St James's Church, a Grade II* listed building, whilst Ansty village lies to the south west of the site.

Description of Proposals:

This is a full planning application for the erection of a two-storey building to incorporate 15 bedrooms, leisure suite with swimming pool, spa and gym and meeting and business facilities, together with a remodelled car park, landscaping, bin and cycle storage and formation of temporary access.

The new building will be detached and whilst the floorspace will be provided over two levels, the lower ground floor will be approximately 2 metres below the existing ground level and provide a leisure suite with swimming pool and meeting and business facilities. The upper ground floor will include the bedroom accommodation, gym and coffee area.

The overall building will rise to approximately 5 metres above the existing ground level and there will be a gradually sloping grass embankment along the south-eastern edge of the development that will incorporate a glass roof to serve the swimming pool below. The remainder of the structure will comprise of red brick, timber styled weatherboard cladding, aluminium framed glazing and copper styled sheet roofing. The new building will sit approximately 14 metres to the north east of the existing complex of buildings.

Car parking on the site will be remodelled to facilitate the erection of the building upon the existing car park and numerous trees will be felled to enable the proposal to happen, particularly along the south-eastern edge of the existing car park and roadway. A total of 100 car parking spaces are proposed, which will be 2 more than currently available and this will include 6 disabled spaces.

The proposals also include new cycle and bin stores which will serve both the existing hotel as well as the new building.

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

- 1) proposal will respect historic architectural features of adjacent listed buildings and preserve the woodland character of the immediate site;
- 2) need for hotel accommodation;
- 3) enhance existing hotel premises;
- 4) close to Ansty Park major investment site;
- 5) pre-application consultation conducted;
- 6) single-storey appearance to development designed to complement surrounding rural aspect; and
- 7) Construction and Waste Management Plans will be prepared.

The design and access statement also incorporates a Sustainability & Energy Statement.

The applicant's agent has also submitted with the application a Planning Statement, Sequential & Impact Assessment, Bat Survey Report, Habitat Suitability Assessment, Tree Survey, Archaeological Assessment, Transport Statement, Travel Plan and a Historical Documentary Research Report.

Relevant Planning History:

Following the change of use of Ansty Hall to a hotel in 1987 there has been an extensive array of planning applications and listed building applications on the site that have been both refused, approved and withdrawn. In the late 1980s and early 1990s a series of applications were approved to extend and alter the building. Some of the more relevant decisions are as follows:

Erection of 2-storey side extension to provide new kitchen, function rooms & 12 bedrooms (including listed building consent) – Approved 05/05/1990 (06/09/1989)

Conversion of existing barn and extensions to provide 10 staff bedrooms and use of existing staff bedrooms as lettable hotel bedrooms (including listed building consent) – Approved 27/03/1991 (27/03/1991)

Erection of 2 storey extension to provide function room, leisure centre and bedrooms (including listed building application) – Withdrawn 22/05/1998 (04/06/1998)

Demolition of outbuildings and erection of extensions to provide function room and bedrooms, re-positioning of vehicular access and formation of car park (including listed building consent) – Approved 28/02/2000 (20/08/1999)

Extension of the existing orangery function room to form a conservatory and provision of terraced area – Approved 13/09/2004

Renewal of full planning permission for the extension of the existing orangery function room to form a conservatory and provision of terraced area – Approved 17/09/2009

Renewal of full planning permission for the extension of the existing orangery function room to form a conservatory and provision of terraced area – Approved 19/10/2012

Technical Consultations:

Warwickshire Police	No objection	Subject to informatives
Warwickshire Fire & Rescue	No objection	Subject to a condition
Severn Trent Water	No objection	Subject to a condition
RBC Arboriculture	No objection	Subject to conditions &
RBC Environmental Services	No objection	Subject to conditions & informatives
WCC Highways	No objection	Subject to conditions & informatives
WCC Archaeology	No objection	Subject to a condition

WCC Ecology	No objection	Subject to conditions & informatives
Natural England	No objection	Recommend standing advice
English Heritage	No objection	To be determined in accordance with national and local policy guidance with specialist conservation advice.
Coventry City Council	No comment	

Third Party Consultations:

Ansty Parish Council

No comments.

Neighbours

No comments received to date.

Relevant Planning Policies & Guidance:

Rugby Borough Council Local Plan 2006 Saved Policies:

GP2	Landscaping	Complies
E6	Biodiversity	Complies
LR10	Tourism & Visitor Facilities & Attractions	Complies
T5	Parking Facilities	Complies

Rugby Borough Core Strategy 2011:

CS1	Development Strategy	Complies
CS11	Transport & New Development	Complies
CS14	Strategic Green Infrastructure	Complies
CS16	Sustainable Design	Complies
CS17	Reducing Carbon Emissions	Complies

A 12-month transition period set out in paragraph 215 of the National Planning Policy Framework (NPPF) has now passed, and therefore the weight which can be afforded to the Saved Local Plan Policies and those of the Core Strategy depends upon their degree of consistency with the policies of the NPPF.

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

West Midlands Regional Spatial Strategy:

Policy CC1: Climate Change
 Policy RR1: Rural Renaissance
 Policy PA1: Prosperity for All
 Policy PA10: Tourism & Culture
 Policy PA14: Economic Development and the Rural Economy
 Policy QE1: Conserving & Enhancing the Environment
 Policy QE3: Creating a High Quality Built Environment for All
 Policy QE5: Protection & Enhancement of the Historic Environment
 Policy QE6: The Conservation, Enhancement & Restoration of the Region's Landscape
 Policy QE7: Protecting, Managing & Enhancing the Region's Biodiversity & Nature Conservation Resources
 Policy EN2: Energy Conservation
 Policy T2: Reducing the Need to Travel

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, it is unclear as to

the date on which the West Midlands Regional Strategy will be revoked, but the consultation in relation to the Strategic Environmental Assessment on its revocation has closed and it is likely that measures will be laid before Parliament shortly to seek its revocation. On this basis the RSS is of limited weight and shortly may no longer be in existence, but at present still forms part of the Development Plan.

Planning Policy Statement 4 – Planning for Town Centres Practice Guidance on need, impact and the sequential approach, 2009

National Planning Policy Framework, 2012

Assessment of Proposals:

General Principles:

The application site lies within the countryside and forms part of the Green Belt, but is considered to be within the curtilage of the existing hotel grounds as the bulk of the application site is on the existing car park.

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

The National Planning Policy Framework (NPPF) requires that any harm to the Green Belt should be given substantial weight when considering any planning application. It also states that the construction of new buildings should be regarded as inappropriate development in the Green Belt.

Para 89 of the NPPF states that the extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. Since the premises became a hotel in the late 1980s the property has been subject to a series of significant additions. Permission has also recently been renewed to extend the existing orangery function room. Therefore, even only taking account of the additions to the property since it has been a hotel, the latest scheme would clearly result in a disproportionate addition over and above the size of the original building.

Para 89 of the NPPF also states that limited infilling or the partial or 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. As the intended development would result in the creation of a building with a floorspace greater than 2000 square metres on an existing car park, the scheme will clearly have a greater impact upon the openness of the Green Belt.

Inappropriate development, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposed extension would be seen in context with other built forms across the site and despite the choice of external materials and digging the building down into the ground, the siting of the structure on the existing car park will undoubtedly reduce the openness of the Green Belt, which is one of its essential characteristics.

Para 80 of the NPPF refers to the purposes served by the Green Belt, one of which is assisting in safeguarding the countryside from encroachment. Although the proposed scheme would lie within the curtilage of the existing hotel complex, it would result in the edge of the built development extending further eastwards by approximately 39 metres within the overall site. On this basis, the scheme would represent encroachment on the countryside which would conflict with one of the reasons for including the land within the Green Belt.

At the heart of the NPPF is the presumption in favour of sustainable development which encourages the effective use of land by reusing land that has been previously developed. It confirms that the Government is committed to securing economic growth by ensuring that the planning system does everything it can to support sustainable economic growth and not impede it nor over-burden it by the combined requirements of planning policy expectations when investing in business.

The hotel is an established business in the countryside. Para 28 of the NPPF focuses on promoting a strong rural economy by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas and support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

The applicant's agent has provided details regarding the maintenance of the Grade II* listed building and the associated grounds and acknowledges that whilst the proposed development would not see these costs fall it would mean that additional revenue could be recouped to offset these significant monthly outgoings. Although the additional supporting information submitted with the application does not imply that the proposals are necessary to secure the viability of the business, it does indicate that key to the upkeep of the premises is to ensure a successful and competitive business.

Of the competing businesses detailed in the submitted documents all have a greater number of bedrooms, with more meeting rooms (but in certain cases not necessarily more overall capacity) and in all but two, offer leisure facilities.

The principal function of the hotel business appears to revolve around conference and business activity during the week and weddings and events at the weekend. The applicant's agent considers that whilst at certain times the hotel can be fully booked/over subscribed at other times occupancy levels can fall below national/local levels (eg Sundays, Mondays & Fridays), which they feel indicates that an enhancement in capacity and facilities is essential to maintain a viable and competitive business. They have provided further evidence which shows they have lost business due to lack of rooms/function space equating to a significant amount of revenue. The Council's Development Strategy Section do consider that the proposed development would enable the business to be more competitive in terms of securing larger business enquiries and the addition of the leisure facility would also help compete with comparable businesses in the area.

The applicant's agent considers that the proposal will create numerous benefits including creation of jobs in the hotel, jobs associated with the expanded ongoing operation, maintenance and management of the hotel as well as jobs associated with ancillary businesses, such as outside caterers, seasonal or functional staff, and jobs associated with the construction industry. They also consider that the expansions of facilities will bring more investment into the local area boosting tourism with those additional users subsequently spending in the local economy. These are all significant factors in the consideration of the application, along with Central Government's emphasis on supporting economic growth.

The expansion of the facilities of the hotel will enable the premises to secure new revenue streams to ensure the future viability of the company and ultimately the running of the Grade II* listed building and its grounds.

Overall, it is considered sufficient information has been submitted, together with the additional evaluation below in relation to sequential and impact assessments, to demonstrate that very special circumstances do outweigh the presumption against inappropriate development within the Green Belt and therefore the proposal would accord with Policy CS1 and the NPPF.

The Town & Country Planning (Consultation) (England) Direction 2009 requires some applications for development in the Green Belt to be referred to the Secretary of State if a Council is minded to grant planning permission. As the proposed development constitutes inappropriate development and the floor

space to be created is over 1,000 square metres as well as the building having a significant impact on the openness of the Green Belt, it would be necessary for the application to be referred to the Secretary of State if the Council are minded to approve the application.

Sequential Test & Impact Assessment:

Saved Policy LR10 of the Local Plan refers to the extension of existing tourism and visitor attractions, including hotels. Although the site is not within or adjacent to a Town Centre location or within an Urban Area or existing settlement boundary, it is an existing tourist and business attraction. However, saved policy LR10 states that where there is a need for hotel development locations must be considered in a sequential order with town centre sites first, then edge of centre sites, sites within the urban area and then sites outside the urban area. It is also necessary for the applicants to demonstrate that the proposals would not adversely impact on town centres, it is appropriate to its location and is on previously developed land. In addition, outside of the urban area facilities should be located close to settlements, existing visitor attractions and/or public transport.

Saved Policy LR10 is considered to be partially compliant with the NPPF and the supporting text to this policy states that it may exceptionally be acceptable to accommodate development in the countryside where there is a need for the development and it is appropriate to such a location and could include existing major visitor attractions.

Para 24 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. In the context of the policies relating to such town centre uses and Green Belt, the Local Plan is considered to be up-to-date and therefore on this basis there is no specific requirement for a sequential test to be submitted. In addition, as the proposed floorspace is less than 2,500 square metres no impact assessment is judged to be required either.

However, as detailed above Policy CS1 steers development to the most sustainable locations namely the town centre and urban area of Rugby. Policy CS1 states that new development will be resisted in such areas unless national policy on Green Belts would permit such development. In order to support the applicant's case for very special circumstances and their acknowledgement that the NPPF encourages development to be in town centres, they have submitted a sequential site assessment and an impact assessment.

The applicant's agent has referred to various appeal and court cases in relation to the purpose of the sequential test, particularly in relation to an extension to a premises rather than an entirely new operation and that in these circumstances where an existing use is prevalent a degree of pragmatism and flexibility is required as they stress the company operates in the real world with commercial objectives.

The sequential assessment identifies 10 sites in Rugby, 13 in Nuneaton and 6 in Coventry. A detailed assessment of each site, including their suitability and availability has been provided concluding on a variety of grounds of their unacceptability, including other identified uses, conflict with policies, ownership issues and site constraints. The applicant's agent considers the submitted impact assessment aids in demonstrating that the intended extension would have both direct and indirect benefits to the surrounding area carrying significant weight in the overall planning consideration. It particularly refers to lost trade from the Borough with the inability of the hotel to accommodate and provide the necessary facilities expected from local and international businesses and that with the projected growth through the Core Strategy, especially Ansty Park, the demand is only expected to increase.

The applicant's agent has also referred to a decision from the Supreme Court in 2012, albeit a Scottish case, which they consider confirms that it is not the intention of national planning policy to make existing commercial operators split their business across different sites, particularly in the context of dealing with proposals to extend an existing premises.

A Great Crested Newt Survey has also been conducted and this identified two ponds at the north-western edge of the Ansty Golf Course, which could potentially provide a suitable habitat for such species. A further 3 ponds are located within 500 metres of the application site but access could not be obtained. The report concluded that a Phase 2 Great Crested Newt Survey should be conducted on all suitable water bodies within 500 metres of the site if access is permitted. The accompanying information with the Great Crested Newt Survey also stated that as the proposed development would be taking place on an existing car park area, which is mainly hard standing, an environment that is not favoured by newts. The additional information considers that the habitats adjacent to the north of the hotel and to the east and south of the car park is favourable to great crested newts and owing to the presence of this optimal habitat in the surrounding area it is felt that the existing car park is unlikely to provide a habitat or a corridor for the newts. If additional survey work identified the presence of newts it is considered that mitigation measures could be put in place based on the likelihood of their presence being low.

WCC Ecology agrees with the findings and recommends that further amphibian surveys of the ponds are carried out. These can also be addressed by condition.

Overall the proposal is considered to accord with saved policy E6, policy QE7 (RSS) and the NPPF.

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 (SDC SPD) 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 applicant's agent has advised that foul sewage would be via a septic tank whilst surface water would be disposed of via soakaways. The Design and Access Statement refers to SUDs being incorporated in to proposals in proportion to the scale of the development and soakaways are considered as an acceptable form of SUDs.

This policy also states that all new non-residential development shall demonstrate water efficiency of the relevant Building Research Establishment Environmental Assessment Method (BREEAM) very good standard. However, it goes on to state that the actual provision will be determined through negotiation, taking account of individual site characteristics and issues relating to the viability of development.

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 1,000sqm or more shall incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%. This policy also goes on to state that the actual provision will be determined through negotiation, taking account of individual site characteristics and issues relating to the viability of development.

A Sustainability & Energy Statement has been submitted as part of the application. This statement refers to the design of the proposed scheme as being developed with a passive approach to reduce energy usage and carbon dioxide emissions. It includes a range of features relating to both the building's construction, heating, cooling and lighting as well as potentially installing rain water harvesting and grey water recycling systems, photo voltaic cells and combined heat and power system, especially to provide hot water and heat the swimming pool. The applicant's agent considers certain measures will exceed the requirements of current Building Regulations (2010) and overall will allow for substantial savings in CO2 emissions. On this basis, it is considered acceptable energy efficient measures can be incorporate into the development to satisfy the aforementioned policies, including Policy EN2 of the RSS.

Archaeology:

An archaeological desk based assessment was submitted with the application which considered that based on present evidence archaeological potential and significance is generally low. However, in the case of the medieval and early post-medieval periods, there is little doubt that potentially significant building remains are close to the site. On this basis, trial trenching is recommended and that these further archaeological works can be addressed via condition and that no pre-determination evaluation is required.

WCC Archaeology acknowledges that whilst the site lies within an archaeologically sensitive area they do not object to the principle of the development, but consider that further archaeological work would be required and this can be addressed by condition.

They have also mentioned that the formal gardens with terrace, parkland and paddock associated with the Hall was previously assessed by an English Heritage funded project and recommended that the garden be included on a local list. The Local Planning Authority does not have a local list for parks and gardens and the setting of the listed building and historic landscape is detailed above.

Overall the proposal is considered to accord with policy QE5 (RSS) and the NPPF.

Other Matters:

As the site comprises predominately of an existing car park, a Phase 1 Contaminated Land Survey is required for the development. The Council's Environmental Services Section consider that this matter can be adequately addressed by condition.

It is understood that foul sewage on site is currently disposed of via a septic tank. Evidence will need to be provided that the existing onsite system is capable of accommodating any additional capacity from the intended scheme. Both the Council's Environmental Services Section and Severn Trent Water are content for this matter to be dealt with by condition.

Conclusion:

The development remains inappropriate owing to its greater impact on the openness of the Green Belt and its overall size. 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, and when balanced against all other factors details above 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 conditions and informatives.

DRAFT DECISION

APPLICATION NUMBER

R10/0882

DATE VALID

09/11/2012

ADDRESS OF DEVELOPMENT

ANSTY HALL HOTEL
MAIN ROAD
ANSTY
COVENTRY
CV7 9HZ

APPLICANT/AGENT

Glenn Swann
Street Design Partnership
16 Brewery Yard
Deva Centre
Salford
M3 7BB
On behalf of Mr Hugh Cooper, Macdonald
Hotels Limited

APPLICATION DESCRIPTION

Erection of two-storey building to incorporate 15 bedrooms, leisure suite with swimming pool, spa and gym and meeting and business facilities together with remodelled car park, landscaping, bin and cycle storage and formation of temporary 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:

PS-103 Rev A, PS-104 Rev A, PS-105 Rev A, PS-106 Rev A & PS-114

all of the above received by the Local Planning Authority on 6th November 2012;

TRI-0611 Rev O, PS-107, PS-108, PS-109, PS-110, PS-111, PS-112 & PS-113

all of the above received by the Local Planning Authority on 1st October 2012;

836 01, 836 02, 836 03 & 836 04;

Habitat Suitability Assessment Great Crested Newts September 2012 by Landscape Science Consultancy Limited;

Letter from Lloydbore to Street Design Partnership re Great Crested Newts dated 25/09/12;

Tree Survey Report dated August 2010 by TPM Landscape;

Desk-based Archaeological Assessment ref 2091 by Alauna Heritage Archaeological Consulting dated September 2012;

Transport Statement dated August 2012 by SBA; and

Travel Plan dated August 2012 by SBA;

all of the above received by the Local Planning Authority on 2nd October 2012;

Bat Survey Report ref C173 May 2011 by Lloydbore; and

Timber Cycle Shelter details by H-B Designs;

both of the above received by the Local Planning Authority on 6th November 2012;

PS-001 Rev A, PS-100 Rev B, PS-101 Rev B, & PS-102 Rev B

all of the above received by the Local Planning Authority on 17th December 2012;

Email from the Agent to the Local Planning Authority dated 17th December 2012 [10:01] regarding the temporary access.

PS-115 Rev A received by the Local Planning Authority on 9th April 2013.

REASON:

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

CONDITION 3:

Notwithstanding the details shown on the approved plans, development shall not 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 bricks and cladding, roofing materials, glazing, window frames, doors and balconies as well as hard landscaping surface treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION 4:

Prior to the first occupation of the building, details of water efficiency measures to be incorporated into the design of that building to meet the 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 the building prior to its 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 5:

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

REASON:

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

CONDITION 6:

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

REASON:

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

CONDITION 7:

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

contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

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

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

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

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

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

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

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

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

REASON:

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

CONDITION 8:

Prior to the installation of any external lighting, full details of the design, appearance and location of any 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 9:

Details of all external mechanical fixed plant equipment to be installed at the premises, together with a scheme for the containment, mitigation and management of noise emanating from such plant equipment, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the building. The scheme shall be implemented in accordance with the approved details.

REASON:

In the interests of the amenities of the area and in particular resident guests and staff at the hotel.

CONDITION 10:

The temporary construction vehicular access to the site from the Main Road (B4065) as detailed on plan PS-115 Rev A, received by the Local Planning Authority on 9th April 2013, 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) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 12 metres from the near edge of the highway carriageway.
- b) Visibility splays for vehicles having been provided with an 'x' distance of 2.4 metres and 'y' distances of 90 metres as measured from the centre of the access. No structure, erection, trees or shrubs exceeding 0.6 metres above the existing ground level in height shall be placed, allowed to grow or be maintained within the visibility splays so defined.
- c) The tree to the right on egress shall have its canopy lifted to a minimum height of 2.5 metres above ground level.

REASON:

In the interest of highway safety.

CONDITION 11:

The development hereby approved shall not commence until the temporary 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. Adequate measures shall be taken to prevent deleterious matter being carried onto all nearby highways.

REASON:

In the interest of highway safety.

CONDITION 12:

The temporary access shall only be used by construction traffic associated with the building of the proposed development and shall not be used by vehicles of staff or visitors to and from the existing hotel premises.

REASON:

In the interest of highway safety.

CONDITION 13:

The development hereby approved shall not be first occupied until all parts of the temporary access to the Main Road (B4065), have been permanently closed off and the highway features (including the verge and kerblines) have been reinstated in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interest of highway safety.

CONDITION 14:

During the construction period, no vehicles calling at the site or being in the control of the developer/occupier or contractors employed by the developer/occupier shall be loaded, unloaded or parked on the highway (Main Road, B4065).

REASON:

In the interest of highway safety.

CONDITION 15:

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

REASON:

In the interests of fire safety.

CONDITION 16:

All tree protection measures and tree works identified within the arboricultural report/tree protection plan referred to in Condition 2 of this decision notice and relating to the approved design details (including the erection of protective fencing and installation of 'no-dig' surfacing within root protection areas) shall be implemented prior to the development commencing and to the satisfaction and written approval of the Local Planning Authority. Protective measures shall remain in place until completion of all construction works and root protection areas shall be treated as sacrosanct with no building activity, ground disturbance or storage of building materials taking place within them.

REASON:

To protect retained tree stock during the development phase in interests of local amenity.

CONDITION 17:

In the first planting season following the first occupation of the development, the detailed planting proposals and landscape design proposals plans, as referred to in Condition 2 of this decision notice, shall be implemented in full. If within a period of 5 years from the date of planting of the trees/shrubs, or any tree/shrub planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub of the same species and size originally planted shall be planted at the same place by the developer/site owner, unless the Local Planning Authority gives its written consent to any variations.

REASON:

To maintain and enhance continuity of tree cover in the local area in the interests of amenity.

CONDITION 18:

No tree works on site in respect of Trees T32 (Oak) and T40 (Lime) shall commence until a detailed schedule of bat mitigation measures (to include timing of works, supervision, appropriate tree felling methods, and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

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

CONDITION 19:

The development hereby permitted shall not commence until further amphibian surveys of the adjacent ponds as identified in the Habitat Suitability Assessment for Great Crested Newts as referred to in Condition 2 of this decision notice, at an appropriate time of year, has been carried out to establish presence/absence of such species and a detailed schedule of great crested newt mitigation measures

(to include timing of works, protection measures, enhancement details and monitoring) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan/s shall thereafter be implemented in full.

REASON:

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

CONDITION 20:

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

REASON:

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

CONDITION 21:

Notwithstanding the details submitted, prior to the first occupation of the building hereby approved, 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 the building and then retained in perpetuity for such purposes.

REASON:

In the interests of promoting sustainable transport measures.

CONDITION 22:

Prior to the first occupation of the building hereby approved, the car parking shall be laid out as depicted on the approved plans referred to in Condition 2 of this decision notice and shall then be retained in perpetuity for such purposes.

REASON:

To ensure an adequate level of car parking is available on site and in the interests of highway safety.

REASON FOR APPROVAL:

The proposed development would represent inappropriate development by virtue of the greater impact on the openness of the Green Belt and encroachment, however very special circumstances have been demonstrated to justify the proposal. The development relates to an existing hotel and based on the sequential & impact assessment report it is judged that the intended scheme would not have a detrimental impact on the vitality and viability of adjacent town centres. Overall sufficient evidence has been submitted to justify the grant of planning permission and therefore would comply with Saved Policy LR10 of the Rugby Borough Local Plan 2006, Policy CS1 of the Rugby Core Strategy 2011, Policies PA10 & PA14 of the West Midlands Regional Spatial Strategy and the NPPF. The contemporary subordinate appearance of the development will represent good design that would not harm the setting of the Grade II* listed buildings or the visual appearance of the area or residential amenity and that the loss of existing landscaping will be adequately compensated for by a comprehensive landscaping scheme. There the scheme would comply with Saved Policies GP2 of the Rugby Borough Local Plan 2006, Policies CS14 & CS16 of the Rugby Core Strategy 2011, Policies QE1, QE3, QE4, QE5 & QE6 of the West Midlands Regional Spatial Strategy and the NPPF. It has also been demonstrated that subject to conditions, the proposed scheme would not have an adverse impact on ecology and highways and 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 Saved Policies GP2 & E6 of the Rugby Borough Local Plan 2006, Policies CS11, CS14, CS16 & CS17

of the Rugby Borough Core Strategy 2011 and Policies T2, QE4, QE6 & QE7 of the West Midlands Regional Spatial Strategy and the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Saved Policies of the Rugby Borough Local Plan 2006 - GP2, E6, LR10 & T5;
Policies of the Rugby Borough Core Strategy 2011 - CS1, CS11, CS14, CS16 & CS17;
Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document, 2012;
Policies of the West Midlands Regional Spatial Strategy - CC1, EN2, PA1, PA10, PA14, QE1, QE3, QE5, QE6, QE7, RR1 & T2;
PPS4 - Planning for Town Centres Practice Guidance, 2009; and
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.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

The applicant/developer's attention is drawn to the Site Waste Management Plans Regulations 2008 which may be applicable. Further information can be obtained from the Council's Environmental Services Section on 01788 533857.

INFORMATIVE 2:

In the design/construction details of the development Warwickshire Police make the following advisory points:

- 1) Window restrictors are part of the window make up and all ground floor glazing and vulnerable windows should meet BS 7950/ PAS 24 and have laminate safety glazing (6.4 minimum). All laminated glass must be certified to BS EN 356 2000 rating P2A;
- 2) Access control be installed to stop unlawful access to restricted areas;
- 3) Lighting on highways, footpaths, private roads and car parks must comply with BS 5489-1:2003; and
- 4) The hotel CCTV be extended to cover all areas of the car park

INFORMATIVE 3:

In connection with Condition 6 of this decision notice, the applicant/developer is advised that when details are submitted in connection with foul sewage evidence is included to demonstrate that the existing system has sufficient additional capacity to deal with the proposed development.

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: -

Mondays - Fridays 07.30 - 18.00 hours

Saturdays - 08.30 - 13.00 hours

NO WORK ON SUNDAYS & BANK HOLIDAYS.

INFORMATIVE 5:

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 Warwickshire County Council's Rugby 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 6:

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. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required. Before any improvement works required by this planning permission are commenced to the existing highway, the developer shall enter into an Agreement under the Highways Act 1980 with the Highway Authority (Warwickshire County Council).

INFORMATIVE 7:

In connection with Condition 2 of this decision notice, the Travel Plan together with the Review Report should be submitted to Local Planning Authority by the Travel Plan Co-ordinator on an annual basis, unless otherwise agreed in writing with the Local Planning Authority.

INFORMATIVE 8:

In connection with Condition 16 of this decision notice, before development commences a site meeting should be arranged with the applicant, the Council's Arboricultural Officer and the designated arboricultural consultant responsible for the site, to inspect tree works and tree protection measures.

INFORMATIVE 9:

The applicant/developer is advised that should breeding great crested newts be present a protected species licence from Natural England may be required to undertake the works. Further information about species licensing and legislation can be obtained from the Applicant's surveyor or the Species Licensing Service on 0117 3728000.

INFORMATIVE 10:

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

INFORMATIVE 11:

In connection with Condition 8 of this decision notice, it should be noted that lighting can have a harmful effect on bats impacting on their use of a roost and also their commuting routes and foraging areas. Light falling on a roost access point is likely to delay bats from emerging, which can be especially damaging around dusk as that is when there is a peak in the number of insects. In the worst case scenario, it can cause the bats to desert the roost. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, the latter of which deems them a European Protected Species. Bats, birds and other nocturnal mammals should always be taken into account when lighting is being considered. It is respectfully advised that lighting is kept to a minimum around the roof area and is limited to illuminating the ground and not any possible access points or foraging corridor. For further advice on this please contact the WCC Ecological Services on 01926 418060.

Reference number:

R12/1559

Site address:

286-290 Dunchurch Road, Rugby

Description:

Erection of a three-storey 70 bedroom residential care home (Class C2) with associated parking, landscaping, access and highway works.

Case Officer Name & Number:

Richard Holt 01788 533687

Description of Site:

The application site is located within the Rugby Urban Area approximately 2km (1.2 miles) from the centre of Rugby opposite the Sainsbury's supermarket on the Dunchurch Road.

The three detached properties which use to occupy the site have been demolished. Those dwellings were each set in substantial grounds with very mature gardens. The boundaries of the site in particular are characterised by large trees many subject to Tree Preservation Orders, including several specimens along the north-western boundary. The ground is relatively level and a closeboarded fence approximately 1.8 metres high runs along the north-western boundary, although this drops towards the western edge. A wire fence runs along the north-eastern boundary and a low panel fence runs along the south-western boundary.

The site is approximately 0.66 hectares in size and relatively flat. Residential properties predominately lie to the north, west and north-east of the site, whilst the Sainsbury's supermarket lies to the south-east of the site.

Description of Proposals:

This is a full application for the erection of a two and three-storey 70 bedroom residential care home for the elderly (Class C2) with associated parking, landscaping, access and highway works. The residential home would provide 24 hour care and include various communal facilities for the residents including 2 cafés, 2 small shops, cinema, 2 hairdressers, dining and lounge areas.

The accommodation will be provided over three floors rising to approximately 7.5 metres to the eaves for the 3-storey section and 5.5 metres to the eaves for the 2-storey section and up to approximately 13 metres to the highest part of the ridge for the 3-storey section and up to approximately 10.3 metres to the highest part of the ridge for the 2-storey section. A total of 24 car parking spaces will be provided as a result of the development which will include 2 disabled spaces. A covered cycle shelter will also be provided on site. Small areas of additional landscaping will be provided within the site, particularly around the edges of the intended building. Overall it is considered that the equivalent number of full-time jobs that will be created would be 70 providing 24 hour cover over a 3 shift system.

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

- i) enhanced amended design to previously approved care home;
- ii) scale of building required to ensure economic viability and functional requirement of services provided;
- iii) development will create a contained and secure community environment;
- iv) existing trees will be retained where possible;
- v) architectural style considered to be sympathetic to surroundings with mix of materials and detailing to aid breaking up mass of building;
- vi) sole vehicular access to the development will be from Dunchurch Road;
- vii) building designed to meet needs of people with disabilities, including dementia;

- viii) sustainable building construction practices to be incorporated into design and build; and
- ix) sustainable urban drainage systems will be used.

Following the receipt of various letters of representation, the applicant's agent has made a series of additional comments which include:

- 1) building footprint very similar to approved scheme;
- 2) sections that have increased in height are mitigated by reduction in width compared with previous scheme;
- 3) improvements to elevational appearance;
- 4) reduced number of windows on rear of building looking towards Edyvean Close;
- 5) accept some distances reduced to rear of site, but other parts increased;
- 6) gardening club details only illustrative and been removed on amended plans;
- 7) increased number of existing trees retained on amended plans; and
- 8) no dig construction techniques used within tree root protection areas.

The applicant's agent has also submitted with the application a Planning Statement, an Air Quality Assessment, an Arboricultural Report, an Ecological Appraisal & Protected Species Survey, a Transport Statement and a Low & Zero Carbon Technologies Study, including water consumption compliance.

The applicant's have also confirmed that prior to the submission of the application they did conduct a small public consultation exercise with local councillors and selected neighbours on Dunchurch Road, however, no comments were forthcoming.

Relevant Planning History:

Erection of bungalow		Approved
	01/07/1981	
Erection of bungalow and double garage		Approved
	23/06/1982	
Erection of 3 detached garages		Refused
	13/02/1985	
Erection of single dwelling		Approved
	13/02/1985	
Demolition of 3 dwellings and erection of residential care home		Refused
	23/10/2006	
Demolition of 3 dwellings and erection of a residential care home for the elderly		Withdrawn
	01/03/2007	
Outline permission for demolition of 3 existing dwellings and erection home for the elderly with associated car parking and access		Approved of residential care
	19/07/2007	
Approval of reserved matters to discharge conditions 3, 5 and 8 of permission relating to scale, appearance and landscaping		Approved outline planning
	11/03/2008	
Renewal of outline planning permission (R07/0791/MAJP) for the demolition of three existing dwellings and erection of a residential care home for the elderly, with associated parking and access (including associated reserved matters for layout, scale, appearance & landscaping approved under R07/2210/MRES)		Approved
	02/12/2010	

Technical Consultations:

Warwickshire Police	No objection, subject to informatives
Severn Trent Water	No objection, subject to a condition & an informative
RBC Environmental Services	No objection, subject to conditions & informatives
WCC Ecology	No objection, subject to conditions & informatives
WCC Highways	No objection, subject to conditions & informatives
RBC Work Services Unit (Bins)	No objection
RBC Arboricultural (Trees)	No objection, subject to a condition & an informative
RBC Housing	Potential future issues regarding sustainability of providing development, particularly in relation to exit strategies.
WCC Housing	No comments received

Third Party Consultations:Original Plans

Neighbours (6)	Object Enormous development overlooking neighbouring homes; Closer to neighbours and taller than previous scheme; Destroy privacy and increased noise, dust & disturbance, particularly during construction phase; Development will overwhelmingly detract from surrounding area; 3-storey monstrosity blocking the skyline, previous properties bungalows; Out of character with low density area; Impact on attractive semi-wooded landscape; Protected and mature trees must be retained and not cut back; Incompatible with neighbouring single and two storey buildings; Continuous noise from service vehicles; Loss of trees, especially along rear boundary with Edyvean Close; Intended garden club will remove existing trees and hedge – direct impact on privacy of houses on Edyvean Close; Intended garden club should be relocated elsewhere on site; No details of garden club buildings; Will be a commercial enterprise run with large scale infrastructure associated with a hotel complex; Undue strain on existing services from substantial building;
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Amended Plans

Neighbours (2)	Comment Revised plans address most of the concerns of residents of Edyvean Close – appreciated willingness to co-operate with residents; Trees, bushes & hedges on revised site layout shall be retained; Drains and underground cabling to previous houses on site will not suffice for intended development;
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Relevant Planning Policies & Guidance:Rugby Borough Council Local Plan, 2006 Saved Policies:

GP2	Landscaping	Complies
E6	Biodiversity	Complies
T5	Parking Facilities	Complies

Rugby Borough Core Strategy 2011:

CS1	Development Strategy	Complies
CS11	Transport & New Development	Complies
CS16	Sustainable Design	Complies
CS17	Reducing Carbon Emissions	Complies

Rugby Borough Council Planning Obligations Supplementary Planning Document, 2012 (Appendices 2 (Transport) & 3 (Air Quality))
Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document, 2012

National Planning Policy Framework, 2012

Assessment of Proposals:

General Principles

The application site lies within the existing Rugby Urban Area and was previously occupied by three detached properties which have since been demolished. Policy CS1 considers Rugby Urban Area as the primary focus for new development whether on brownfield (previously developed land) or Greenfield land, so on this basis the proposal is considered to accord with Policy CS1 and the National Planning Policy Framework (NPPF).

C2 Use

The Town & Country Planning (Use Classes) Order 1987 (as amended) states that a Class C2 use (Residential Institutions) defines care as being 'personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in Class C2 also includes the personal care of children and medical care and treatment.' As the accommodation for individuals will consist of just a bedroom and en-suite all located under one single block with shared facilities, it is considered that the proposal falls clearly within a Class C2 use without the need for a specific legal agreement or conditions. In addition, as the scheme relates to a single residential care home in the format proposed it would not activate the need for affordable housing or open space requirements.

As the site is located within the Rugby Urban Area which is the primary focus for new development then it would be unreasonable in this instance to impose any restrictions on minimum age requirements or that a certain percentage is affordable based on its Class C2 use. However, there is nothing to prevent the applicant operating such restrictions should they choose to.

Need

The Local Planning Authority is aware that there is a need for the development as identified in the West Midlands C2 Housing Market Area: Strategic Housing Market Assessment (2008) which states that Rugby has an above average elderly population compared to the regional and national average. The relatively older population profile of the Borough combined with demographic trends towards an ageing population has potential implications for future accommodation.

A Review of Dementia Care for Older People in Warwickshire (2007) states that Warwickshire has fewer registered care home places for older people with dementia at 10.32 per 1000 population, than the England average 12.03. Warwickshire County Council Strategic Commissioning & Performance Section has previously stated that in 2009 the Government published a national strategy for housing an ageing society, 'Lifetime Homes, Lifetime Neighbourhoods'. The evidence provided showed a projected sharp increase in demand for housing with access to care and support services.

In May 2008, the Warwickshire County Council (WCC) Cabinet approved the Care and Choice Accommodation Programme (CACAP) strategic framework, which details how the County Council aims to modernise and reshape services by making them more responsive to the needs of older people, their families and carers. The number of Warwickshire residents over 85 is forecast to treble in size (from 12,000 to 35,000 by 2033) – a trend that is reflected across all Boroughs and Districts. Whilst the preferred response is through specialised housing, such as extra care accommodation, the proposed development will be purpose-built accommodation providing communal facilities for the residents such as cafes, lounge and dining rooms, shops, hairdressers and a cinema, and therefore it is considered that this type of development will also undoubtedly assist in meeting the availability of accommodation for the elderly.

The applicant's agent has provided further details on the intended type of residents likely to be occupying the development. They normally admit residents who are over the age of 55 but this may be lower if the resident has early-onset dementia. The home will provide residential and nursing care for frail and elderly, including those with dementia, tailoring it to individual requirements.

The Council's Housing Department are anxious that if in the future the intended developer cannot sustain the operation of the units there is a risk that the developer would seek a registered housing provider to take on the premises, which would be at the detriment of the registered housing provider being able to deliver affordable homes. Although this concern is noted, as detailed above there is significant demand for elderly accommodation which carries substantial weight in the assessment of this application and it is not considered that such an event that may not occur warrants a reason to refuse the application.

Highways

The proposal would provide a new access from Dunchurch Road with the previous 3 accesses being stopped up. A Transport Statement was submitted with the application which concluded that the development could be accommodated on the site without prejudicing the ability of the highway network to operate.

Sustainable development underpins the core principles of planning and the need to encourage sustainable modes of transport in order to address the causes and potential impacts of climate change through reducing carbon emissions. The site is located within the urban area and is situated close to an existing bus stop which is served by a variety of routes, the most regular every 20 minutes, Mondays to Saturdays. In addition, the section of Dunchurch Road which passes the application site possesses a shared footpath/cycleway route. Therefore, there are alternative modes of transport which are available.

A total of 24 parking spaces, including 2 disabled spaces, would be provided. Appendix 2 of the Planning Obligations Supplementary Planning Document (POSPD), March 2012 refers to the Local Planning Authority's parking standards, which for a Class C2 development would equate to 1 space per 4 residents. On the basis of 70 bedrooms being provided and each being single occupancy a maximum of 18 parking spaces would be sought. Although this figure does take account of visitor and staff parking, it is a guideline and as some of the bedrooms could potentially be dual occupancy and it would not be in the interests of highway safety to have vehicles parked on Dunchurch Road an 'A' road, the extra level of parking is considered acceptable.

The Transport Statement indicates that a maximum of 20 full-time equivalent staff would be working at any one time. Based on Appendix 2 of the POSPD March 2012, 4 cycle stands should be provided for staff with a further 2 stands for visitors. A total of 6 covered cycle stands are to be provided which would accord with the POSPD.

WCC Highways have stated that they raise no objection to the proposal subject to conditions and informatives. On the basis of the above, the proposal would comply with Policy CS11, saved Policy T5 and the NPPF.

Design & Appearance

The building will be set back between 18 metres and 28 metres from Dunchurch Road behind an established row of trees. However, based on the scale of the building its presence will clearly be apparent when travelling along the public vantage point of Dunchurch Road, particularly when compared to the previous three dwellings on the site. The latest scheme adopts a traditional form of architecture partly drawing on the influence of the English Arts & Crafts movement. The elevations illustrate a mixture of styles and designs to assist in breaking up the mass of the building which is complemented by a range of roof heights and window designs.

The NPPF states that good design is indivisible from good planning and should contribute positively to making places better for people. However, it also considers that decisions should not attempt to impose architectural styles or particular tastes and not stifle innovation, originality or initiative but also reinforce local distinctiveness.

As with the previously approved scheme the internal accommodation will be over 3 floors, however, the latest application does result in an increased roof height of up to 2 metres in the central section of the building. Notwithstanding this, the width of the building has been reduced across the site by approximately 20 metres cumulatively and the depth of the building has been reduced and increased across its width by up to approximately 7 metres and 6 metres respectively.

The majority of dwellings in the immediate area are epitomised by single and two storey properties primarily constructed from brick and tile with pitched roofs on large plots. The proposed siting of the intended building, albeit significantly larger than its neighbours, approximately in the centre of the site surrounded by existing landscaping, would not be out of keeping with the character and appearance of the area.

Overall the proposed building is judged to represent a significant enhancement in the overall visual appearance of the previously approved scheme and this would accord with policy CS16 and the NPPF.

Residential Amenity, Noise & Air Quality

As detailed above, the width of the proposed building will be significantly reduced compared to the previously approved scheme and a distance of approximately 28 metres would now exist between the side of the intended building and 296 Dunchurch Road, rather than the previous distance of approximately 18 metres. Although there will be habitable room windows facing 296 Dunchurch Road across 3 levels on the side of the building they will lie approximately 24 metres from the boundary. The side of the building which is adjacent to the actual side of 284 Dunchurch Road has been moved further off the boundary compared with the previous scheme to result in an overall distance of around 32 metres between these properties compared with approximately 26 metres before. The side of the development adjacent to 284 Dunchurch Road will be more 2 storeys in appearance with lower ridge and eaves lines compared to the rest of the scheme. There will be one 2nd floor habitable window facing 284 Dunchurch Road but this will be at a distance of approximately 24 metres to the boundary of the site. A series of second floor habitable room windows will also face towards 284 Dunchurch Road and will range between 17 metres to 24 metres to the boundary. Overall these distances together with the existing landscaping, which includes protected trees, is considered acceptable.

The building associated with this latest proposal will lie within the centre of the site in a similar position to the previous scheme. In certain cases it will project further back and forward within the site, whilst in other parts it will be set further in from the front and rear boundaries of the site. The rear of the previously approved care home lay approximately between 33 and 42 metres from the rear elevations of those properties on Edyvean Close. The revised scheme results in these distances changing to approximately between 28 and 45 metres. Although the rear of the premises will be approximately 14 metres from the boundary with 50 Edyvean Close, this 3 storey section only has windows which serve non-habitable rooms, therefore, the closest habitable room windows will lie approximately 16 metres from the boundary at the rear of 75 Edyvean Close at ground and first floor levels and approximately 20 metres at second floor level to the rear boundary. Whilst it is acknowledged that certain sections of the proposed building will be located closer to those properties on Edyvean Close there will be less second and first floor windows on the rear elevation and the distances above, which in some cases are interrupted by mature protected trees, are at a level that would not result in an unacceptable level of overlooking, loss of privacy or light to the residents of Edyvean Close.

Concerns have been raised at the siting of a 'garden club area' within the grounds of the development for use by the residents, however, following such reservations the inclusion of such a facility has been deleted from the amended plans. A condition can be imposed to ensure details of the future provision

of such an area are submitted prior to its formation to assist in limiting the potential impact it may have on adjacent properties and protected trees.

Environmental Services have raised no objection to the application, but would seek that a noise survey and assessment is submitted prior to development, including the impact of Dunchurch Road on future residents and that an advisory note is imposed regarding construction hours. The air quality assessment submitted concluded that the significance of the development would be negligible at worst case modelled receptor locations and the development would not cause any breaches of air quality objectives. Therefore, subject to the mitigation measures detailed in the air quality assessment for the construction phase Environmental Services generally support the conclusions of the report.

Overall the amenity to surrounding properties would be retained and there would be no adverse impact on the grounds of overshadowing, overlooking or loss of privacy. Overall the relationship is considered acceptable in planning terms and therefore, the proposal would accord with policies CS11 & CS16 and the NPPF.

Landscaping & Trees

An arboricultural report was submitted as part of the application. Many of the trees on site are subject to Tree Preservation Orders and the majority of trees around the edge of the site are to be retained. Various recommendations are made in the report which confirms that more prominent and protected trees will remain with adequate protection measures installed. Although a small number of trees and shrubs are intended for removal the applicant's arboriculturalist considers only low quality trees and shrubs will be lost. Additional indicative landscaping is shown on the proposed layout and the aforementioned report considers that there is scope to provide new planting of both trees and shrubs to enhance biodiversity and improve amenity.

The Council's Arboricultural Officer raises no objection to the proposal, provided the measures detailed in the arboricultural report are addressed. Notwithstanding the submitted arboricultural report plan, the existing trees/hedging to the rear of 46 to 50 and 73 to 79 Edyvean Close are to be retained as detailed on the amended site layout plan. Therefore, it is not judged that the layout and built form proposed would have an undue adverse impact on the health and safety of the trees. Overall it is considered that the landscape character and appearance of the area would be retained and therefore the proposals would accord with saved policy GP2.

Ecology

An ecological appraisal and protected species report was performed in 2012 prior to the submission of the application following previous reports conducted in 2006 & 2008. The dwellinghouses that occupied the site have now been demolished and the report considers the site has limited potential for wildlife but acknowledges that 3 trees on the site have moderate to high potential for bat roosts. The tree with the highest potential for a bat roost is dead and the applicant's arboriculturalist would recommend that this tree is felled or reduced in height. WCC Ecology have stated that they would require a more detailed bat survey to be undertaken prior to works commencing on the tree, but are content for this to be dealt with by condition, together with a condition in relation to lighting and bats. None of the other trees with bat roost potential are earmarked for removal and the report accepts that should those trees be removed or additional management of them required a further bat survey may be needed.

It is also understood that the site could potentially be a suitable habitat for great crested newts. However, based on there being no records of reptiles or amphibians within close proximity to the site, WCC Ecology recommend just advisory notes in relation to such matters.

Overall the proposal is considered to accord with saved policy E6 and the NPPF.

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 submitted application form and Design & Access Statement refers to SUDS as being one of the methods intended to be used for the disposal of surface water including the use of porous paving to allow water to infiltrate into the subsoil before slowly soaking into the ground. Severn Trent Water has raised no objections subject to the imposition of a condition.

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 understood from a Building Control aspect the development would be considered under BREEAM criteria rather than as Code for Sustainable Homes. It is considered that a condition can be imposed to any planning permission securing these requirements, however, the submitted Design & Access Statement refers to the use of low water usage sanitary ware and commercial washing facilities. It does state that the use of grey water recycling is deemed not to be acceptable for this type of development due to the requirements to prevent cross-contamination. The submitted Low & Zero Carbon Technologies Study refers to the water credits needed to achieve a very good BREEAM rating for the development. Therefore, it is clear that the developer is well aware of the water efficiency requirements the development needs to achieve in order to comply with policy CS16.

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 10 dwellings or 1000 sqm of non-residential floor space or more shall include equipment to reduce carbon dioxide emissions by at least 10%.

The submitted Low & Zero Carbon Technologies Study focuses on a variety of different measures that could be included as part of the development. These include photovoltaics, combined heat and power and air source heat pumps. Whilst it is unlikely that the provision of just one of these technologies will meet the required 10% carbon reduction a combination of them should be able to satisfy the requirements of policy CS17.

At this stage it has not been confirmed what other types of technology or equipment would be most appropriate in order to achieve the required reductions in carbon emissions, but this can be addressed by condition.

Other Matters

The Council's Waste Services Unit (RBC WSU) has been consulted on the application in relation to refuse storage and collection and recycling provision. Following discussions between the applicant's agent and RBC WSU, RBC WSU have confirmed that they raise no objection to the proposed plans.

In relation to ground contamination/site investigation Environmental Services has raised no objection to the development subject to the imposition of a pre-commencement planning condition in relation to this matter. This is considered acceptable.

A Site Waste Management Plan which identifies the types of waste that the development may generate and estimated amounts, together with potential for recycling materials and dealing with inert and hazardous waste throughout the construction process is likely to need to be submitted to Rugby Borough Council. Ultimately, the acceptance and enforcement of such a Plan is governed by separate legislation dealt with by the Council's Environmental Services Section. A note to applicant will be added to any decision to advise the applicant of their duties.

Recommendation

Overall based on the aforementioned assessment it is considered that the proposal would accord with the Development Plan and national planning policy. Therefore, the recommendation is for approval subject to conditions and informatives.

DRAFT DECISION

APPLICATION NUMBER

R12/1559

DATE VALID

04/01/2013

ADDRESS OF DEVELOPMENT

286-290 DUNCHURCH ROAD
RUGBY
CV22 6JA

APPLICANT/AGENT

Richard Chamberlain
Buckle Chamberlain Partnership Limited
Mill House
Llancayo Court
Llancayo
Usk
Monmouthshire
NP15 1HY
On behalf of Sue Earrey, Hallmark Care Homes

APPLICATION DESCRIPTION

Erection of a three-storey 70 bedroom residential care home (Class C2) with associated parking, landscaping, access and highway works.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Ordnance Survey based 'Rugby Care Home' Location Plan;

Plan ref 0723\PP\001 Rev A Topographical Survey Site Plan;

Updated Air Quality Assessment dated December 2012 by WYG;

Ecological Appraisal & Protected Species dated November 2012 ref 908/1 by Green Environmental Consultants Limited; and

Transport Statement dated December 2012 by Bidwells;

all of the above received by the Local Planning Authority on 5th December 2012;

Plan ref 1061/P-012 'Covered Cycle Standard' received by the Local Planning Authority on 4th January 2013;

Detailed Low & Zero Carbon Technologies Study & Low & Zero Carbon Technologies Study & Compliance Criteria for Water Consumption ref 3834 by the Energy Practice Limited received by the Local Planning Authority on 9th January 2013;

Plan ref 1061/P-011 A received by the Local Planning Authority on 25th January 2013;

Plan refs 1610/P-001 G, 1610/P-002 F, 1061/P-003 F, 1061/P-004 G, 1061/P-005 E, 1061/P-006 E, 1061/P-007 C, 1061/P-008 E, 1061/P-012 B, 1061/P-013 A & 1061/P-014 A;
all of the above received by the Local Planning Authority on 6th March 2013;

Arboricultural Report dated 20th March 2013 by Andrew Day Arboricultural Consultancy received by the Local Planning Authority on 22nd March 2013 (excluding removal of 'dashed lined' trees/hedging behind 50 Edyvean Close on Tree Protection Plan);

Emails from the Agent to the Local Planning Authority dated 13th February 2013 [15:02] (re mix of topics) & 2nd May 2013 [15:10] (re staffing and care levels).

REASON:

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

CONDITION 3:

Notwithstanding the details submitted and plans and documents approved under Condition 2 of this decision, 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, including windows, doors, balconies, rain water goods, soffits, fascias and barge boards, together with samples of the facing bricks, boarding, render and roof tiles, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION 4:

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

REASON:

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

CONDITION 5:

All tree protection measures and tree works identified within the arboricultural report/tree protection plan relating to the approved design details (including the erection of protective fencing and installation of no-dig hard surfacing solutions within Root Protection Areas) as detailed in Condition 2 of this decision, shall be implemented prior to the development commencing and carried out to the satisfaction and written approval of the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, protective measures shall remain in place until completion of all construction works. Root protection areas shall be treated as sacrosanct with no building activity, ground disturbance or storage of building materials taking place within them. All tree works shall be carried as per BS3998:2010 (Tree work - recommendations). No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.

REASON:

To protect retained tree stock during the development phase in interests of local amenity.

CONDITION 6:

Notwithstanding the details submitted, full details (including elevations) of all proposed walls, fences, railings and gates, shall be submitted to and approved in writing by the Local Planning Authority before any development commences. Details agreed in accordance with this condition shall be carried out prior to the date on which the development is first occupied.

REASON:

To ensure a satisfactory external appearance and in the interests of amenity.

CONDITION 7:

In accordance with the details approved under Condition 2 of this decision, prior to the first occupation of the building, details of water efficiency measures to be incorporated into the design of that building to meet the 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 the building prior to its 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 8:

In accordance with the details approved under Condition 2 of this decision, prior to the first occupation of the building, details of the equipment and technology to be incorporated into the design of the building to achieve carbon emission reductions shall be submitted to the Local Planning Authority in writing and include the submission of an Energy Performance Certificate. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with this approval and shall be retained in working order in perpetuity.

REASON:

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

CONDITION 9:

In addition to any details submitted pursuant to Condition 4 of this decision, full details, including elevations and layout, of any proposed buildings and structures within the site, including those associated with a 'Garden Club,' shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall then be implemented in accordance with the information/plans submitted.

REASON:

In the interests of the amenities of the locality.

CONDITION 10:

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

REASON:

To ensure the proper development of the site.

CONDITION 11:

The 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 the 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 12:

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

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

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

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

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

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

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

REASON:

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

CONDITION 13:

Prior to any development commencing a full noise survey and assessment by a competent noise consultant must be prepared and submitted, with any proposed works, to the Local Planning Authority for approval. The assessment must take into account road traffic using Dunchurch Road. Any proposed mitigation must ensure that the internal noise climate for each flat achieves compliance with the table below:

Internal noise levels to be achieved in all habitable areas attributable to external noise sources with windows shut and adequate room ventilation provided:

- 30 dBLAeq 16 hour between 07:00 and 23:00 hours
- 30 dBLAeq between 23:00 and 07:00 hours
- 45 dB LAMax between the hours of 23:00 and 07:00.

REASON:

In the interests of the amenities of existing and future residents.

CONDITION 14:

Full details of any refrigeration or air handling plant, flues or other equipment to be located externally on the building, including proposed measures for acoustically treating such equipment, as well as details of a suitable fume extraction system, shall be submitted to and approved by the Local Planning Authority prior to such plant and extraction systems being installed. The equipment shall then be installed in accordance with the approved details and prior to the building first being brought into use.

REASON:

In the interests of the amenities of neighbouring properties.

CONDITION 15:

Prior to the installation of any external lighting, full details of the design, appearance and location of any 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 and in the interests of the amenities of the area.

CONDITION 16:

No tree works on site in respect of tree no. 3 (identified within Ecological Appraisal & Protected Species report completed by Green Environmental Consultants Ltd dated November 2012 received by the Local Planning Authority on 5th December 2012) shall commence until a bat survey of the tree, to include a detailed visual assessment by a licensed bat worker has been carried out, and a detailed bat mitigation plan including a schedule of works and timings and further survey work if deemed necessary has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

REASON:

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

CONDITION 17:

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 minimum width of 5 metres with a gradient not steeper than 1 in 15 and hard surfaced in a bound material for a distance of 7.5 metres from the near edge of the highway footway;
- b) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 7.5 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 120 metres as measured from the centre of the access. No structure, erection, trees or shrubs exceeding 0.6 metres in height shall be placed, allowed to grow or be maintained within the visibility splays so defined; and
- 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 18:

The vehicular access to the site from the highway (Dunchurch Road - A426) shall not be made other than at a position as shown on application drawing 1610/P-001 G received by the Local Planning Authority on 6th March 2013, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interest of highway safety.

CONDITION 19:

The development hereby permitted shall not be first occupied until all parts of the existing accesses to Dunchurch Road (A426) from the site, 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 approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interests of highway safety.

CONDITION 20:

The development shall not be first used for the purposes hereby permitted unless adequate vehicular turning space is provided and maintained within the site so that vehicles are able to enter and leave the highway in a forward gear. In addition, the development hereby permitted shall not be first occupied before the highway (verge/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 safety.

CONDITION 21:

During the construction period, no vehicles calling at the site or being in the control of the developer/occupier or contractors employed by the developer/occupier shall be loaded, unloaded or parked on the highway (Dunchurch Road - A426). In addition, adequate measures shall be taken to prevent deleterious matter being carried onto all nearby highways.

REASON:

In the interests of highway safety.

CONDITION 22:

Notwithstanding the details shown on the application drawings, the development hereby permitted shall not be commenced until further drawings have been submitted and approved in writing by the Local Planning Authority (in consultation with the Highway Authority) showing the proposed changes to (and reinstatement of) the cycleway along the site frontage, and the provision of tactile paving at the radius access. The approved details shall be implemented prior to the first occupation of the building.

REASON:

In the interests of highway safety.

CONDITION 23:

Prior to the development first being brought into use, the parking bays and cycle parking provision shall be laid out and made available for use in accordance with the approved plans detailed in Condition 2 of this decision. All parking bays and cycle parking areas shall be retained at all times for such purposes.

REASON:

In the interests of highway safety and to promote sustainable transport measures.

CONDITION 24:

Unless otherwise agreed in advance in writing with the Local Planning Authority, no external construction works or related deliveries, including the operation of external plant and machinery, shall take place outside the hours of 07:30 to 18:00 hours on Mondays to Fridays or 08:30 to 13:00 hours on Saturdays. No works shall occur at any time on Sundays or Bank and National Holidays.

REASON:

In the interests in the amenity of neighbouring properties.

REASON FOR APPROVAL:

The proposed scheme involves the erection of a new build residential care home within the Rugby Urban Area. Based on the location of the development the proposal would accord with policy CS1 of the Rugby Borough Core Strategy 2011 and the National Planning Policy Framework (NPPF), 2012. The design and appearance of the development would result in a greater built form than the previous dwellings that occupied the site, but not significantly greater than the previously approved applications on the site for a care home. However, the proposed development would not adversely affect the character and appearance of the area and based on its relationship and design would not adversely affect the amenities of the neighbouring properties and thereby would accord with policy CS16 of the Rugby Borough Core Strategy 2011. The proposed development would not have an unacceptable impact on the surrounding infrastructure, including highways, air quality, ground contamination and drainage and a sufficient level of parking would be provided. The proposal would also safeguard the potential presence of any protected species and key landscape features, such as the protected trees around the periphery of the site. Therefore, the proposal would accord with policies CS11 & CS16 of the Rugby Borough Core Strategy 2011, saved policies GP2, E6 & T5 and the NPPF. The proposed development would incorporate carbon emission reduction technology as well as water efficiency measures thereby satisfying policies CS16 & CS17 of the Rugby Borough Core Strategy 2011.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Local Plan 2006 - Saved Policies GP2, E6 & T5.

Rugby Borough Core Strategy 2011- Policies CS1, CS11, CS16 & CS17.

Rugby Borough Council Planning Obligations Supplementary Planning Document 2012.

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

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.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

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

INFORMATIVE 2:

The applicant's attention is drawn to the Site Waste Management Plans Regulations 2008 which may be applicable. Further information can be obtained from the Council's Environmental Services Section on 01788 533857.

INFORMATIVE 3:

In accordance with Condition 14 of this decision, the flue outlet associated with the fume extraction system shall terminate no less than one metre above the apex of the main roof of the premises. In addition, it is a requirement that plant and machinery used on site shall be properly silenced and that the best practicable means to reduce noise to a minimum shall be employed at all times. In particular, noise sensitive areas, or if plant needs to operate at night, more stringent requirements may be imposed. The contractor should demonstrate best practice by adopting the recommendations of:

- British Standard 5228:2009 - Code of practice for noise and vibration control on construction and open sites;
- BRE Pollution Control Guide - Controlling particles, vapours and noise pollution from construction sites.

INFORMATIVE 4:

Burning should only take place in exceptional circumstances when all other disposal options have been considered. The contractor should demonstrate best practice by adopting the recommendations of the BRE Pollution Control Guide - Controlling particles, vapours and noise pollution from construction sites.

INFORMATIVE 5:

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

INFORMATIVE 6:

All waste drains serving the main kitchen and cafes of the development should be provided with grease traps and detritus traps prior to discharge to the foul drainage network to avoid grease, fat and food debris entering the sewer system.

INFORMATIVE 7:

Warwickshire Police advise that within the design of the development the following points should be considered:

- All ground floor glazing and vulnerable windows meet BS 7950 and have laminate safety glazing (6.4 minimum). All laminated glass must be certified to BS EN 356 2000 rating P2A;
- All external doors meet PAS 23/ 24 all glazing in and adjacent to doors must include one of laminate glass to a minimum thickness of 6.4mm;
- Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2003;
- Internal flat/ apartment doors need also to meet PAS 23/ 24 standard and the norm is to use multipoint locking system. In the future some of the residents might have issues lifting the handles on this type of system. Product development has now moved forward substantially, there are SBD approved doors available with the following options:

- Doors operating on a single locking point negating the need for both upwards and downwards operation of a handle by the occupier; and/or
- Doors operating with electromechanical locking systems, operated by either a key, an electronic fob or even by fingerprint, utilising a biometric system.

INFORMATIVE 8:

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals (0116 234 3834). Severn Trent water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

INFORMATIVE 9:

In accordance with Condition 15 of this decision notice, Warwickshire County Council Ecology Unit advise that lighting should be designed to be kept low level at night across the whole site in order to minimise the impact on emerging and foraging bats. This could be achieved in the following ways:

- low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
- the brightness of lights should be as low as legally possible; and
- lighting should be timed to provide some dark periods.

INFORMATIVE 10:

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 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 be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season. A variety of bird species use bird boxes for nesting. They can be particularly useful in the urban environment, where natural nesting places can be scarce. Consideration should be given to the provision of suitable bird boxes within the new build or adjacent trees, in order to increase nesting opportunities for birds. WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required, in particular regarding which type of bird boxes to use.

INFORMATIVE 11:

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

INFORMATIVE 12:

In accordance with Condition 4 of this decision, the applicant is respectfully advised that as additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants. It is worth noting that certain plant species such as honeysuckle and night-scented flowers can be beneficial to bats due to their ability to attract moths and would be of greater wildlife value particularly where bats are known to be in the area. WCC Ecological Services would be happy to provide further advice if required (01926 418060).

INFORMATIVE 13:

In accordance with Condition 5 of this decision, the applicant/developer is advised that a pre-commencement of works site meeting should be arranged with them, the Council's arboricultural officer

and the designated arboricultural consultant responsible for the site to inspect tree works and tree protection measures.

INFORMATIVE 14:

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 Warwickshire County Council's Rugby 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 15:

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 16:

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). The applicant should note that works to relocate the lamp column (which will be at their own expense) will take a minimum of 8-12 weeks from the date of receipt of order by Warwickshire County Councils Street Lighting Section, for further information the Applicant/Developer should contact County Lighting - Tel 01926 736544.

Reference number:

R13/0577

Site address:

Benn Hall, Newbold Road, Rugby, CV21 2LN

Description :

Installation of illuminated and non-illuminated signage to front (western) elevation (including digital poster display unit)

Case Officer Name & Number:

Richard Holt 01788 533687

Description of Site:

The application site is located within the town centre boundary of Rugby. Buildings associated with Rugby Borough Council lie to the south, north and east of the site with a large roundabout forming the junction of the A426 (Newbold Road/Corporation Street) & B5414 (Evreux Way) lying to the west of the site. Immediately to the front (west) of the building is a car park serving both Benn Hall and the Town Hall. Newbold Road, the roundabout and the car park are all externally illuminated by an array of different lighting columns.

To the immediate north of the site is a three-storey building known as The Retreat which is currently vacant and is a Grade II listed building. Both this building, Benn Hall and the Town Hall are very visible from the surrounding road network.

Description of Proposals:

This application is being reported to Planning Committee as it is a Borough Council submission and was deferred from the Planning Committee on 24th April 2013 owing to concerns raised by Members regarding the replacement 'Benn Hall' sign. The applicant has now chosen to remove the replacement 'Benn Hall' sign from the application.

This application now involves the removal of the existing poster box signs either side of the entrance to Benn Hall and the installation of two non-illuminated signs either side of the entrance measuring approximately 1.1 metres wide and 2.7 metres high and will be finished predominately in grey and white. They will be made from an aluminium composite panel known as dibond, which comprises of thin aluminium sheeting with a solid polythene core. The sign on the right hand side will also have the same coloured caricatures as the other sign, whilst the sign on the left hand side will also incorporate an illuminated digital poster display unit to advertise forthcoming events. The digital poster display unit will be located approximately 0.8 metres above ground level and measure approximately 0.75 metres wide and 1.4 metres high and will be finished in matt black. It will periodically change its image throughout the day whilst operational but the actual image displayed will remain static and it will use internal light emitting diodes (LEDs) to illuminate the image.

Relevant Planning History:

None relevant.

Technical Consultations:

WCC Highways No objection

Third Party Comments:

Neighbours No comments received to date.

Relevant Planning Policies & Guidance:

CS16 Sustainable Design

National Planning Policy Framework, 2012

Circular 03/2007 & Control of Advertisements Regulations, 2007

Assessment of Proposals:

The Advertisement Regulations and the National Planning Policy Framework (NPPF) state that the only issues to be considered in the determination of advertisement applications are amenity or public safety.

The proposed signs will be located at the main entrance of Benn Hall facing Newbold Road. The signs will be viewed in context with Benn Hall itself and the adjacent Town Hall. Other large buildings, such as The Retreat and the Cemex tower block are also nearby which cumulatively create a distinctively built up urban environment.

The car park to the front of Benn Hall, the adjacent roundabout and Newbold Road are all illuminated by a variety of lighting columns. In addition, there are two ornate lanterns on columns either side of the entrance to Benn Hall and a pelican crossing on Newbold Road near the entrance into the Benn Hall/Town Hall car park.

The NPPF acknowledges that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. However, based on the urban location of the site, in an area already subject to a variety of external illumination sources, it is not considered that the principle of the provision of illuminated signage at the front of Benn Hall would adversely affect the character and appearance of the area.

The Retreat to the immediate north of the site is a Grade II listed building. That building dates from the mid-nineteenth century which comprises of stone and stucco walls and slate roof. The architectural style of The Retreat is in complete contrast to the more modern angular brick block shape of the Benn Hall.

The digital poster display unit will be located under the existing projecting canopy of the main entrance into Benn Hall. The applicant has stated that whilst the illuminated images will change within the unit, potentially during the day whilst in operation, they will remain static. For instance, there would be no flashing, scrolling or moving images displayed. There are 5 existing down lights in the underside of the projecting entrance canopy. These together with the existing illumination referred to above, will reduce the impact the digital poster display unit would have on the locality. However, it is acknowledged that such display units can be quite bright and there would be concern if it was on throughout the night; therefore, the applicant has agreed to an hours restriction by condition associated with the operation of the display unit. With the imposition of such a condition it is judged that the amenity of the area, including the heritage asset referred to above, would not be adversely affected.

The non-illuminated signs either side of the entrance into Benn Hall will be below the existing projecting canopy. Although large they will fit neatly between the top of the canopy and the ground as well as the entrance into the building, covering up the existing white painted concrete panels. This is considered acceptable on visual amenity grounds.

Although the signs are visible from the highway they do not possess moving features or flashing lights and are set back approximately 25 metres from Newbold Road. The Highway Authority has raised no objections to the application and therefore it is considered that they would not jeopardise highway safety.

Overall the proposed signs are considered to accord with Policy CS16 and the NPPF.

Recommendation:

Approval, subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R13/0577

DATE VALID

02/04/2013

ADDRESS OF DEVELOPMENT

BENN HALL
NEWBOLD ROAD
RUGBY
CV21 2LN

APPLICANT/AGENT

Matthew Deaves
Rugby Borough Council
Town Hall
Evreux Way
Rugby
Warwickshire
CV21 2RR

APPLICATION DESCRIPTION

Installation of illuminated and non-illuminated signage to front (western) elevation (including digital poster display unit)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

CONDITION 2:

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

a - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military),

b - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air, or

c - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

CONDITION 3:

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

CONDITION 4:

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

CONDITION 5:

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASONS: 1 - 5

In the interests of public and highway safety.

CONDITION 6:

The development shall not be carried out other than in accordance with the application form and plans ref:

Site Location Plan (size A4);

Location of Signs Plan (size A4);

Proposed Signage Photomontage with Advertisement 2 & 3 labels only (size A4); and

Digital Poster Display Unit Plan PDS-47-W-P-SCH001 (size A4);

all received by the Local Planning Authority on 2nd April 2013.

Emails received from the applicant to the Local Planning Authority on 03/04/2013 [16:40] & 30/04/2013 [19:21].

REASON:

For the avoidance of doubt.

CONDITION 7:

The digital poster display unit shall not be switched on or emit any form of illumination outside the hours of 08:00 to 23:00, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of the amenities of the locality.

REASON FOR APPROVAL:

The proposed signage is judged not to adversely affect the visual amenity of the area or be detrimental to highway safety. Therefore, the scheme will be in accordance with policy CS16 of the Rugby Borough Core Strategy 2011 and the National Planning Policy Framework (NPPF) 2012.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Council Core Strategy 2011 Policy CS16;

National Planning Policy Framework, 2012; and

Circular 03/2007 & Control of Advertisements Regulations, 2007.

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.

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference number: R12/0101

Site address: DIRFT II Zone 3 Expansion Site, Daventry International Rail Freight Terminal, Crick, Daventry.

Description : Construction of a rail linked Use Class B8 (Storage and Distribution) Unit with associated rail embankment, construction of a bridge over the A428, rail lines, intermodal transfer area, ancillary offices, car and HGV parking, drainage ponds and channels, landscaping to include a landscape bund and vehicular access (straddling the administrative boundaries of Rugby Borough Council and Daventry District Council)

Case Officer Name & Number: Steve Parkes 01788 533633

Introduction

This full application has been submitted to both Rugby Borough Council and to Daventry District Council for consideration and determination as the site, amounting to some 32.7ha, straddles the administrative boundaries of both local authorities. The majority of the site comprising 23.99ha is located within Daventry District with 8.71ha falling within Rugby Borough. The area within Daventry District forms part of the larger 54ha DIRFT II expansion site. That within Rugby Borough is located at the south-eastern end of the proposed Rugby Radio Station Sustainable Urban Extension (SUE).

Both local planning authorities have authority to approve or refuse planning permission only in respect of those elements of the proposals which fall within their respective administrative areas. In order for the scheme to progress, therefore, the Planning Committees of both authorities would need to approve the proposals or resolve that they are minded to grant planning permission for that part of the overall development in their area. Though the local planning authority can only determine those elements of the proposals in its administrative area over which it has control, the scheme also needs to be considered as a whole.

Authorised Use

That part of the site within Rugby Borough
- agricultural

That part of the site within Daventry District
- Class B8 storage and distribution (part of Daventry International Rail Freight Terminal)

Relevant Decisions

Rugby Borough

R11/0699 Outline application for an urban extension to Rugby for up to 6,200 dwellings together with up to 12,000sq.m retail(A1), up to 3,500sq.m financial services (A2) and restaurants (A3-A5), up to 3,500sq.m for a hotel (C1), up to 2,900sq.m of community uses (D1), up to 3,100sq.m assembly and leisure uses (D2), 31 hectares (up to 106,000sq.m) of commercial and employment space (B1, B2 and B8) and ancillary facilities. Application under consideration.

Daventry District

- DA/2002/1365 Outline application for expansion of DIRFT to provide 180,741 sqm of warehouse and distribution and manufacturing buildings, extension of private rail sidings, construction and extension of bridges, highway realignment, parking, landscaping and demolition of 6 dwellings. Approved
- DA/2007/1328 Reserved Matters application for the siting, external appearance, design, landscaping and means of access on Zone 1. Approved
- DA/2007/1329 Reserved Matters application for the siting, external appearance, design, landscaping and means of access on Zone 2. Approved
- DA/2007/1330 Reserved Matters application for rail line, infrastructure (including bridges) structural landscaping and landscaping. Approved
- DA/2008/0021 Reserved matters approval for rail linked B8 warehouse on Zone 3 Plot A and Zone 3 Plot B. Approved

Technical Consultations

Warks CC – Highways	no objection	comment that the applicant has adequately demonstrated that the traffic generation of the proposed building is comparable to the development that has outline planning permission
Northants CC – Highways	no objection	comment that a footpath meandering through a grassed area adjacent to the A428 should be located against the carriageway for adoption purposes; contributions will be required from the developer towards providing a bus service between the site and Daventry town centre together with associated bus stops and shelters, and, the proposed bridge though agreed in principle must be subject to checking by a structural engineer prior to the commencement of any development on the site
Highways Agency	no objection	comment that the proposed development is not expected to have a material impact on the closest strategic route the A5
Warks CC (Archaeology)	no objection	subject to a condition covering the implementation of a programme of archaeological work
Northants CC (Archaeology)	no objection	subject to a condition covering the implementation of a programme of archaeological work - comment that evaluation already undertaken demonstrates that archaeological activity identified does not represent an over-riding constraint on the development subject to investigation and recording of any remains that are affected
Environmental Services (Rugby BC) Env.Health Officer (Daventry DC)	comments	no adverse impact on air quality; further information in respect of the noise environment required in order to consider the imposition of suitable conditions including limits for construction noise and operational noise on

		completion of the development and requirements for the maintenance of the rail embankment/noise barrier; more information on the materials to be used in the construction of the embankment required
Environment Agency	no objection	subject to conditions covering the implementation of measures to mitigate flood risk including the provision of flood plain compensatory storage prior to the construction of the embankment or any buildings on the site, a method statement for all works to the Clifton Brook, full details of SUDs, further details of the remediation of contamination and landscape management plan
Natural England	no objection	comment that development is unlikely to affect European protected species though in accordance with standing advice any impact on local habitat/species should be considered together with biodiversity enhancement
Warks CC – Ecology	no objection	subject to conditions covering the submission of Construction and Environmental Management and Ecological Enhancement and Management Plans, tree and hedgerow protection, details of external lighting and badger mitigation measures, and, informatives covering protected species and the use of indigenous trees and shrubs
Warks Wildlife Trust	no comments received	
Landscape and Tree Officer s (RBC)	no objection	comment that the landscape design proposals are comprehensive and that the bund should create an adequate screen and contribute significantly to habitat provision
Northants Police CPDA	no objection	comment that a secure weld mesh fence is normally recommended as opposed to the 2.4m palisade fencing proposed; recommends that the staff and visitor car park is fenced to prevent casual unauthorised access and that it is appropriately lit, monitored and controlled
Network Rail	comments	relating to safeguarding the interests of Network Rail's operations

Third Party Consultations

Daventry District Council	observations awaited	
Clifton Upon Dunsmore PC	comments	when operational the development will add considerably to traffic on roads which are already very busy in the vicinity of Clifton Upon Dunsmore whilst a considerable amount of construction traffic will also be generated – if supported, the Borough Council should support the early implementation of

		traffic calming measures both through the village and on its feeder roads; concern about potential flooding on the Clifton Brook downstream
Barby PC	comments	in view of increased HGV traffic associated with the development and noise nuisance arising from the raised train line request screening, sound barriers and funding to offset the loss of rural life including some S106 funding to make access to the sports field safer
Crick PC	comments	concerns about the increase in traffic on the A428 from the Half Way House junction towards Hillmorton; wish to see cycle lanes in both directions from Half Way House at least to the Nortoft Lane junction and beyond
Kilsby PC	comments	concerns about potential noise impacting on surrounding and neighbouring properties and reflecting back towards the village; the bridge height should be adequate for all HGV traffic using the A428 in and out of Rugby; HGV traffic on the A361 and along the Ridgeway and Longdown Way a major concern/should be a combined approach of all interested highway authorities to resolving issues of HGV traffic affecting the village; should be improved pedestrian and cycle links to Rugby along the A428 and improved public transport links to Daventry from DIRFT via Kilsby
Lilbourne PC	no observations received	
Cllrs. J.Roodhouse & R.Dodd	comments	should ensure that cycle and pedestrian access is made along the A428 and that the bridge is made bigger to allow HGV movements
Cllr.L.Hunt	comments	concerns about increased traffic and land drainage
Neighbours	objection (1 letter)	noise from trains and increased lorry and car traffic on the A428
	concerns (1 letter)	location of staff access off roundabout serving existing distribution warehouse and which will also serve the urban expansion area to the north; transport assessment not up to date/new survey should be produced to more accurately predict future situation taking account of all proposed or planned developments and their impact on the road network

Other Relevant Information

The proposals were considered by Daventry District Council's Planning Committee on 3rd April 2013 when it was resolved that subject to the Environmental Health Officer's comments on noise being resolved, the application be approved subject to appropriate conditions.

Planning History

The planning history of the application site, particularly in respect of the development of the DIRFT II expansion site in Daventry District and also that part of the site in Rugby Borough is relevant as background information to the current proposal.

Outline planning permission was granted in January 2005 for the expansion of DIRFT to provide 180,741sq.m of warehouse and distribution and manufacturing buildings together with the extension of private rail sidings (ref. DA/2002/1365). Fundamental to the agreement of the expansion of DIRFT was the securing of rail connectivity to the national rail network as part of a national strategy to secure an increase in rail freight.

A condition attached to the outline planning permission together with an obligation in a legal agreement requires the rail infrastructure linking to the West Coast Mainline to be in place and operational before the occupation of buildings on any part of the site. A further condition attached to the outline planning permission requires that the finished heights of buildings/structures within development zone 3, which covers the current application site, should not exceed 132.25 AOD. A DIRFT Expansion Site Design Guide, also a requirement by condition, was adopted by Daventry District Council in December 2005 to provide a framework for the future development of land to the west of the A5 and north and south of the A428.

Reserved matters in respect of the development of zone 3 comprising two new warehouse buildings (Zone 3 Plot A and Zone 3 Plot B) with associated landscaping, access arrangements and parking were approved in January 2009 (ref. DA/2008/0021).

The building approved on Plot A comprised a 35,840sqm unit with a detached two storey office building of 1,114sqm and a two storey attached hub office providing 464.5 sqm floorspace. In addition, a total of 312 car parking spaces and 70 HGV trailer parking spaces were to be provided. The warehouse building measured approximately 140m wide by 250m long with a canopy to the south west elevation providing level access to a service yard/rail siding area at the south west corner of the site. The overall height of the approved building was 15m. which would have been built on a platform at 104.380 AOD giving it a height of 120.00m, well within the height restriction applied at the outline stage as referred to above. A detached office building was to be erected in the south eastern corner of the site in the area immediately to the rear of the Halfway Public House car park.

The approved building on Plot B comprised a 24,200sqm unit with a detached two storey office building of 836sqm and a two storey attached hub office providing 464.5 sqm floorspace. In addition, a total of 213 car parking spaces and 36 HGV trailer parking spaces were to be provided to the east side of the building. The warehouse building measured approximately 110m wide by 210m long with a canopy to the west elevation providing level access to a rail siding area immediately west of the building. The overall height of the building was 15m. The building was to be built on a platform at 101.540AOD giving it a height of 117.00m AOD, which again is well within the height restriction applied at the outline stage. A detached two storey office building was to be erected in the south eastern corner of the site in the area close to the site frontage with the A5.

An outline planning application for the development of the SUE in Rugby Borough to the north and west of the DIRFT expansion site was submitted in April 2011. Consultation on the proposals together with Officer's consideration of the information contained in the application gave rise to a series of issues which the applicants are continuing to address. It is anticipated that a revised package of documents

and drawings will be submitted in early summer and will be subject to further public consultation. It is intended that the revised proposals will take account of, and accommodate the scheme the subject of this application.

The original submission contains a framework plan showing the broad distribution of proposed land uses in the SUE. The strip of land comprised in the current application which runs along the south-eastern boundary of the SUE is identified for employment development separated from DIRFT by a bund with woodland planting. A strategic footpath connection running north-south is also proposed in this location as part of the access and movement proposals.

The Application Site

The application site is bounded by the A5 to the north and east, by the A428 to the south and by agricultural land and the former Rugby Radio Station to the west. The northern part of the site is largely flat and mainly comprises bare ground. The central area was formerly occupied by an Eddie Stobart HGV depot including areas of hardstanding which is currently in the process of being demolished and cleared. The southern part comprises a mix of soft landscaping, soil storage mounds and recently planted landscaped banks. The derelict Halfway House Public House is located in the south-east corner of the site though it too is soon to be demolished and the site cleared. To the north the site is bordered by the Clifton Brook watercourse and an undeveloped vegetated area with ponds created in 2005 as a receptor for Great Crested Newts.

The Proposed Development

The application seeks full planning permission for the construction of a rail connected B8 warehouse with associated car parking, HGV parking, landscaping and rail infrastructure including a landscaped embankment along the western side of the site and rail bridge over the A428 providing access to the West Coast Mainline. In addition the proposal includes an intermodal area for the unloading/loading of trains sited alongside the embankment.

In summary the proposals comprise:

- Warehouse building (high bay 49,428sq.m and low bay 37,459sq.m)
- Three 2 storey office hubs (1680sq.m)
- Ground floor B1(a) offices (1084sq.m)
- Two storey mezzanine B1(a) offices (2,734sq.m)
- Surface car park providing 789 spaces (including 40 disabled and 40 shared access), 96 covered cycle spaces and 32 motor-cycle spaces
- 260 HGV trailer parking spaces together with 125 spaces at loading dock doors
- Intermodal/goods handling area
- Rail access including construction of landscaped bund along western side of the site
- Rail bridge over the A428
- Drainage works including flood compensation area

Those elements of the scheme falling within Rugby Borough Council's administrative boundary comprise the embankment/bund supporting railway lines and intermodal transfer area/rail sidings for container handling, part of an extensive adjoining service yard, flood compensation area and associated drainage and landscaping.

The proposed building, totaling some 92,385sq.m floor space, will be located entirely within the approved DIRFT II site and will comprise part high bay warehousing (26.95m high to haunch) to the northern part and part low bay warehousing (15.0m high to haunch) to the southern part together with ancillary offices. The building measures approximately 528m long by 181m wide to the high bay and

151m wide to the low bay. It will be finished principally in a mix of colour-coated profiled vertical and horizontally laid composite cladding.

Car and HGV access will be separate with all HGV access from an existing roundabout access to the site from the A5. Car access will be via an existing roundabout on the A428 which also serves an existing Tesco distribution unit on zone 1 of the DIRFT expansion site. The surface car park is located on the south side of the building and will also contain a bus stop. The HGV trailer parking spaces are located on the north, south and west sides of the building.

The proposed intermodal transfer area will be located on the west side of the building and includes a new 400m long railway siding which will run at a higher level than the adjoining 50m wide service yard accessed by ramps to the north and south. The railway siding will link back through the DIRFT Railport to the West Coast Mainline facilitated by a new railway bridge carrying two tracks over the A428. The bridge will be of steel plate construction with re-inforced concrete walls with a headroom clearance from the highway carriageway of 5.3m.

The proposed bund along the western edge of the development is designed to both accommodate the railway infrastructure and to screen the development from the proposed SUE to the north and west. At its highest point the bund, topped with a 3.5m high acoustic fence, will be approximately 14m above ground levels to the west and 5m higher than the slab level of the intermodal transfer area. The bund is also designed to accommodate a rail link to serve the proposed DIRFT III development. A drainage ditch incorporating small ponds and shallows will run along the foot of the bund together with a footpath/cycleway designed to facilitate links from DIRFT II to the SUE and to the wider public footpath network to the north and west. The western slope of the bund will be planted with a native woodland and shrub mix with larger trees planted towards the top of the mound and along the footpath/cycleway with a view to providing a greater initial impact.

Existing balancing ponds to the south of the site are to be remodeled and together with the drainage ditch will be seeded with native grass and wildflower seed mixes with aquatic and marginal plants introduced at the waters edge. Existing mature vegetation is to be retained as far as possible and re-inforced along the southern boundary with the A428. A footpath/cycleway is to be provided behind the vegetation linking to that running along the bottom of the bund. Existing vegetation along the eastern boundary with the A5 is also to be retained and re-inforced where necessary with new native planting.

In addition to the remodeling of drainage infrastructure, the proposals include a flood compensation scheme to deal with the potential loss of floodplain storage in the north-west corner of the site as a result of raising existing ground levels. The floodplain compensation is provided by way of minor ground lowering measures in an area on the north-east side of the Clifton Brook immediately north-west of the site.

Surface water drainage will be collected in below ground attenuation tanks prior to discharge at a controlled rate to two outfalls to the Clifton Brook. Foul drainage from the site is to be discharged to the existing central DIRFT pumping station located on the opposite side of the A5 beyond the eastern boundary of the site.

The application is accompanied by a number of supporting statements and technical reports as outlined below:

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Noise and Vibration Assessment
- Air Quality Assessment
- Transport Assessment

- Interim Travel Plan
- Flood Risk Assessment
- Drainage Strategy Report
- Preliminary Interpretive Report (Ground Conditions)
- Ecology Statement
- Sustainability Strategy
- Heritage Statement
- Economic Statement
- Pre-Development Tree Strategy

The proposed development will be occupied by, and is designed to meet the operational needs of Sainsbury's Supermarkets Ltd as a national distribution depot for its general merchandise. It is anticipated that the development will result in up to 1350 permanent jobs being created and an estimated 1620 additional jobs in the local area. In the event that planning permission is forthcoming, the main contract works are scheduled to commence in July 2013 with the development being operational by December 2014.

Environmental Impact Assessment Regulations 2011

The application for the DIRFT II expansion site (DA/2002/1365) was accompanied by an Environmental Impact Assessment pursuant to the 1999 EIA Regulations. Since that time much work has been undertaken in respect of DIRFT II. Zone 1 is developed and occupied by an operational rail connected warehouse facility. Zone 2 has been levelled and cleared in readiness for construction and zone 3 has been the subject of some structural landscape treatment and is being used for the storage of risings from both zone 1 and zone 2. In addition, the A428 has been slightly realigned and roundabouts constructed to provide access to zone 1 and zone 3 (all in accordance with previous reserved matters approvals).

The current application falls within the thresholds identified in Schedule 2 of the EIA Regulations. As a result the applicant's agents sought a screening opinion prior to submission of the application from both Rugby Borough Council and Daventry District Council to ascertain whether the development proposal would require an EIA. Officers of both local planning authorities advised that the proposal would not generate the need for an EIA. As referred to above, however, the application is accompanied by a series of documents covering the main environmental issues.

Relevant Planning Policies

Local Development Framework Core Strategy, June 2011

CS4	conforms	Rugby Radio Station Sustainable Urban Extension
CS11	conforms	Transport and New Development
CS15	conforms	Green Infrastructure Allocation
CS16	conforms	Sustainable Design
CS18	conforms	Portfolio of Employment Land

Rugby Borough Local Plan, July 2006 saved policies

GP2	conforms	Landscaping
E6	conforms	Biodiversity

National Planning Policy Framework, March 2012

Sustainable development (paras.7, 14 and 17); Part 1 – building a strong, competitive economy (paras. 18, 19 and 21); Part 4 – promoting sustainable transport (paras.30, 31, 32, 34 and 36); Part 7 – requiring good design (paras 59-61); Part 10 – meeting the challenge of climate change and flooding (paras 96, 100 and 103); Part 11 – conserving and enhancing the natural environment (paras 109, 118

and 123); Part 12 – conserving and enhancing the historic environment (paras. 128-129); decision taking/determining applications (paras.186, 187, 196 and 197)

Determining Considerations

Only the planning merits of those limited elements of the proposal that fall within Rugby Borough can be considered against relevant planning policies relating to the Council's administrative area though these also need to be considered in the context of the proposed development as a whole. Relevant development plan policies are principally contained in the Local Development Framework Core Strategy, June 2011, together with saved policies from the Rugby Borough Local Plan, July 2006. National planning policy contained in the National Planning Policy Framework, March 2012, is particularly relevant.

The Regional Strategy for the West Midlands, 2008, remains part of the development plan though is to be rescinded as a consequence of the Localism Act 2011. In view of its imminent abolition, less weight can be accorded to its provisions and it is therefore not discussed any further in the policy considerations relating to the development.

The main considerations relate to the principle of development and more detailed issues in respect of the design and layout of development, landscaping, transport, noise and air quality, flood risk and drainage, ecology and heritage.

Principle of development

That part of the site within Rugby Borough is allocated for development as part of the proposed Rugby Sustainable Urban Extension (SUE) under policy CS4 of the Core Strategy. The principle of development on the site in policy terms is therefore already established.

The impact of the proposed development on the delivery of the SUE is nonetheless a material consideration. Policy CS4 requires the delivery, amongst other things, of between 5000 and 6200 homes and together with policy CS18, a target of 31ha of employment land. In the current application for the SUE, the land is identified for employment use and as a landscaped buffer between DIRFT and the urban extension. The area proposed for flood compensation is identified as retained grassland forming part of a larger area of informal public open space. Documents submitted by the applicants for the SUE have demonstrated that even with the loss of 8.7ha of land to the DIRFT scheme the targets referred to above can still be met. It is considered unlikely, therefore, that the proposal will be seriously prejudicial to the delivery of the SUE in accordance with the requirements of policy CS4.

The development will itself make a significant contribution to employment generation and economic growth. Government policy contained in the NPPF seeks to ensure that the planning system does everything that it can to support such growth and that it should be given significant weight (para.19) whilst it is also stressed that planning policies should be flexible enough to accommodate needs not anticipated in the development plan (para.21). Local authorities are also encouraged to work together to support sustainable development including large scale facilities such as rail freight interchanges (para.31). The bund with the railway siding and intermodal transfer area is fundamental to the scheme to provide a major rail linked distribution facility.

The planning history of that part of the site in Daventry District and relevant development plan policies controlling development in that area demonstrate that the principle of development is well established.

Design, siting, layout and landscape treatment

The landscaped embankment carrying the rail lines and supporting the intermodal transfer area will be a significant element of the development in view of its height and scale running along the entire western boundary of the site. It will be of sustainable design being constructed out of material excavated from the development site. The railway link to the West Coast Mainline essentially dictates its location and its

height and design. It will form a strong visual barrier to the development as a whole and to other elements of the DIRFT railport when viewed from the proposed SUE.

The proposed landscaping of the embankment will soften its impact and assist in assimilating the development into the local environment such that it will not cause any material harm to the quality, character and amenity of the area. The proposal therefore meets the requirements of Core Strategy policy CS16 and paragraphs 59-61 of the NPPF which encourage high quality, sustainable design, and saved Local Plan Policy GP2 which seeks to ensure that landscaping is considered as an integral part of development.

With regard to the bulk of the development within Daventry District, the proposals accord with the DIRFT Expansion Guide adopted by the District Council in 2005 to provide a framework for the future development of DIRFT II ranging from building design, heights, materials and landscape treatment. The development has had full regard to the incorporation of secure by design principles and will ensure accessibility for all is achieved, including those with impaired mobility. The Sustainability Strategy submitted with the application demonstrates that energy demand is minimised through the details of the design and construction of the building with measures incorporated to ensure it meets the BREEAM very good standard.

External lighting details have been submitted which have been the subject of consultation with Daventry District Council's lighting consultant to ensure that they meet the requirements of the Expansion Guide and thereby minimise any potential light pollution. In terms of the impact on the wider landscape, whilst the Landscape and Visual Assessment submitted with the application acknowledges that the development will impact significantly on its immediate surroundings, it will still be seen in the context of the DIRFT railport as a whole. The scheme as a whole is therefore considered to represent an acceptable form of development appropriate to its context and location.

Highways and Transportation

The application is supported by a Transport Assessment and Interim Travel Plan in accordance with the requirements of the NPPF (paras. 30 and 36). The Travel Plan sets out a framework to encourage and manage measures to facilitate travel by sustainable modes of transport other than the private car. The scheme includes footpath/cycleway links along the site frontage to the A428 and along the bottom of the railway embankment which will facilitate future links to the proposed SUE.

The Transport Assessment includes consideration of the cumulative impact of the scheme with both the proposed SUE and the proposed DIRFT III. It demonstrates that the development on its own and cumulatively will not have an adverse impact on the local and strategic highway network in terms of traffic generation and highway safety and that the proposals provide safe access to and from the site. No objections have been raised to the development by the Highways Agency and the local Highway Authorities.

The proposals accord with the NPPF which encourages solutions which reduce greenhouse gas emissions and congestion and supports patterns of development which facilitate the use of sustainable modes of transport (para.30). Transportation of freight by rail is itself a more sustainable mode of transport than by road haulage. The NPPF also makes it clear that development should only be prevented on transport grounds where the cumulative impacts of development are severe (para.32).

Noise, Air Quality and Ground Conditions

The impact of operational noise on the amenities of sensitive receptors is a material consideration. Core Strategy policy CS16, amongst other things, seeks to ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The landscaped embankment along the western boundary of the site will not only screen the development from the SUE but will have the added benefit of providing noise attenuation.

Paragraph 109 of the NPPF seeks to ensure that existing and proposed development is not adversely affected by unacceptable levels of soil, air or noise pollution whilst paragraph 123 advises that decisions should aim to avoid noise giving rise to significant adverse impacts on the quality of life. The noise, air quality and ground investigation reports submitted with the application have been the subject of consideration and discussions between the Borough Council's Environmental Protection Officers and Daventry District Council's Environmental Health Officer. Whilst at the time of writing it is understood that there are no objections in terms of any potential impact on air quality, discussions with regard to noise are on-going, the outcome of which will be reported verbally at the Committee meeting. It is understood, however, that any mitigation required is likely to be capable of resolution by way of condition.

The need for the further submission of details of the remediation of contamination, including materials to be used in the construction of the embankment, have been raised by the Environmental Protection/Health officers of both local authorities and by the Environment Agency, which can be covered by condition.

Ecology

Saved Local Plan policy E6 aims to ensure that biodiversity interests are safeguarded and reflects the NPPF which states that the impact on biodiversity should be minimised (para.109) and that in determining planning applications, local planning authorities should aim to conserve and enhance biodiversity (para 118).

The Ecology Statement accompanying the application includes a number of surveys which confirm that there are no ecological constraints to the development, that adequate mitigation can be secured by condition and that the proposed new planting around the site, including the rail embankment together with the creation of new ponds and drainage features, will result in biodiversity enhancement. No objections have been raised to the proposals by Warwickshire Ecology or Natural England. The objectives of policy E6 and of the NPPF are therefore satisfied.

Flood Risk and Surface Drainage

The flood compensation area is located in an area of the SUE which is constrained from development by virtue of its location in the floodplain. The works required are minimal, will have all the appearance of a natural landform and will not be prejudicial to the proposed use as informal open space. The area within which the flood compensation is located is a green infrastructure allocation under Core Strategy policy CS15 where public access to grassland habitat will be balanced with protection and enhancement of the green infrastructure asset. The flood compensation proposals do not conflict with the requirements of CS15.

The application is supported by a Flood Risk Assessment and Drainage Strategy which includes detailed hydraulic modelling of the impact on the Clifton Brook. The NPPF (paras 100-103) and related technical guidance seek to ensure that development will not increase floodrisk elsewhere. In addition to the proposed flood compensation works, the development includes the provision of sustainable urban drainage systems (SUDs) which will ensure no increase in surface water run-off from the site and thereby address concerns about flooding on site and potential for flooding elsewhere. The proposals therefore accord with Core Strategy policy CS16 which seek to ensure that SUDs are incorporated in all new scales of development.

The Environment Agency has raised no objection to the proposals subject to appropriate conditions covering the implementation of measures to mitigate flood risk. It is therefore considered that the scheme as a whole will meet the requirements of the NPPF.

Heritage

The Heritage Report supporting the application concludes that the proposed development will not result in substantial harm to or loss of any designated or non-designated heritage assets. Geophysical surveys of the site and test pits have been carried out in full discussion with both Northamptonshire and Warwickshire County Council Archaeological Services who have raised no objections subject to further archaeological investigation and recording in parallel with construction works which can be covered by condition. The proposed development therefore accords with national guidance contained in the NPPF (paras. 128-129) and Core Strategy policy CS16 in respect of the consideration of the impact on heritage assets.

Other

The proposals as a whole constitute sustainable development as promoted in the NPPF (paras. 7 and 8) and will perform positive economic, social and environmental roles which are inter-dependent.

The improvement of economic performance is a key government objective with one of the core principles underpinning planning decisions stated to be the need to pro-actively drive and support sustainable economic development and to take a positive approach to wider opportunities for economic growth and job creation (para.17). The success of the local economy is dependent in part in attracting new enterprises/businesses such as this to the area. The attraction of Sainsbury's reflects the success of the DIRFT Railport located at the heart of the motorway and rail network. The proposals will accommodate the operational requirements of a known end user as a national distribution centre and will provide significant, and a variety, of employment opportunities. The economic impacts should therefore be accorded significant weight in considering the merits of the overall proposals.

In view of the cross-boundary nature of the application, at the time of writing co-ordination of a number of conditions to be attached to any grant of planning permission remains to be agreed between officers of the Borough Council and Daventry District Council and is reflected in the recommendation.

Conclusions

The elements of the proposals comprised within the administrative boundary of Rugby Borough Council are an essential component of the overall scheme to provide a rail linked national distribution depot. The development will not be prejudicial to the aspirations of the Council in respect of the proposed sustainable urban extension on the neighbouring former Rugby Radio Station site. There are no technical constraints to the development which will be of significant economic benefit.

Though the majority of the application site lies within the administrative area of Daventry District Council, the applicants have demonstrated that, subject to resolving noise issues, the proposals will result in an acceptable and sustainable form of development. The development complies with relevant policies controlling development contained in the Borough Council's Local Development Framework Core Strategy and with policy guidance contained in the NPPF.

Having regard to the provisions of the NPPF, and in particular paragraph 14 which sets out a presumption in favour of sustainable development, the proposed development accords with the development plan and should therefore be approved without delay.

Recommendation: Subject to noise issues being resolved, officers be granted delegated powers to approve the application subject to the following conditions and any additional conditions or alterations to conditions arising from discussions with officers of Daventry District Council

DRAFT DECISION

APPLICATION NUMBER

R12/0101

DATE VALID

10/01/2013

ADDRESS OF DEVELOPMENT

DIRFT II Zone 3 Expansion Site
Daventry International Rail Freight Terminal
Crick
Daventry
NN6 7ES

APPLICANT/AGENT

Miss Caroline Simpson
Nathaniel Lichfield & Partners
Floor 3
One St.James's Square
Manchester
M2 6DN
On behalf of , Prologis UK Limited

APPLICATION DESCRIPTION

Construction of a rail linked Use Class B8 (Storage and Distribution) Unit with associated rail embankment, construction of a bridge over the A428, rail lines, intermodal transfer area, ancillary offices, car and HGV parking, drainage ponds and channels, landscaping to include a landscape bund and vehicular access (straddling the administrative boundaries of Rugby Borough Council and Daventry District Council).

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:

Drawings:

F070-P001 Rev E Zone 3 Plot A Existing Site Plan
F070-P010 Rev D Zone 3 Plot A Master Plan
F070-P011 Rev D Zone 3 Plot A Site Plan
F070-P021 Rev D Zone 3 Plot A Site Areas Plan
07 Rev B Soft Landscape Concept
17 Rev B Bund Detail and Section
18 Rev A Bund Landscape Concept
D20908/PY/B Sheet 1 of 1 Kingfisher Exterior Lighting
D20908/PY/B Sheet 2 of 2 Kingfisher Exterior Lighting

Documents:

Planning Statement, 8 January 2013 (ref:02984/16/JG/Csi)
Design and Access Statement, January 2013 (Stephen George & Partners LLP)
Landscape and Visual Impact Assessment (including Lighting Assessment), Rev B, January 2013 (FPCR)

Noise and Vibration Assessment, Rev 3, December 2012 (AECOM Environment)
Air Quality Assessment, Rev 3, January 2013 (AECOM Environment)
Transport Assessment, 07 January 2013, ref:9X1161/R004/304087/Birm (Royal Haskoning DHV)
Interim Travel Plan, 07 January 2013, ref:9X1161/R005/304089/Birm (Royal Haskoning DHV)
Flood Risk Assessment, January 2013, ref:26185/001 (Peter Brett Associates)
Drainage Strategy Report, Rev B, 21 November 2012, ref:015669 (RPS)
Preliminary Interpretive Report, January 2013, ref:03117748 (URS)
Phase 1 Geo-environmental Desk Study, Issue 1, December 2012 (URS)
Ecology Statement (including Preliminary Bat Roost Assessment and Badger Survey Report, January 2013, ref:4875R 121217LMBCSU Ecology Statement (RPS)
Sustainability Strategy inc Sustainability Checklist, January 2013, ref:PROQ2036 (Turley Associates)
Heritage Statement, December 2012, ref:EHE2255 (RPS)
Economic Statement, 8 January 2013, ref:02984/16/JG/CR (Nathaniel Lichfield and Partners)
Pre-Development Tree Survey, November 2012, ref:RP01A (Midland Tree Surgeons)

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 development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2013, reference: 26185/001, prepared by Peter Brett and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site - Sections 4.0, 5.0 and Appendix 5.
2. Finished floor levels are set no lower than 101.09m above Ordnance Datum (AOD)- Section 4.1.
3. Provision of a minimum of 300m³ of compensatory flood plain storage - Section 4.2.
4. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven - Section 4.3.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

REASON:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; to ensure safe access and egress from and to the site and, to reduce the risk of flooding to the proposed development and future occupants.

CONDITION: 4

The development hereby permitted shall not be commenced until such time as a scheme to provide a minimum of 300m³ of compensatory flood plain storage, as shown on drawing no. 26185/001/003, has been submitted to and approved in writing by the Local Planning Authority. In order to prevent an increase in flood risk the scheme shall be implemented at the ground works phase of development, prior to the construction of any embankment or building on the site above existing ground levels. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON:

To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future users.

CONDITION: 5

No development shall take place until a construction working method statement to cover all channel/bank works to the Clifton Brook has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved method statement and any subsequent amendments shall be agreed in writing with the Local Planning Authority. Such a scheme shall include details of the following:

1. The timing of the works
2. The methods used for all channel, bankside water margin works
3. The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
4. The materials to be used
5. The machinery to be used (location and storage of plant, materials and fuel, access routes, access to banks etc)
6. Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking

REASON:

To prevent diffuse pollution of the water environment arising from ground works in accordance with the National Planning Policy Framework (paragraphs 109 and 120) and to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with National Planning Policy Framework (paragraphs 109 and 118), Article 10 of the Habitats Directive and Environment Agency Pollution Prevention Guidelines 5 and 6.

CONDITION: 6

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 20% (for climate change) critical rain storm will not exceed the run-off from the pre-developed site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

1. Limiting the discharge rate to 4l/s/ha and storing the surface water run-off generated by all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm so that it will not exceed the run-off from the pre-developed site and not increase the risk of flooding off-site;
2. Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate(s) and all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm;

3. Detailed design (plans, cross and long sections and calculations) in support of any surface water drainage scheme, including details of any attenuation system and the outfall arrangements;
4. Details of how the onsite surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters;
5. Detailed design for the proposed relocation of the existing attenuation pond serving DIRFT II, Zones 1 and 2, and proposals to include the highway drainage on the A428;
6. Detailed design for the proposed relocation of the existing ditch along the western boundary of the site, to include the removal of the two proposed footpath crossings of this ditch (which are un-necessary and require culverting of the watercourse) as shown on Barry Chinn drawing no 18 Rev A, and RPS drawing no. 15669_SK0310 Rev E.

REASON:

To manage appropriately the risks associated with surface water flooding both on and off site by ensuring the satisfactory storage and disposal of surface water from the site.

CONDITION: 7

No development hereby permitted shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

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

REASON:

To protect and prevent the pollution of controlled waters (particularly inland freshwaters, secondary aquifers, principal aquifer, EU water framework drinking water protected areas, private abstractions) from potential pollutants associated with current and previous land uses in line with the National Planning Policy Framework (paragraphs 109, 120 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection:Principles and Practice (2013).

CONDITION: 8

No development shall take place before a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- detail extent and type of new planting (details already exist for terrestrial aspects but needs to be extended to include any planting of aquatic and marginal vegetation around the SUDs)
- details of maintenance regimes
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

REASON:

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with the National Planning Policy Framework (paragraphs 109 and 118)

CONDITION: 9

The development hereby permitted shall not commence until a Construction and Environmental Management Plan for the development has been submitted to and approved in writing by the Local Planning Authority. Such plan shall include:

- appointment of an ecological clerk of works to oversee all ecological protection measures
- protection of the Clifton Brook by a no-disturbance 8m buffer zone
- appropriate working practices and safeguards for nesting birds, reptiles, riparian mammals, amphibians, badgers and bats that are to be employed whilst works are taking place on site

The approved Construction and Environmental Management Plan shall thereafter be implemented in full.

REASON:

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

CONDITION: 10

The development hereby permitted, including site clearance, shall not commence until an Ecological Enhancement and Management Plan has been submitted to and approved in writing by the local planning authority in consultation with Warwickshire County Council Ecological Services. The scheme shall include all aspects of biodiversity enhancement referred to in Section 5 of the 2013 Ecology Statement produced by RPS and should include habitat enhancements for great crested newts, reptiles, badgers, breeding birds and riparian mammals. The scheme shall also include all aspects of habitat management over a period of at least 25 years from completion of development works. The approved scheme shall be fully implemented before/during development of the site as appropriate.

REASON:

In accordance with the provisions of the National Planning Policy Framework

CONDITION: 11

The development hereby permitted shall not be commenced, nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and thereafter fully implemented. The scheme shall include details of the erection of protective fencing and shall be in accordance with BS5873:2005 Trees in Relation to Construction. Nothing shall be stored or placed in the fenced areas nor shall the ground levels be altered or any excavation take place without the prior permission in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

REASON:

To protect trees and other features on site during construction.

CONDITION: 12

The development hereby permitted shall not be commenced until a detailed schedule of badger mitigation measures (to include the relevant measures included within Section 5 of the 2013 Ecology Statement prepared by RPS, including further survey work, timing of works, protection measures and monitoring) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

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

CONDITION: 13

The landscaping scheme, as detailed on the approved plans, together with any additional landscaping and planting approved in accordance with condition nos. 8 and 10 above, shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation(s).

REASON:

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

CONDITION: 14

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

REASON:

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

CONDITION: 15

Before the development hereby permitted is commenced full details of all boundary treatments shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved before it is first brought into use.

REASON:

In the interests of visual amenity

CONDITION: 16

All external lighting on the site shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be implemented strictly in accordance with the approved details before the development is first brought into use and shall be maintained in accordance with these approved details whilst the site is in use. No additional external lighting shall be installed or erected on the site without the prior approval in writing of the Local Planning Authority.

REASON:

In the interests of visual amenity.

CONDITION: 17

Before any development commences on site, full details for securing the site during construction and the operational life of the site shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include proposed boundary treatment, security lighting and CCTV installations.

REASON:

In the interests of the visual amenity of the area and to minimise light spillage from the site.

CONDITION: 18

The rail infrastructure, including the rail embankment, rail lines, sidings and intermodal transfer area shall be completed in accordance with the approved details before the development hereby permitted is first brought into use.

REASON:

To secure modal shift to rail freight.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Local Development Framework Core Strategy, June 2011, policies CS4, CS11, CS15, CS16 and CS18.

Rugby Borough Local Plan, July 2006, saved policies GP2 and E6

National Planning Policy Framework, March 2012 - sustainable development (paras.7, 14 and 17); part 1 - building a strong, competitive economy (paras. 18, 19 and 21); part 4 - promoting sustainable transport (paras. 30, 31, 32, 34 and 36); part 7 - requiring good design (paras. 59-61); part 10 - meeting the challenge of climate change and flooding (paras. 96, 100 and 103); part 11- conserving and enhancing the natural environment (paras 109, 118 and 123); part 12 - conserving and enhancing the historic environment (paras. 128-129); decision taking/determining applications (paras. 186, 187, 196 and 197).

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.

REASONS FOR APPROVAL:

Those elements comprised in the scheme falling within Rugby Borough Council's administrative boundary are essential to the delivery of a major development for purposes of rail-linked warehousing and distribution. The site is allocated for development as part of the proposed Rugby Sustainable Urban Extension (SUE) under Local Development Framework Core Strategy, June 2011, policies CS4 and CS18. The principle of development of the site is therefore already established and it is not considered that the proposed scheme will be prejudicial to the delivery of the SUE.

The embankment supporting the railway infrastructure including the sidings and intermodal transfer area is of sustainable design and construction and thereby meets the requirements of Core Strategy policy CS16 and paragraphs 59-61 of the National Planning Policy Framework, March 2012 (NPPF) and

"saved" Rugby Borough Local plan, July 2006, policy GP2 which seeks to ensure that landscaping is considered as an integral part of the development.

There will be no significant adverse impact on air quality, noise and ground conditions in compliance with Core Strategy policy CS16 and paragraphs 109 and 123 of the NPPF. Ecological and biodiversity interests will be safeguarded in accordance with Local Plan saved policy E6 and paragraph 118 of the NPPF and there will be no substantial harm to, or loss of heritage assets in accordance with Core Strategy policy CS16 and paragraphs 128-129 of the NPPF. The scheme will also ensure that the risk of flooding will not be increased elsewhere as a result of the development and appropriate SUDs drainage will be incorporated in the scheme in accordance with Core strategy policy CS15 and paragraphs 100-103 of the NPPF.

The proposals constitute sustainable development as promoted in paragraphs 7 and 8 of the NPPF and will make a significant contribution to employment generation and economic growth.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

The Environment Agency advise that the SUDs area should have planting which maximises its value for biodiversity particularly in the aquatic elements. Aquatic and marginal planting should be of native species of local provenance and their management incorporated into a site wide landscape management plan. Lighting onsite should ensure that spill is kept to a minimum and directed away from any watercourses and hedgerows.

INFORMATIVE: 2

If mature trees with potential roosting features are likely to be affected by the development (e.g by felling or lopping work) it is important to survey these trees for the presence of bats, prior to works commencing. Bats and their roost sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, the latter of which deems them a European Protected Species. It is a criminal offence to disturb or destroy a bat roost, even if the roost is only occasionally used.

INFORMATIVE: 3

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so 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: R13/0585

Site Address: Boots Farm, Straight Mile, Bourton-on-Dunsmore, Rugby

Description: Change of use of existing buildings for purposes within Class B1 Office/ Light Industry), B2 (General Industry) and B8 (Storage and Distribution) together with the car parking provisions (retrospective) - Variation of condition 10 attached to approval R10/1247 date 07/11/2012 to enable the provision of lorry parking ancillary to the permitted use of the buildings.

Case Officer Name and Number Nathan Lowde 01788 533725

Description of proposed development

The application seeks the variation of condition 10 of planning permission R10/1247 dated 07/11/12 which states:

The storage of vehicles ancillary to the uses of the buildings hereby permitted shall be restricted to the area marked P25, P3 and P4 as shown on drawing number 8648/2. No vehicle stacking shall be undertaken within this area or anywhere else within the red edge of the application site as shown on drawing no. 8648.1.

REASON

In the interest of visual amenity and in the interests of safety of uses of the footpath and bridlepath R163 and R163c

The applicant seeks the variation of this condition to enable the provision of lorry parking as shown on drawing 8648/2. The lorry parking will be confirmed to two areas shown on drawing 8648/2 as Lorry Parking to the north of the site and Potato Lorry Park to the south-east of the site.

The application is to be determined by members of the planning committee as the application is a variation of condition relating to a major commercial development that was determined by members of the planning committee.

Description of Site

This application relates to a range of buildings at Boots Farm, Bourton-on-Dunsmore. The existing buildings can be clearly seen from the surrounding area, the Straight Mile and from public rights of way. The buildings on site were erected in connection with the use of the site as part of a potato farming business that included sorting, packaging and other processing works. Over time the potato business has reduced and some of the buildings have been utilised for a range of other activities including food distribution, storage, servicing machinery and other uses in classes B1, B2 and B8. Permission has been granted (ref: R10/1247) for the use of these building for B1 Office/ Light Industry), B2 (General Industry) and B8 (Storage and Distribution), purposes.

The buildings are large and have the appearance of industrial type buildings, they are mostly constructed of grey cladding and red brick with pitched roofs, some of the buildings have canopies to the front.

Public footpath, R163 and public footpath R163c cross the site.

Relevant planning history

The site has an extensive planning history.

R10/1247	Change of use of existing buildings for purposes within Class B1 Office/ Light Industry), B2 (General Industry) and B8 (Storage and Distribution) together with the car parking provisions (retrospective)	Approved 07.11.12
R10/1252	Change of use of land for the purposes of marquee hire, parking of lorry back and storage of vehicles ancillary to the industrial/storage activities.	Withdrawn 27.03.13
R10/1254	Extension to existing building (retrospective)	Approved 08.11.12
R10/1255	Change of use of part of the land for the siting of 10 no. shipping containers for the provision of secure storage ancillary to the operations undertaken within existing buildings. (Retrospective)	Refused 12.11.12

Third Party Comments

Neighbours

Observation (1) Due to the increasingly industrial nature of the site, and consequently higher levels of light pollution and unsightly vehicles on site, would it be possible to place a condition on this application that the lighting is less obtrusive to resident of Bourton and that a screen of trees be planted between the site and the road.

Parish Council

no comments received

Technical Consultation Responses

WCC Highways

no comments received to date.

WCC Rights of Way Team Objection

Condition 10 was imposed in the interests of safety of users of these public rights of way. The Right of Way team would therefore object to the relaxing of this condition to allow additional parking unless the affected public rights of way are legally diverted onto an alternative alignment that would be unaffected by vehicle movement.

Relevant planning policies/guidance

Regional Planning Policy

Regional Spatial Strategy

Policy T2 Reduce the need to travel

Policy T7 Car Parking Standards and Management

Policy QE7: Protecting, managing and enhancing the Region's Biodiversity and Nature Conservation

Resources

The Secretary of State, in exercise of the powers conferred by section 109(3), (5) and (6) of the Localism Act 2011, has made the Order to revoke the WMRSS. This Order will come into force on 20th May 2013. As such when this application is to be determined by members of the planning committee the above policies will not be relevant.

Rugby Borough Local Development Framework

Rugby Borough Core Strategy 2011

CS1 Development Strategy complies

CS16 Sustainable Design complies

National Planning Policy

National Planning Policy Framework 2012

Assessment of proposal

The proposal seeks to enable lorry parking ancillary to the authorised use of the buildings for which permission was granted in 2012 ref: R10/1247. Two areas as defined on drawing 8648/2 are proposed. One of the areas proposed is situated to the northern boundary of the site on an area of existing hardstanding to the rear of Building E as shown on drawing 8648.1. Condition 10 of planning permission R10/1247, which the applicant seeks to vary, allows for the storage of motor vehicles within this area, restricted to the area marked P25, P3 and P4 as shown on drawing 8648.1. The proposed variation of condition 10 would allow for 5 lorry parking spaces within this area, ancillary to the use of the buildings. The proposed variation also seeks to provide additional lorry parking to the front of the site and Building A as shown on drawing 8648.1. Building A is currently used for the processing of potatoes and as such lorries to be parked within this area would be in connection with the potato processing operation.

The site is located within the Green Belt where both local and national policy are restrictive on development within this area. Given that the parking would be ancillary to the authorised use of the site, it is considered that the principle of the proposed variation is acceptable in accordance with policy CS1 and guidance contained within the NPPF.

Policy CS16 of the Core Strategy states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenities of the areas in which they are situated. In terms of maintaining the openness of the green belt and the impact upon the visual amenity of the area, 5 lorry parking spaces that are proposed to the north of the site is considered relatively low level, and will be viewed in context to the ancillary motor vehicle storage within this area as approved under planning permission ref R10/1247. Therefore the impact upon the openness of the green belt and visual amenity of the area is considered minimal. The area to the front of the site marked 'Potato Lorry Park' on drawing 8648.1 will be used for the parking of lorries in connection with the potato processing business. Lorries parked within this area would be more visible from the highway. Conditions imposed on the original permission R10/1247 required the submission of a landscape scheme. As part of this landscaping scheme the Council would seek to ensure that consideration is given to tree planting along the south-east boundary to ensure that lorries parked within this area are screened from the highway. It is therefore considered that the

variation of condition would not have a materially harmful impact upon the qualities, character and amenity of the area in accordance with policy CS16.

In terms of residential amenity, policy CS16 seeks to ensure that development does not have a materially harmful impact upon the amenities of neighbouring properties.

Objections have been received from Warwickshire CC Footpath Team, however it is considered that the proposed areas of parking would not obstruct to definitive Right of Way to runs through the site.

Recommendation

Approval subject to conditions.

APPLICATION NUMBER

R13/0585

DATE VALID

27/03/2013

ADDRESS OF DEVELOPMENT

BOOTS FARM
STRAIGHT MILE
RUGBY
CV23 9QQ

APPLICANT/AGENT

Mr Peter Frampton
Framptons
Oriol House
42 North Bar
Banbury
Oxfordshire
OX16 0TH
On behalf of Mitchells (potatoes) LTD, c/o
Agent

APPLICATION DESCRIPTION

Change of use of existing buildings for purposes within Class B1 Office/ Light Industry), B2 (General Industry) and B8 (Storage and Distribution) together with the car parking provisions (retrospective) - Variation of condition 10 attached to approval R10/1247 date 07/11/2012 to enable the provision of lorry parking ancillary to the permitted use of the buildings.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

This permission shall be deemed to have taken effect on 22nd May 2013.

REASON:

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

CONDITION: 2

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

Application Form dated 5th July 2010
Drawing Number 8648
Parking Plan drawing Number 8648/2

REASON:

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

CONDITION 3:

Other than for the purposes of potato processing and distribution, the B2/B8 uses hereby permitted shall relate only to the individual units as shown in Drawing No. 8648/2. These units shall not be amalgamated into larger units without the written permission of the Local Planning Authority in consultation with the Highway Authority.

REASON

In the interests of highway safety

CONDITION 4

The individual units shall be used for B2/B8 use and for no other purposes including any other purposes in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and reacting that order with or without modification.

REASON

To ensure that the development is acceptable

CONDITION 5

Notwithstanding the provisions of the Town and County Planning (General permitted development) order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010, or any order revoking or re-enacting that order, no development shall be carried out which comes within Class A of Schedule 2 Part 8 of the Order without the prior written permission of the Local Planning Authority.

REASON

In the interest of visual amenity

CONDITION 6

The development to provide visibility splays to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 160 metres to the near edge of the public highway carriageway. No structure, tree or shrub being erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway carriageway.

REASON

In the interest of highway safety

CONDITION: 7

The accommodation for car parking and the loading and unloading of vehicles, shown on the approved plan 8648/2 shall be provided within 3 months from the date of this decision and shall be retained permanently for the accommodation of vehicles of persons working in or calling at the premises and shall not be used for any other purpose.

REASON:

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

CONDITION 8

Details showing the location of the proposed 20 cycle spaces as indicated on the application forms shall be submitted to and approved in writing by the Local Planning Authority within 3 months from the date of this permission. The cycle space hereby approved shall be implemented in accordance with the details hereby approved within 3 months following the approval of details and shall be retained permanently.

REASON

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

CONDITION 9

Other than for the purposes of potato processing and distribution, the use of buildings for the purposes hereby permitted shall be restricted to the following hours:

Monday to Friday 07:00am to 20:00pm
Saturdays 07:00am to 14:00pm
Sunday and Bank Holiday 08:00am to 14:00pm

REASON

In the interest of residential amenity

CONDITION 10

The storage of vehicles ancillary to the use of the buildings hereby permitted shall be restricted to the area marked P25, P3 and P4 as shown on drawing number 8648/2. The lorry parking associated with the potato business approved on the site shall take place within the 'Potato Lorry Park' shown on Drawing 8648/2. Lorry parking ancillary to the use of the buildings hereby permitted shall take place as shown in the area so described as 'Lorry Parking' on Drawing 8648/2. No vehicle stacking shall be undertaken within this area or anywhere else within the red edge of the application site as shown on drawing no. 8648.1

REASON

In the interest of visual amenity and in the interests of safety of uses of the footpath and bridlepath R163 and R163c

CONDITION 11

Other than for the purposes of potato processing and distribution and with the exception of storage of motor vehicles as detailed within condition 10, there shall be no external storage of material, equipment, vehicles or any other items associated with the use of the buildings hereby permitted.

REASON

In the interest of the visual amenity

CONDITION: 12

Within 3 months from the date of this decision a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following the approval of details. 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 13:

Pallets used for the purposes of potato processing and distribution shall only be stored in the area shown on drawing number 8648/2 marked Pallets. No pallets shall be stacked or deposited to a height exceeding 3 metres above ground level without the prior written consent of the Local Planning Authority.

REASON

In the interest of visual amenity.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Local Development Framework

Rugby Borough Core Strategy 2011

CS1 Development Strategy

CS16 Sustainable Design

Saved Local Plan Policies (Post Core Strategy Adoption)

Policy T5 Parking Facilities

Policy E6 Biodiversity

RBC LDF Planning Obligations SPD 2012

National Planning Policy

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 proposed change of use of the buildings would be acceptable in this Green Belt location and would not impact on the openness and character of the surrounding area complying with policy CS1 and CS16 of the Rugby Borough Core Strategy 2011 and also the guidance contained in the NPPF. The change of use would not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011. Additionally as the development does not have an adverse impact on the biodiversity of the area it accords with Saved Policy E6 of the Rugby Borough Local Plan 2006. It is considered that the change of use would not have a detrimental impact upon highway safety and sufficient parking provisions are to be provided on site in accordance with saved policy T5 and RBC LDF Planning Obligations SPD 2012.

INFORMATIVE: 1

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

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

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

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

INFORMATIVE 2

In view of the nearby pond, 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 are also deemed 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: 3

The applicant is advised that they contact Warwickshire County County Countryside Access Team (Tel: 01926 412004) to seek the diversion of Public Right of Way R163.

Reference number: R13-0316

Site address: 58 Rugby Road, Binley Woods, Rugby, CV3 2AX

Description: Erection of a single storey side extension and a part two storey part single storey rear extension, and conversion of the loft to living accommodation.

Case officer: Brian Slater 3624

Relevant decisions

Extensions and garage approved under Buildings Regulations

R77/1079/8448/PB Erection of a two storey rear extension Approved 28/11/77

R77/1568/8448/P Erection of a front porch Approved 14/02/78

R78/1189/8448/P Erection of a single storey side extension,
Porch and alterations to front elevations Refused 16/11/78

R78/1646/8448/P Erection of a single storey side extension, porch
and alterations to front elevations Approved 22/01/79

R84/????/8448/P Erection of side and rear extension at first floor
level. Refused 25/01/84

R84/0107/8448/P Erection of side and rear extension at first floor
level Approved 21/05/84

R09/0770 /HOUS Erection of a single storey side extension and
a part two storey part single storey rear extension, and conversion
of the loft to living accommodation. Approved 25/11/2009

Technical Consultations

WCC Ecology No objection subject to informative notes regarding the protected status of bats, nesting birds' reptiles and amphibians is added to any permission that is granted.

Trees No objection subject to a condition for a tree protection plan for the semi mature copper birch tree in the grassed front garden

NE LPA to assess and consider the possible impacts resulting from the proposal on protected species, local wildlife sites and biodiversity enhancements

ES The agent has been contacted regarding the location of the plant room for the swimming pool and details of any external lighting scheme. As the plant will be contained internally with the associated extension and there will be no external lighting scheme Environmental Services have no comments

Third Party Consultation [original plans]

Neighbours 5 letters of objection, comments as follows

Existing details are out of date and misleading and do not take into account bungalows in Oakcourt: development akin to a commercial venture such as a hotel or motel: out of character with village: loss of privacy: noise and disturbance: growing concern amongst residents to build new properties and large extensions: large extension and proximity to No 3 Oakdale Court: overlooking windows: potential balcony: large glass dome will be unsightly and out of keeping

Ward Members No comments

Parish Council No objection subject to neighbour consultation and that permission only be granted if the applicant complies with the Parish Councils and Warwickshire County Council [via Heather Timms] requirement to remove the conifer hedge in the highway verge. In addition not to use the lead roll fat roof with low parapet walls as a balcony. Ensure that side windows and second storey windows do not affect the privacy of neighbouring properties

Amended plans

Neighbours No objections received

Parish Council No comments received

Ward Member Councillor Heather Timms requested that the Planning Committee determine this application and also that Members carry out a site visit .Main concern is the size of the extension and the impact at the sides and rear of the building where the new bungalows have been built in Oakdale Close which this property backs on to.

Site description and the surroundings

Rugby Road is the main road leading through Binley Woods, a Main Rural Settlement.

No.58 is a detached dwelling located close to the roundabout junction where Rugby Road meets the A46. It is set back from the road by a front lawn and vehicular accesses. Evergreen hedging screens the frontage from both the highway and adjacent properties.

To the rear is a large enclosed garden area, screened from adjacent properties by a combination of 2m high close boarded fencing and mixed species hedging (ranging in height from 2m to 3m+).

The property has been extensively extended in the past, with additions to the front, sides and rear.

The application

The applicant seek permission for to erect a single storey side extension and a part two storey part single storey rear extension, and conversion of the loft to living accommodation.

A previous application reference R09/0770/ HOUS for the same development was approved on 25/11/2009. Whilst this application has now expired dated 25/11/2012 the applicant has submitted a new application for the same development as previously approved

Planning Policy Guidance

Core Strategy 2011 Policy CS 16 Sustainable Design
Saved Policy E6 Biodiversity

Sustainable Design and Construction SPD [Appendix B Residential Extension Design Guide]

NPPF [National Planning Policy Framework]

Determining Considerations

Policy CS 16 requires that all development will demonstrate high quality, inclusive and sustainable design and will only be permitted where proposals are of a scale density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated Furthermore development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded

NPPF

Section 7 [Good Quality Design] of the NPPF [National Planning Policy Framework] mentions that high quality and inclusive design is a key factor in making places better for people in terms of quality and character of the environment and private amenity.

Section 11[Conserving and enhancing the natural environment] mentions that the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity.

Design and Appearance

Although the proposed extensions are on a relatively large scale, and acknowledging the fact that the property has already been extended considerably, the site is still capable of accommodating the proposals.

The large rear garden area will absorb the majority of the impact of the conservatory style pool enclosure and the two storey extension whilst still remaining spacious and open. Although the proposals to the rear include quite contemporary elements (for example the large lantern, which will be a striking feature within the rear elevation) they are offset by more traditional elements that are sympathetic to and in keeping with the period and style of the existing property.

The proposed side extension will nestle into an area that is not actively utilised at present, and has been specifically designed to compliment the existing frontage in terms of style and scale.

Whilst the proposals, will inarguably have a significant effect on the property, they will not detract from its character or appearance within the street scene, especially as the majority of the visible changes are confined to the rear.

Amenity

Since the previous planning permission for this property in 2009 the adjacent property No.56 Rugby Road has been extended to create a two storey dwelling house This planning permission was granted in 2010 In addition a small development of bungalows has been built on land to the rear of the adjacent garage A detached bungalow is formed with the joint dividing boundary with the application site.

Although the proposed side extension will obviously come close to the boundary with No 58, it will be situated adjacent to the neighbouring garage serving the dwelling. As for the more significant extensions to the rear, these are set further away from the boundary, lessening their potential impact.

The proposed single storey side extension is situated approximately 3 metres from the joint boundary with No 56 whilst the proposed car port extends forward of this garage At their closest point, the proposed two storey extensions would still be at least 10m away from the adjacent dwelling. This would minimise the potential for an overbearing impact on it, as well as allowing ample natural light to still fall over the property.

The councils 45 code of practice is a general guideline that is a useful tool to prevent loss of daylight to neighbouring properties and their gardens. The council has assessed the proposal using the 45 line of principle and has established that the proposal will not result in loss of sunlight or daylight to the adjacent properties or impact on the rear garden The property is orientated in a north south direction with the main sunlight hours throughout most of the day to the rear garden area.

In addition the single storey addition extends down the garden towards the new bungalows at the rear of the existing commercial garage. The height and relationship of this extension will not impact on the amenity of these properties by loss of sunlight daylight or other amenity issues associated with the pool. The extension stands approximately 8.0 metres from the nearest bungalow in Oakdale Court. The rear elevation wall nearest to this property has a hipped roof. The height to eaves of this extension is 2.4 metres with the hipped roof sloping back at around 3.0 metres and a height of 3.2 metres

The Parish Council and neighbours have raised issues about overlooking windows and the possible use of a flat roofed area to be used as a balcony arrangement. The applicant has advised that the flat roofed area with lead roll roof with low parapet wall will not be used as a balcony. To prevent the future adaption of this area the council will include a condition on the permission to prevent this from happening .In addition side facing windows will also have obscure glazing and fixed to prevent overlooking.

Therefore the proposal will comply with policy CS 16 of the Core Strategy 2011 and the Sustainable Design and Appearance SPD [Appendix B Residential Extension Design Guide] and the requirements of section 7 [Good quality design] of the NPPF [National Planning Policy Framework]

Ecology

Saved policy E6 of the Rugby Borough Local Plan 2006 mentions 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 concern. This is reflected in section 11 of the NPPF [National Planning Policy Framework]

The WCC Ecology has mentioned that the applicant is made aware of the protected status of bats and nesting birds and that care is taken during destructive works to the existing roof. In addition due to the presence of a pond within the back garden, recommend that that care is taken during ground clearance works in particular of any suitable refugia for amphibians and reptiles. Therefore precautionary notes shall be added to any permission that is granted.

Tree- protected semi mature copper beech

There is a protected semi mature copper beech tree in the grassed front garden In the event of permission being granted there is likely to be large scale building activity to the front. Therefore it is important that the tree and its root protection area is not adversely impacted upon No information has been submitted to show how this tree will be protected during development therefore A tree protection plan showing type and position off protective fencing is requires as part of the permission to so there is no disturbance within its root protection are within the grassed front garden

Therefore the proposal will comply with saved policy E 6 of the Rugby Borough Local Plan 2006 which now forms part of the Borough Core Strategy 2011and the requirements of section 11 of the NPPF

The Parish Council in their comments mentioned that permission only be granted if the applicant complies with the Parish Councils and Warwickshire County Council [via Heather Timms] requirement to remove the conifer hedge in the highway verge The local planning authority in response to this matter do not consider that this is relevant to this application.

Recommendation

Planning permission be granted

DRAFT DECISION

APPLICATION NUMBER

R13/0316

DATE VALID

19/02/2013

ADDRESS OF DEVELOPMENT

58 RUGBY ROAD
BINLEY WOODS
COVENTRY
CV3 2AX

APPLICANT/AGENT

S H Architectural Services Ltd
33 Belvedere Road
Coventry
West Midlands
CV5 6PG
On behalf of Mr Mohan

APPLICATION DESCRIPTION

Erection of a single storey side extension, and a part two storey, part single storey rear extension , and conversion of the loft to living accommodation

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Drawing reference 11/02/08-02 Rev E: 11/02/08-03 Rev F: 11/02/08-04 Rev E received by the Local Planning Authority on 4/4/2013 and the site location plan as shown on plan reference 11/02/08-01 Rev C received by the Local Planning Authority on 6/2/2013. No deviation from these plans is permitted without the written consent of the Local Planning Authority, to be obtained prior to the commencement of development

REASON:

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

CONDITION 3:

The facing materials to be used on the external walls and roof shall as specified on the application form, received by the Local Planning Authority on 6/2/2013

REASON:

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

CONDITION 4:

Other than those shown on the approved plans no new windows shall be formed in the side elevations unless otherwise agreed in writing by the Local Planning Authority. The first floor windows hereby approved in the side elevations shall not be glazed or re glazed other than with obscure glass and shall be permanently fixed so that no part can be opened at any time Thereafter the windows shall be retained in this condition whilst the development remains in existence

REASON:

In the interest of residential amenity.

CONDITION 5:

Before the commencement of any works on site a protective barrier shall be erected around the protected Beech Tree to the front of the property at a distance equal to 12 times the diameter [as measured 1.5m above ground level]. The protective barrier will consist of a scaffold framework, in accordance with Figure 2 of BS 5837:2005 [Trees in relation to Construction] .The protective fencing shall comprise a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. Welsdmesh panels should be securely fixed onto this framework with wire or scaffold clamps .Details of the proposed barrier are to be agreed with the Local Authoritys Tree Officer prior to commencement of development. The protective barrier shall be erected in accordance withy details thereby approved and remain in place until completion of all construction works

REASON:

To ensure the protected tree is not adversely affected by pressures of development

CONDITION 6:

The lead roll flat roofed area with low parapet walls shall not be used as a balcony arrangement

REASON:

In the interests of residential amenity

REASON FOR APPROVAL:

The proposed extension will be in keeping with the existing house and surrounding area and will not adversely impact on the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011 and the requirements of the section 7 [Good quality design] of the NPPF. The WCC has recommended an informative note regarding the protected status of bats, nesting birds reptiles and amphibians be included on any permission that is granted. Therefore the proposal will comply with saved policy E 6 of the Rugby Borough Local Plan 2006 which now forms part of the Borough Core Strategy 2011 and also the requirements of section 11 of the NPPF

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

CS 16 , E 6 , NPPF Sustainable Design and Construction SPD [Residential extension design guide]

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 and Local Communities and Government web site on www.communities.co.uk

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

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

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

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

INFORMATIVE 2:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845

601 4523 . If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed. 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 3:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so 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 4:

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

Reference number: R13/0409

Case Officer: Chris Davies 01788 533627

Site address: Former Jewson Timber site, Wood Street, Rugby

Description: Change of use of vacant building from Class B8 (storage and distribution) to Class D2 (indoor scooter, skate board, BMX and rollerblade park) of the Town and Country Planning (Use Classes) Order 1987 as amended.

History:

The premises had been used as a timber yard (storage and distribution of cut timber to order) for many years, but had been vacant for some time.

Proposal:

The applicants seek planning permission to change the authorised use of the building for indoor recreational purposes. They intend to operate a multi-discipline indoor skate park, accessible for all ages and abilities.

Other Relevant Information:

The building is served by an access off Wood Street, which has an on-site speed limit of 5mph (displayed signage associated with this). It is located behind some low level industrial buildings (mostly vacant) and adjacent to an actively used railway siding (primarily used for haulage). There are also industrial units to the side of the site and to the rear (on the other side of the railway siding).

The building is set approximately 2.5m below the level of the highway (Wood Street), and is approximately two storeys high. It has a typically industrial appearance, with metal cladding, red facing brickwork and a flat roof being the dominant features.

To the rear of the building is a large secure private car park, which the applicants propose to use for their patrons and staff. A 1m high picket style fence encloses the car park area. The car park cannot be seen from the highway.

Internally the building is partitioned into several large full height rooms, with the first one having a small mezzanine and an area partitioned off to form an office and facilities space. All rooms are served by at least one fire door, in addition to the main entrance (in the case of the first room) or a full height roller shutter doors (in the case of the other rooms). The rooms are otherwise open spaces with no obstructions or fixtures.

Ward Consultation Responses:

Councillor Mahoney - Supports the application as it is a much needed facility. He does not consider there to be a potential parking issue.

Councillor O'Rourke - Raised concerns over parking and increased traffic.

Third Party Consultation Responses:

WCC Ecology - Nesting bird informative required.

WCC Highways - No issues with proposed use or parking arrangement, but object due to fencing adjacent to the access affecting visibility to the left.

Environmental Health - No objections subject to pre-commencement conditions regarding noise assessment and external lighting, and a condition regarding opening hours.

Neighbour Responses:

None

Planning Policy:

National Planning Policy Framework March 2012

Rugby Borough Core Strategy 2011

CS13: Local Services and Community Facilities Complies

CS16: Sustainable Design Complies

Rugby Borough Local Plan 2006 Saved Policies

E6: Biodiversity Complies

T5: Parking Facilities Complies

Rugby Borough Council Planning Obligations SPD March 2012 Complies

Considerations:

The key consideration in determining this application is the impact of the proposed use on a) the character and appearance of the locality, b) residential amenity, c) community facilities, d) parking and highway safety, and e) biodiversity.

Character and Appearance

The proposed use would require no material changes to the external appearance of the building, and so its contribution to the streetscene of Wood Street would remain essentially unchanged.

The proposed use is clearly significantly different from the historical timber yard operations, and would attract different vehicles and clientele. That said, the changes would not impact on the character of the property to the point of being detrimental to the character of the wider area.

If anything the occupation of the building would lead to an improvement in its appearance; the building had been vacant for some time, and the car parking area is in need of weeding and tidying up.

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

Residential Amenity

As Wood Street is in a primarily residential area, and there are dwellings on the opposite side of the road to the proposal site, there is potential for an impact on the amenities of local residents.

The proposed use would be entirely contained within the building, thus limiting the potential noise disturbance often associated with outdoor sporting activities. Should members be minded to approve the application, a pre-commencement condition would be applied to the consent requiring submission of a noise assessment and associated works to reduce noise from within the building. This would be assessed by Environmental Health how will be able to ensure appropriate measures are taken to reduce potential noise nuisance associated with the use.

It is not therefore considered that the proposed use would detrimentally impact on the amenities of local residents. The proposal therefore complies with the elements of policy CS16: Design of the Rugby Borough Core Strategy 2011 that relate to residential amenity.

Community Facilities

At present there are no facilities in the locality that would offer users a similar level of accessibility or safety when undertaking their sport/hobby.

The site is located in a densely populated area of Rugby so there are many families and children living in the locality. This proposed use would provide a sporting and recreational facility that could be accessed by the whole community, and offers a safe and regulated environment for young people; as well as being monitored by staff within the centre the applicant proposes to employ on-site security staff to ensure safety in the parking area and immediate locality.

This will enable young people to exercise and play safely and in an appropriate location (as opposed to attempting similar activities in less safe locations such as the roads and pavements). It will therefore be of benefit to the community and provide an additional community facility.

This conforms to the principles of policy CS13: Local Services and Community Facilities, which seeks to curb the decline in community life, and the principles of Part 3 of the NPPF.

Parking and Highway Safety

The on-site parking provision exceeds the recommended requirement for such a use as set out in the Rugby Borough Council Planning Obligations SPD March 2012, and so complies with Saved Policy T5 of the Rugby Borough Local Plan 2006.

The County Highway Engineer has raised objections on the grounds that a fence and sign adjacent to the junction with the access road and Wood Street limits visibility to the left. The sign is unauthorised, and the Council's Planning Enforcement section is to take action to have the sign removed. Once the sign is removed, there would not be a solid structure obscuring vision, as the fence itself is of an open palisade design.

Given the fact that all other companies and operations served by the access road use this junction in a variety of vehicles, including customer traffic, the LPA do not consider that the proposed use would materially impact on the potential risks of the access to pedestrians or road users to the point where refusal on these grounds would be justified.

Biodiversity

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

They have recommended an advisory note re nesting birds to guide the applicants, which would to be included in the decision should the scheme be approved.

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

Recommendation:

Approve subject to appropriate conditions.

DRAFT DECISION

APPLICATION NUMBER

R13/0409

DATE VALID

12/04/2013

ADDRESS OF DEVELOPMENT

Former Jewson Timber site
Wood Street
Rugby
CV21 2YX

APPLICANT/AGENT

Ms Vanessa Page
Side Fix Limited
23 Tee Tong Road
Long Lawford
Rugby
Warwickshire
CV23 9DD

APPLICATION DESCRIPTION

Change of use of vacant building from Class B8 (storage and distribution) to Class D2 (indoor scooter, skate board, BMX and rollerblade park) of the Town and Country Planning (Use Classes) Order 1987 as amended.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Application form (received by the Council on 12 April 2013)

Site location plan (received by the Council on 15 March 2013)

Internal proposed set up layout plan (received by the Council on 01 May 2013)

Parking provision proposal plan (received by the Council on 12 April 2013)

Planning Statement (received by the Council on 15 March 2013)

Marketing evidence (received by the Council on 15 March 2013)

REASON:

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

CONDITION 3:

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

REASON:

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

CONDITION 4:

Prior to commencement of development, the applicant or their successors in title must submit a noise assessment, carried out by an approved noise consultant, to be agreed in writing by the Local Planning Authority. The noise assessment must include details of how noise will be controlled from the site to ensure noise does not cause a disturbance to nearby sensitive properties.

REASON:

In the interests of residential amenity.

CONDITION 5:

The use hereby approved shall not operate other than between the hours of:-

Monday to Friday 09:00 - 21:00

Saturdays 10:00 - 22:00

Sundays and Bank Holidays 10:00 - 21:00

REASON:

In the interests of residential amenity.

REASON FOR APPROVAL:

The proposed use will result in an increase in community facilities in the locality, in accordance with policy CS13: Local Services and Community Facilities and Part 3 of the NPPF. The use will not adversely impact on either the character of the building and its locality or the residential amenity of neighbouring properties, in accordance with policy CS16 of the Rugby Borough Core Strategy 2011. Sufficient parking provision is available to comply with Saved Policy T5 of the Rugby Borough Local Plan 2006 and the Rugby Borough Council Planning Obligations SPD March 2012. Additionally as the proposal does not have an adverse impact on the biodiversity of the area it accords with Saved Policy E6 of the Rugby Borough Local Plan 2006 and Part 11 of the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

The National Planning Policy Framework March 2012 (NPPF)
Policies CS13: Local Services and Community Facilities and CS16: Sustainable Design of the Rugby Borough Core Strategy 2011
Saved Policies E6: Biodiversity and T5 of the Rugby Borough Local Plan 2006
The Rugby Borough Council Planning Obligations SPD March 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.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE:

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

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

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	22 nd May 2013
Report Title	Overview of Development Control Performance following Systems Thinking Review
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Nick Freer, Development Control and Enforcement Manager
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	
Statutory/Policy Background	N/A
Summary	This report provides an overview of the underlying levels of performance that are being achieved following the End to End Service Review of the Development Control Group
Risk Management Implications	None
Financial Implications	None

<i>Environmental Implications</i>	None
<i>Legal Implications</i>	None
<i>Equality and Diversity</i>	No new or existing policy or procedure is recommended
<i>Options</i>	N/A
<i>Recommendation</i>	The report be noted
<i>Reasons for Recommendation</i>	To keep Members of the Planning Committee updated with regard to the Development Control Groups performance and customer demand.

Planning Committee - 22nd May 2013

**Systems Thinking Performance. Development Control
Overview for Year End 31st March 2013**

Report of the Head of Planning and Culture

Recommendation

The report be noted.

1.1 INTRODUCTION

The Development Control team was the first within the Council to introduce a new customer focused way of working following an End to End Service Review. So that the committee can track customer demand and service performance over time this is the second of what will be a regular series of reports on performance measures.

The following information provides an overview of the underlying levels of performance being achieved within Development Control. Whilst not all of these are day to day operational measures they illustrate well how service delivery has improved from a customer perspective.

Withdrawn Applications

Q1 2012/13 - 5 withdrawn
Q2 2012/13 - 6 withdrawn
Q3 2012/13 - 14 withdrawn
Q4 2012/13 - 8 withdrawn

The total number of withdrawn applications for last year is 33 compared to 21 the previous year. Although higher than the previous year, primarily because of an unexpected rise in the third quarter of the year, this still represents a significant reduction when compared to the 2008/09 figure of 92 (i.e. just before the implementation of the new way of working), and indicates a 64% reduction in withdrawn applications which is a strong indication that customer demand, i.e. negotiated, acceptable, solutions are being delivered.

Refused Applications 2012/13

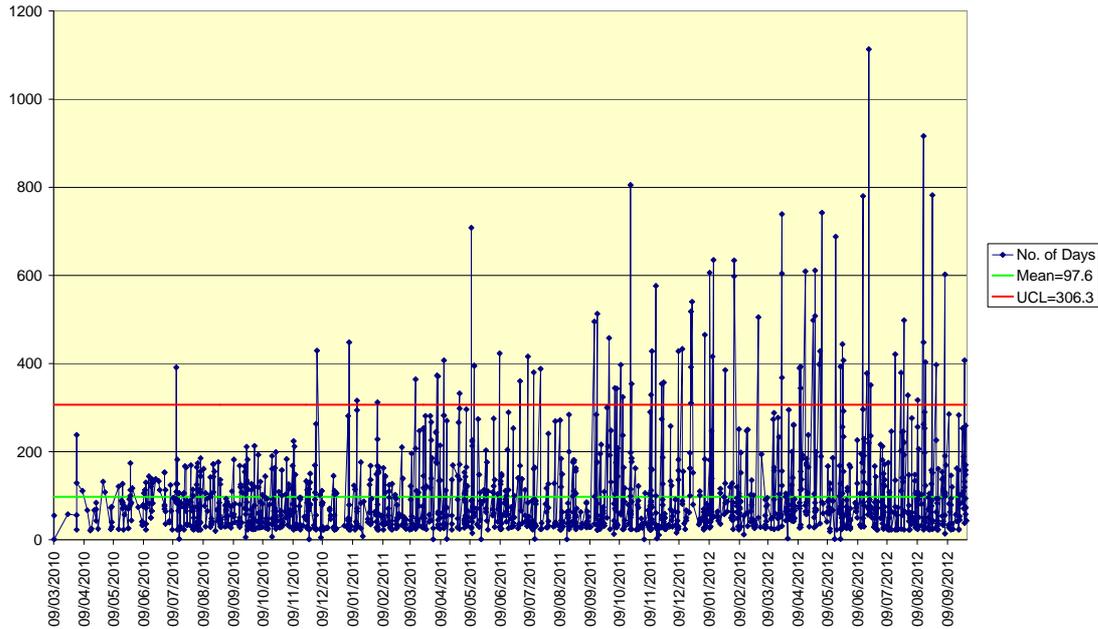
2012/13	Determined	Refused	Percentage (rounded up)
Q1	212	22	10%
Q2	249	21	9%
Q3	197	16	9%
Q4	221	11	5%

The percentage of refusals for the year is circa 8% which although slightly higher than the previous two years which were circa 5% still illustrates that the refusal rate is being maintained at relatively low rate especially when compared to the refusal rate of 18% for the year preceding the introduction of our new way of working. This in turn suggests a greater resolution of contentious applications and would suggest, therefore, increased customer satisfaction. It is important to point out that these decisions are, generally speaking, by the same set of planners, so standards haven't been dropped to get these results (i.e. they are the same quality of decisions).

End to End Times

End to end time is the time taken to deal with a demand from the moment a customer raises an issue with the Council (eg a pre-application inquiry) to the time the customer does not have to rely on the authority for any further approvals (eg. following the approval of details relating to a pre-commencement condition attached to a planning permission) End to end times are usually the most common form of measure used to analyse performance following a service review and remains the most important measure within the Development Management service. In September 2011 the end to end time was circa 85 days (approximately half the time that was identified in the "check" stage of the end to end review) Since this time this figure has steadily but slowly risen to circa 98 by September 2012 and now currently stands at circa 102. However, it is important to put this figure into context. The service has three less planning officers compared to previous staffing levels when these initial end to end times were achieved. In addition, the longer the new system is in place, there is a natural increase in the likelihood for demands that have been dealt with by a certain date to become re-opened at the customers behest (e.g., amendments) which understandably extends the end to end time. However, despite this slow rise it's important to remember that the figure is still significantly less than before the service introduced systems thinking (customers now spend circa 40% less time with the Council than they previously had to)

End to End Time



Telephone Calls

Telephone calls are now taken direct by the planners rather than being routed via the contact centre and the volume of calls received has significantly decreased as failure demand has been reduced. The telephone system that is currently operational within the service doesn't enable the collection of directly comparable call volume data. However, prior to the systems thinking review 14,700 calls were logged as received in 2008 and 12,435 calls were logged as received in 2009. Although we don't have the figures to make a direct comparison it is abundantly clear that the service receives no where near this volume of calls. Consequently, it is fairly safe to assume that a high percentage of those calls were failure demand. Those calls that do come in are now directly answered by a planner (as opposed to an administrator or contact centre operative) which reduces delay and increases efficiency and effectiveness in answering those demands.

In addition to general incoming calls, over the last twelve months the department, in conjunction with reception staff, have established a telephone link from the reception area directly into the planning office so that customers who visit the Town Hall in person can be linked to the planning office and discuss their demand with a planning officer directly as opposed to having to have it relayed into the department.

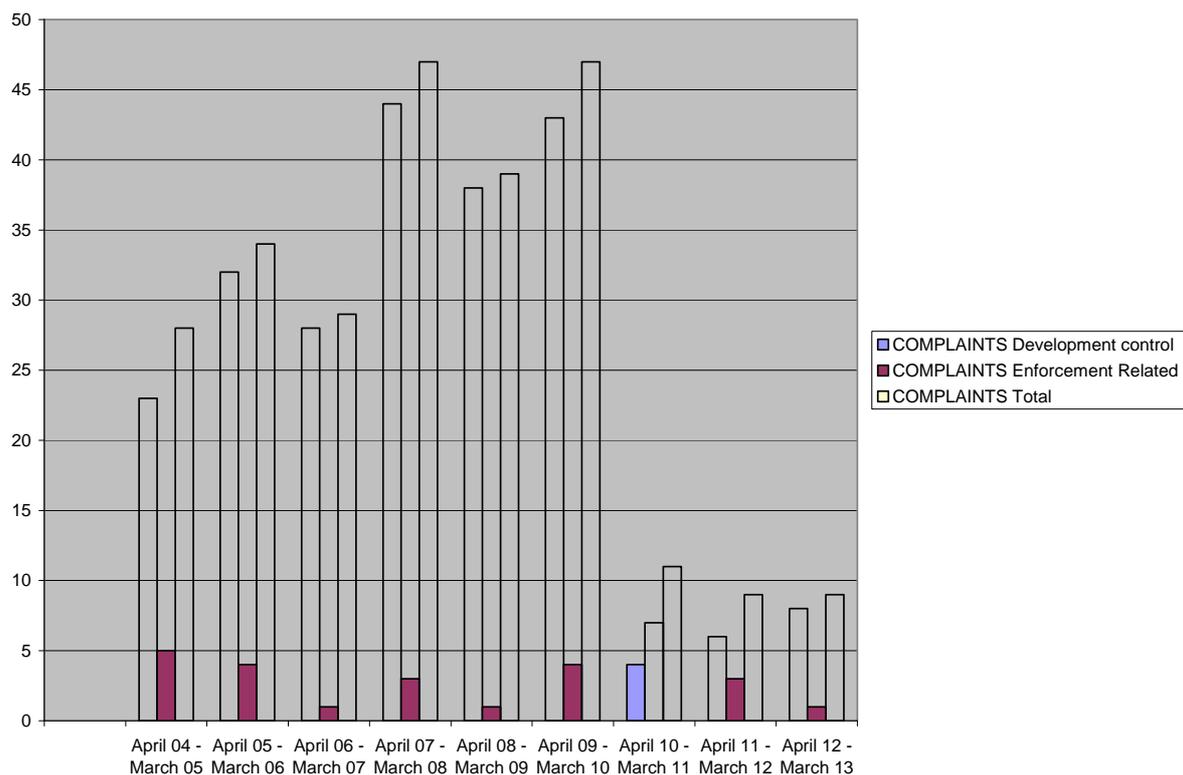
Appeals

2008/09	50
2009/10	46
2010/11	42
2011/12	37
2012/13	45

With the exception of last year's figure the data indicates a general trend of a year on year reduction (26% overall since introducing the new way of working) as increasing numbers of contentious applications are resolved by negotiation and compromise to the satisfaction of both customers and officers. However, quite clearly, there has been an upturn in the number of appeals last year when compared to the previous three years. This may well correlate to last years upturn in the rate of refusals or due to other reasons however it goes without saying that freeing up officer time from resolving appeals means that more time can be spent on processing incoming demand.

Complaints and Compliments

During 2012/13 the service received 8 formal complaints relating to Development Management issues and 1 relating to enforcement issues. This compares to 4 formal complaints relating to the Development Management issues and 7 relating to enforcement issues between April 2010 to March 2011 and 6 formal complaints relating to Development Management issues and 3 relating to enforcement issues between April 2011 to March 2012. The level of formal complaints is clearly remaining significantly lower than the levels experienced prior to the introduction of the new way of working. The chart below highlights the dramatic drop in such complaints following the bedding in of the new way of working during 2009/10.



In terms of compliments the relevant data is set out below. To put this information in perspective the service was receiving approximately 10 compliments per year in 2005/2006. (only 5 were received in 06/07)



Compliments for Development Management (excluding Enforcement)

April 07 to March 08 = 13

April 08 to March 09 = 25

April 09 to March 10 = 25

April 10 to March 11 = 22

April 11 to March 12 = 27

April 12 to March 13 = 33

Although the trend is not as marked as it is with the data relating to complaints, there continues to be a marked upward trend in compliments received.

Financial Benefits

Development Control

Savings per annum: Average from 2008/09 to 1012/13 £78,564 (total net saving to date £392,823)

	2008/09	2009/10	2010/2011	2011/2012	2012/2013
Costs					
Consultancy costs	£50306	£10790			
Redundancy costs		£20248	£38932		
Temporary staff costs			£47324		
Fixed Term Costs				£38861	£20773
Savings					
Staff savings (ongoing)		£87041	£117090	£119763	£119763
Call centre savings (ongoing)			£58800	£58800	£58800
Net annual savings (current and projected)	£50306	£56003	£89634	£139702	£157790

By radically redesigning the way that customer demands are dealt with by the planning service, significant capacity has been released and both financial and human resource savings have been made.

Following the review the structure of the Development Management Group was significantly altered with the removal of administrative support from the team. The planners are now responsible for carrying out the majority of work involved in processing a demand and also take the majority of telephone calls directly thereby removing the need for telephone support from the contact centre. These key changes, along with others, have reduced failure demand and increased efficiency and effectiveness. The ongoing savings are highlighted in the table above.

Summary

Whilst the performance measures set out above are not all used as day to day management indicators they nonetheless highlight the significant changes that have occurred in the Development Management Service over the last few years as a consequence of the fundamental review of how the service carries out its duties.

Refusals remain comparatively low, appeals are broadly reduced and the number of withdrawn applications remains significantly reduced. Formal complaints have fallen significantly and remain relatively low in comparison to previous years and compliments continue to rise.

As with most indicators associated with development management they fluctuate on a week by week basis but the key underlying outcomes are clear, broadly stable and generally appear to be remaining so. The service remains customer focussed, is geared towards brokering successful outcomes and continues to make year on year savings.

Name of Meeting: Planning Committee
Date Of Meeting: 22nd May 2013
Subject Matter: Development Control Performance
Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

* There are no background papers relating to this item.

(*Delete if not applicable)

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	22.05.2013
Report Title	Delegated Decisions – 12.04.2013 to 02.05.2013
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 3774
Report Subject to Call-in	Y
Report En-Bloc	N
Forward Plan	N
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

Equality and Diversity N/A

Options N/A

Recommendation The Report be noted

Reasons for Recommendation To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

Rugby Borough Council

Planning Committee – 22.05.2013

Delegated Decisions – From 12.04.2013 To 02.05.2013

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: 22.05.2013
Subject Matter: Delegated Decisions – 12.04.2013 to 02.05.2013
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 12.04.2013 TO 02.05.2013

A. APPLICATIONS – DELEGATED

**Applications
Refused**

<i>R12/2088 Refused 19.04.2013</i>	Larch House Frankton Lane Rugby	Alterations to convert garage to habitable room and erection of first floor extension over
<i>R13/0430 Refused 22.04.2013</i>	19 Arundel Way Cawston	Retention of hard-surfacing area and 3 de-mountable parking barriers.

**Applications
Approved**

<i>R13/0396 Approved 11.04.2013</i>	Tesco Stores Limited 1 Leicester Road Rugby	Change of use of nine parking spaces to a hand car wash and valeting operation including the erection of a canopy, office and screened wet wash area
<i>R13/0516 Approved 11.04.2013</i>	46 Catesby Road Rugby	Erection of a single storey rear and side extension, new outbuilding and proposed repositioning of an existing detached garage - Amendments to approval R12/2068 dated 7th January 2013 to increase the size of the garage and playroom.
<i>R12/1628 Approved 11.04.2013</i>	Brookside The Green Broadwell	Proposed erection of a single storey front extension and part single storey part two storey rear extension including repositioning of existing windows.
<i>R13/0501 Approved 11.04.2013</i>	87 Sidney Road Rugby	Erection of single storey and two storey rear extension
<i>R12/0789 Approved 12.04.2013</i>	The Old Forge Main Street Thurlaston	Erection of a single storey rear extension.
<i>R13/0499 Approved 12.04.2013</i>	The Granary Old Manor Farm Leamington Road Princethorpe	Conversion and extension of existing double garage and outbuildings to form a separate dwelling house. Amendment to approval R12/0896 dated 16th October 2012 to add a

porch

R12/2355
Approved
15.04.2013

Lodge Farm
Featherbed Lane
Withybrook

Erection of agricultural building for housing livestock

R13/0350
Approved
15.04.2013

Wesley Road Methodist
Church
Wesley Road
Hillmorton

Outline Permission for the erection of up to 3 dwellings. (all matters, i.e. access, appearance, landscaping layout and scale are reserved)

R12/1880
Approved
15.04.2013

Rear of 44 Hillmorton
Road
Rugby

Demolition of the existing garage and erection of a detached dwelling

R13/0328
Approved
15.04.2013

Grange Farm
Brandon Lane
Coventry

Outline application for erection of 3 dwellings - including access, layout and scale.

R13/0252
Approved
15.04.2013

Allotments
Stretton Road
Wolston

Replacement of existing storage shed

R13/0325
Approved
16.04.2013

Land to the Rear of 69A-
87
Hillmorton Road

Renewal of an extant permission R09/0652/OPS dated 27/5/10 - Outline application for the erection of 5 detached dwellings including details of access and site layout

R12/2185
Approved
16.04.2013

Willoughby Fields Farm
London Road
Willoughby

Continuation of use of land for the siting of a static caravan and its use as a dwelling.

R13/0161
Approved
16.04.2013

Royvon Dog Hotel &
Training
Stave Hall Farm
Fosse Way
Monks Kirby

Existing boarding kennels upgrade including retention of addition to rear of building and proposed additions to sides of building to provide external exercise area and secure corridor

R12/1852
Approved
16.04.2013

Thistle Farm
280 London Road
Stretton on Dunsmore

Erection of a replacement dwelling including demolition of the existing dwelling.

R12/1760
Approved
16.04.2013

LIDL UK GMBH
Bilton Road
Bilton

Erection of extensions and external alterations

R13/0478

Navigation Bungalow

Erection of single storey side extension

<i>Approved</i> 17.04.2013	Longdown Lane Rugby	
<i>R12/2315</i> <i>Approved</i> 18.04.2013	Mount Pleasant Rugby Road Church Lawford	Conversion and part rebuilding of redundant barn to form living accommodation ancillary to existing dwelling
<i>R13/0518</i> <i>Approved</i> 18.04.2013	367 Newbold Road Rugby	Erection of single storey side and rear extension
<i>R12/1289</i> <i>Approved</i> 18.04.2013	Wolfhampcote Barn Flecknoe Road Wolfhampcote	Erection of a single storey side extension and alterations to the existing garden wall.
<i>R13/0543</i> <i>Approved</i> 18.04.2013	Land adjacent 45 Plantagenet Drive Bilton	Erection of a dwelling (Amendment to a previously approved scheme for the erection of a dwelling under planning permission ref. no. R12/2316 approved 15/1/13)
<i>R12/1870</i> Hazardous Substances Consent 22.04.2013	HW Coates Limited Cosford Lane Brownsover	Hazardous Substance Consent for the Storage of Hazardous Materials
<i>R13/0322</i> <i>Approved</i> 22.04.2013	Woodland at Hill Birdingbury Road Hill	Retention of building for use as storage of machinery and timber ancillary to the management of the woodland with restroom and facilities for forestry workers.
<i>R13/0194</i> <i>Approved</i> 22.04.2013	15 Steeping Road Long Lawford	Proposed side extension to form link with existing detached garage and conversion of garage into habitable room
<i>R13/0544</i> <i>Approved</i> 22.04.2013	51 Lime Tree Avenue Bilton	Erection of detached outbuilding
<i>R13/0215</i> <i>Approved</i> 23.04.2013	The Rugby Football Club 19 High Street Rugby	Change of use from retail (Use Class A1) to beauticians, sport and therapy masseur and body artist with associated treatment (sui generis use).
<i>R13/0345</i> <i>Approved</i> 23.04.2013	Holly House Hinckley Road Bourton Hastings	Single storey side extension connecting house and adjacent outbuilding.
<i>R12/1519</i>	Cadena	Variation of condition 2 of planning permission

Approved 24.04.2013	Lutterworth Road Bramcote	R86/0409/9941/P (Retention of dwelling and use for occupation in connection with the adjacent Kennels and Cattery).
R12/2332 Approved 25.04.2013	9 Cambridge Street Rugby	Erection of a single storey rear extension to increase shared facilities.
R13/0427 Approved 25.04.2013	Corn Drier Flecknoe Station Road Flecknoe	Conversion of the Corn Drier to 1 dwelling house.
R13/0245 Approved 26.04.2013	22A Regent Street Rugby	Change of Use from A2 (estate agents) to D1 (chiropodist health clinic)
R13/0110 Approved 26.04.2013	22 Percival Road Rugby	Erection of single-storey rear extension, pitched roof and external alterations

Listed Building Consents

R13/0491 Listed Building Consent 12.04.2013	Willowbank Barn Old Manor Farm Leamington Road Princethorpe	Retrospective Listed Building Consent for internal works to dwelling
R13/0247 Listed Building Consent 12.04.2013	The Old Forge Main Street Thurlaston	Listed Building Consent for demolition of an existing single storey rear extension and works to erect a replacement single storey extension.
R13/0300 Listed Building Consent 15.04.2013	Lloyds TSB PLC 14 Church Street Rugby	Listed building consent for display of 2 internally illuminated hanging signs, 2 internally illuminated fascia signs (comprising individually mounted lettering), 1 non-illuminated wall mounted name plate and 2 window vinyl information signs

Advertisement Consents

R13/0397 Advertisement Consent 11.04.2013	Tesco Stores Limited 1 Leicester Road Rugby	Display of 1 fascia sign on office and 8 fascia signs on screens
R13/0251 Advertisement	Lloyds TSB PLC 14 Church Street	Display of 2 internally illuminated hanging signs and 2 internally illuminated fascia signs

Consent 15.04.2013	Rugby	(comprising individually mounted lettering)
Approval of Details/ Materials		
R10/1972 Approval of Details 11.04.2013	Unit 2, Former Peugeot Works (Site B) Oxford Road Ryton on Dunsmore	Renewal of outline planning permission (R07/2010/OPS) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m2, including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping].
R12/1879 Approval of non-material changes 11.04.2013	Plot adjacent Alarene Bulkington Road Wolvey	New build 3-bedroom dormer bungalow on land adjacent Alarene. 3m wide access from existing pavement crossover with vehicle turning space. High quality site landscaping.
R12/1593 Approval of non-material changes 11.04.2013	70 South Road Clifton Upon Dunsmore	Erection of extensions and alterations to existing property
R12/0305 Approval of Details 12.04.2013	Wolvey House Farm Wolds Lane Wolvey	Change of use and Conversion of 6 existing barns to 6 residential units, including the demolition of existing barns, erection of new garaging and stables. (Alterations and Extensions to the approval R10/0383)
R12/0445 Approval of Details 18.04.2013	Rugby High School Longrood Road Bilton	Erection of a three storey extension to provide permanent teaching and sixth form facilities, extension of the existing indoor sports accommodation, and associated landscaping and works.
R12/2207 Approval of Details 18.04.2013	19 Arbour Close Rugby	Retrospective permission for the erection of two storey & single storey rear extensions and a single storey side extension
R11/1118 Approval of Details 25.04.2013	Princethorpe College Leamington Road Rugby	Erection of new building to accommodate Design and Technology Specialist Classrooms and proposed extension to existing Sports Centre to create 14 classroom block together with associated works.

<p>R12/0455 APP/E3715/A/12/2178105 Approval of Details 25.04.2013 & 26.04.2013</p>	<p>Land Rear of 13 to 29 Crick Road Hillmorton</p>	<p>Erection of 8 detached dwellings and 2 double garages, accessed via existing access from Crick Road.</p>
<p>R12/2114 Approval of Details 29.04.2013</p>	<p>125 Railway Terrace Rugby</p>	<p>Change of use from public house (use class A4) to a house in multiple occupation (use class C4)</p>
<p>R11/0330 Approval of Details 26.04.2013</p>	<p>Land South of Ashlawn Road Ashlawn Road Rugby</p>	<p>The creation of a Cemetery and Crematorium facility together with a building including 2 Ceremony rooms, an office, a book of remembrance room, associated administration rooms and floral tribute area as well as external areas including a cemetery, an interment area and garden of remembrance, cycle, car and coach parking spaces along with other associated landscaping and highways works.</p>
<p>Withdrawn/ De-registered</p>		
<p>R13/0419 Withdrawn 17.04.2013</p>	<p>31 Selborne Road Rugby</p>	<p>Increase in roof height to allow first floor accommodation in the existing extension and associated alterations (resubmission of planning permission reference R12/1143, dated 03 August 2012).</p>