

15th November 2013

PLANNING COMMITTEE - 27TH NOVEMBER 2013

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 27th November 2013 in the Council Chamber, Town Hall, Rugby.

Site visit

Site visits will be held at the following times and locations.

- 3.00pm Land south of Blue Haven Marina, Hillmorton Wharf, Crick Road, Rugby, CV21 4PW
- 3.30pm Brandon Grange Farm, Bretford Road, Brandon

Andrew Gabbitas
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 6th November 2013.
2. Apologies.
To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

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

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

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

4. Applications for Consideration.

5. Advance Notice of Site Visits for Planning Applications - no advance notice of site visits has been received.

6. Delegated Decisions – 18th October 2013 – 7th November 2013.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2013/14 – 11) are attached.

Membership of the Committee:-

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

If you have any general queries with regard to this agenda please contact Claire Waleczek, Senior Democratic and Scrutiny Services Officer (01788 533524 or e-mail claire.waleczek@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

If you wish to attend the meeting and have any special requirements for access please contact the Democratic and Scrutiny Services Officer named above.

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

AGENDA ITEM 4

**RUGBY BOROUGH COUNCIL
PLANNING COMMITTEE – 27TH NOVEMBER 2013
REPORT OF THE HEAD OF PLANNING AND CULTURE
APPLICATIONS FOR CONSIDERATION**

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

- (i) applications recommended for refusal with the reason(s) for refusal (pink pages)
- (ii) applications recommended for part refusal/part approval (lilac pages)
- (iii) applications recommended for approval with suggested conditions (yellow pages).

RECOMMENDATION

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for Refusal

There are no applications to be considered.

Recommendation for part refusal/part approval

Item	Application Ref Number	Location Site and Description	Page number
1	R13/1439	Hillmorton Ex Servicemen's Club, High Street, Hillmorton Display of 1 no. internally illuminated fascia sign and 2 no. noticeboard signs.	4

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
2	R11/1521	Land south of Coventry Road and north east of Cawston Lane, Rugby Outline planning application for the development of the site for up to 250 dwellings (Use Class C3), with means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure.	9
3	R13/1805	Brandon Grange Farm, Bretford Road, Brandon Proposed on-farm anaerobic digestion plant and associated hard surfaced clamp area for the storage of maize.	36
4	R12/2182	Land south of Blue Haven Marina, Hillmorton Wharf, Crick Road, Rugby, CV21 4PW Erection of 23 timber holiday lodges with associated works.	48

5	R13/0451	<p>Site C, Former Peugeot Works, Oxford Road, Ryton on Dunsmore</p> <p>Outline planning application for redevelopment of 16.69ha of the southern part of the former Peugeot Works site for up to 40,000 square metres for Class B8 (storage & distribution) and B1c/B2 (light & general industry) with up to 20% B1c/B2, including vehicle parking and landscaping; vehicle access from the A423 Oxford Road; importation of c50,000 cubic metres of material to raise ground levels; retention of areas of nature conservation, biodiversity enhancements and improvements to public footpaths.</p>	64
6	R13/1879	<p>Land adjacent to DIRFT Zone 3 Expansion Site, between A428 Crick Road and A5 Hillmorton Rugby Works.</p> <p>Use of land for the formation of three stockpiles for the storage of excavated material for a temporary period expiring on 31st March 2015.</p>	92

Reference number: R13/1439

Site address: Hillmorton Ex Servicemen's Club, High Street, Hillmorton

Description: Display of 1 no. internally illuminated fascia sign and 2 no. noticeboard signs

Case Officer Name & Number: Alice Cosnett – 01788 533489

The application has been called into Planning Committee at the request of Councillor Allen.

Site Description

Hillmorton Ex-Servicemen's Club is a social club which is located within Hillmorton. It is sited on a triangular plot with High Street to its south and east and Deerings Road to its west. Hardstanding extends along the front and side of the building, with three vehicular accesses – one off High Street, one off Deerings Road and one opposite Featherbed Lane. The building is largely obscured from view from the main section of High Street to the south of the site as vegetation lines the south boundary.

Proposal Description

Advertisement consent is sought for the erection of one internally illuminated lighbox fascia sign which is proposed to be installed onto the north elevation of the building. It will have a height of 0.533m, width of 2.35m and depth of 0.15m and will consist of black lettering, reading 'Hillmorton Ex-Servicemen's Club & Institute', on a white background with dark blue strips at either end.

Consent is also sought for the erection of two non-illuminated noticeboard signs; one at its vehicular entrance off High Street and the other at its vehicular entrance off Deerings Road. Each sign will have a height of 0.841m and width of 1.189m and will be erected on poles which will measure 1.2m from ground level to the base of the noticeboard. The noticeboard will be used to display general information about the club and events held there and as such, its contents will be changeable.

Relevant Planning History

None relevant

Technical Consultation Responses

WCC Ecology – none received

WCC Highways – no objection subject to conditions

Third Party Responses

Councillor Allen – called application into Planning Committee and supports the application for the following reasons:

- The Hillmorton Ex-Servicemen's Club is a small independent business which helps the community and as such we should be finding ways of helping them to encourage more of the community to get involved
- A number of signs within locality are internally illuminated

- Inconsistency across how advertisements are being determined

Neighbours – none received

Relevant Planning Policies and Guidance

Core Strategy

CS16 Sustainable Design

National Policy

National Planning Policy Framework (NPPF)

Circular 03/2007 & Control of Advertisements Regulations, 2007

Assessment of Proposals

In the assessment of this application, the determining factors are the impact of the proposed advertisements on the qualities, character and amenity of the area, impact on the amenity of neighbouring properties and impact on public safety.

Impact on the qualities, character and amenity of the area

Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. Furthermore, the NPPF emphasises the importance of good quality design and states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment, and should be the subject of control only in the interests of amenity and public safety.

The width and height of the proposed fascia sign is considered to be acceptable, slotting comfortably above one of the entrance doors into the building. The colours of the sign – white, black and dark blue – are not considered to be overly garish and its simple design is considered to be acceptable.

However, the proposed fascia sign, which appears much like a lightbox owing to its internal illumination and depth of 0.15m is considered to be overly bulky in design and as such will have an adverse impact on the visual amenity of the streetscene and general character of the area. There are a number of internally illuminated signs within Hillmorton as a whole, but they are largely located on premises which occupy a more central location within 'commercial' parts of Hillmorton, unlike the Ex-Servicemen's Club which is slightly off the main route through Hillmorton, occupying a site which faces toward an area dominated by residential uses. It is therefore not considered that the internally illuminated signs located within the wider area justify the approval of this scheme given the context of the application site.

Whilst possible ways of amending the sign to make it acceptable to the Local Planning Authority have been suggested (including the use of external illumination or internally illuminated individual lettering), the applicant did not want to amend the scheme. Therefore whilst some form of illumination may have been acceptable in this instance given that the permitted use of the site is as a social club which would most likely be open at night, the fascia sign as proposed is considered to be contrary to Policy CS16 of the Core Strategy and the NPPF, both of which emphasise the importance of high quality design.

Whilst consent is sought for the erection of two noticeboards, due to the large separation distance between these two signs, it is not considered that their erection will result in the site appearing visually cluttered. Furthermore, their design is typical of noticeboards which tend to be erected at sites which operate a similar use and as such it is not considered that they will appear as an incongruous addition to the streetscene. They have been located within the confines of the site so will be set back from the highway and as they will be non-illuminated, it is not considered that either noticeboard will become a dominant feature with the streetscene. Their scale and design is considered to be acceptable as is the lack of illumination.

It is therefore considered that the proposed noticeboard signs comply with the contents of Policy CS16 of the Core Strategy and Part 7 of the NPPF.

Impact upon the amenity of neighbouring properties

Policy CS16 also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded. Whilst the fascia sign is proposed to be illuminated, it is not considered that this would cause significant harm to neighbouring amenity given that there is a separation distance in excess of 20m between this sign and the nearest residential dwelling. It is therefore considered that the proposed development complies with the relevant section of Policy CS16 which seeks to protect neighbouring amenity.

Impact on highway safety

The fascia sign is proposed to be internally illuminated and, whilst the noticeboards will not be illuminated, they will be erected adjacent to two of the vehicular accesses to the site. County Highways have therefore been consulted so that they can assess whether the illumination will cause any harm to highway safety or whether the noticeboards will interfere with the visibility splays when entering and leaving the site. Subject to conditions, County Highways raised no objection to the application and as such it is considered that the proposed advertisements comply with the relevant section of Part 7 of the NPPF which states that public safety must be considered in the assessment of an application for advertisement consent.

Recommendation:

Split decision – refuse fascia sign and approve two noticeboard signs

DRAFT DECISION

APPLICATION NUMBER

R13/1439

DATE VALID

27/09/2013

ADDRESS OF DEVELOPMENT

HILLMORTON EX SERVICEMENS

APPLICANT/AGENT

Anthony Hill
Hillmorton Ex Servicemens Club
20 Hoskyn Close
Hillmorton
Rugby
Warwickshire
CV21 4LA

CLUB

HIGH STREET
HILLMORTON
RUGBY
CV21 4EH

APPLICATION DESCRIPTION

Display of 1 no. internally illuminated fascia sign and 2 no. noticeboard signs

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONSENT IS REFUSED FOR:

Internally illuminated fascia sign

REASON FOR REFUSAL:

The proposed fascia sign, by virtue of its bulk and illumination, is out of keeping with the character and appearance of the area and as a result will detract from the visual amenity of the streetscene. This advertisement is therefore contrary to Policy CS16 of the Rugby Borough Council Core Strategy and the contents of the NPPF.

CONSENT IS GRANTED FOR:

Two non-illuminated noticeboard signs

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.

REASON: 1 - 5

In the interests of public and highway safety.

CONDITION 6:

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 and site location plan received by the Local Planning Authority on 28 August 2013 and noticeboard elevations received by the Local Planning Authority on 26 September 2013.

REASON:

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

CONDITION 7:

The noticeboards hereby approved shall not be located within the public highway footway or verge.

REASON:

In the interest of highway safety.

CONDITION 8:

The western notice board shall be located a minimum of 2.4m back from the near edge of the public highway carriageway

REASON:

In the interest of highway safety.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF. Unfortunately in this instance it was not possible to amend the scheme so that it would be acceptable to both the applicant and the Local Planning Authority and as such the proposal could not be supported in its entirety.

Reference number: R11/1521

Site address: Land south of Coventry Road and north east of Cawston Lane, Rugby

Description: Outline planning application for the development of the site for up to 250 dwellings (Use Class C3), with means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure.

Case Officer Name & Number: Karen McCulloch, 01788 533623

Description of site

This application relates to an area of agricultural to the south east of Coventry Road, Cawston, north east of Cawston Lane, south west of Lime Tree Avenue and to the north of Lime Tree Village. Although the site is close to the Cawston Grange development it is located in Dunchurch Parish.

The site is roughly L-shaped. The widest part of the site fronts onto Coventry Road, close to the existing roundabout which provides access to the Cawston Grange development, this part of the site is fairly flat. The site then narrows and includes land between Lime Tree Village and Lime Tree Avenue. This part of the site slopes downwards and towards Lime Tree Village.

The site is divided by Lime Tree Walk, this is a footpath contained between avenues of lime trees which provides a private route for Lime Tree Village residents to access Lime Tree Avenue.

The southern part of Lime Tree Avenue is an unadopted private road, there is a public footpath along this part of Lime Tree Avenue. The legal line of this footpath continues north to south across the south eastern part of the site and then runs towards Cawston Lane, however it appears that rather than following the legal line a route around the edge of the field is used.

The part of the site to the south east of Lime Tree Walk slopes downwards north to south.

Lime Tree Village is a retirement village which comprises a range of houses and flats which are generally red brick with brown tiles. Those closest to the boundaries with the site comprise two storey houses with rear elevations and conservatories facing the site. In some areas there is a planted area between these properties and the site although in other locations the boundary is fairly open with post and rail fencing.

There is an existing field to the north west of Lime Tree Village outside of the site. Planning permission was granted in 2011 for an extension to Lime Tree Village in this area comprising additional extra care dwellings and a care home.

Properties on Lime Tree Avenue are a mix of detached bungalows and houses in a range of styles and materials. There are also a range of properties on Coventry Road, these are mostly detached or semi-detached two storey houses. Properties within Cawston Grange accessed from the roundabout are modern properties.

Description of proposals

This is an outline application for the development of the site for up to 250 dwellings with associated open space, infrastructure and ancillary works.

This application is in outline form and the only matters to be considered at this stage are whether the principle of the proposed development and the accesses into the site are acceptable. If this application is approved Reserved Matters submissions will be required for each part of the development to consider the layout, scale, appearance, access within the site and landscaping.

The vehicular access into the site is proposed from the existing roundabout to the north of the site, an additional arm would be provided to this roundabout. A pedestrian crossing is proposed on the eastern part of Coventry Road to the east of the roundabout.

A separate emergency access into the site is proposed from Cawston Lane, this would be restricted by features such as bollards to ensure it is only used by emergency vehicles, pedestrians or cyclists.

The existing footpath through the site is to be diverted, this would run along part of the existing Lime Tree Walk, then through open space adjacent to Lime Tree Walk and through open space close to the southern boundary to link the existing route of the footpath.

The part of Lime Tree Walk that does not form part of the application site will remain a private access for use by residents of Lime Tree Village.

Areas of open space, including play areas will be included within the site. Existing hedgerows and mature trees will be retained where possible. The lime trees to either side of Lime Tree Walk are covered by a Tree Preservation Order, it is proposed to remove 2 of these trees to allow the access road through the site to be provided.

A Masterplan and Illustrative Layout have been submitted with the application these demonstrate how the site could be developed. These show a main street through the site leading to residential areas. Areas of open space are proposed around the edges of the site with additional planting to the site boundaries. However, it must be noted that this is for illustration purposes only.

The Design and Access Statement submitted with the application states that the development will include a mix of two, two and a half (with rooms in the roof space) and three storey buildings. Apartments would be accommodated in three storey blocks close to the site entrance and two and a half storey houses would be sited at key locations within the site. The maximum building height would be 15m. The size of dwellings would include 1 and 2 bedroom apartments and 2, 3, 4, and 5 bedroom houses.

Third party comments

Dunchurch Parish Council

Objection

- Documents to support the Core Strategy have not been adopted, therefore previous Local Plan should be used in the determination of the application, this does not allow development in this area;
- CS1 states urban sites should be developed first;
- The development of the mast site is behind schedule;
- Will undermine the ability to develop the mast site;
- Early development of this site is to avoid competition from the mast site;

- Proposal does not include employment land, people will have to travel to work which is unsustainable;
- No need for further housing in this area;
- Pressure on facilities and parking in Dunchurch;
- Will add to pollution and congestion in Dunchurch;
- Cawston Lane is narrow and busy, accidents are not reported, will add to this;
- Should not build on high quality agricultural land;
- Local schools do not have capacity;
- Would merge Dunchurch with Rugby, harm rural landscape and, remove protected trees;
- Seek contributions towards youth services, library provision and the improvement of Cawston Lane.

Councillor Roberts Objection

- Will make Dunchurch into an extension of Rugby and affect character of the village;
- Conflicts with local policy and the NPPF;
- Policy states urban sites should be developed first, the mast site and Leicester Road are available;
- Will affect land used for recreation and affect biodiversity;
- Affordable rented housing is a priority in rural areas, this is not proposed;
- Will increase pressure on Cawston Lane with no mitigation;
- If receive more objections than letters of support the application should be refused;
- Will lead to flooding and proposed mitigation may fail;

Neighbours/Third parties (65) Objection

Note this refers to the number of households, some households sent more than 1 letter.

- Will change the character of the area;
- Impact on rural landscape;
- Countryside is valued by community and visitors;
- Harm to the environment;
- Protected trees would be removed, could set a precedent for others to be lost;
- Site is a wildlife corridor, flora and fauna will be damaged;
- Not all birds found in the area are mentioned in the surveys;
- There are badgers close to site, the surveys are wrong;
- Will remove connections between habitats causing more harm to wildlife;
- Removal of trees will affect bats;
- Development will lead to flooding, should require planting and balancing ponds;
- Noise and disturbance;
- Increased traffic in the area leading to noise and pollution;
- Light pollution;
- Will merge Rugby and Dunchurch;
- Lime Tree Village would become part of Rugby;
- Bilton will lose its identity;
- Scale, density, layout and access do not reflect local area or Lime Tree Avenue;
- Piecemeal development not linked to Cawston Grange;
- Housing should not be allowed in the Green Belt;
- Extra houses are already planned at Cawston Grange;
- Houses should be built on brownfield land, there are sites available in town;
- Empty properties should be refurbished and brought into use, many remain unsold;

- Proposals do not comply with affordable housing requirements;
- Builders prefer green field sites as they are easier to develop;
- Former Church Lawford airfield should be taken out of Green Belt and developed;
- Houses are not needed as they will be built on the mast site, this area is only to be developed if sufficient houses are not built;
- Should be refused as is a Departure from the Development Plan and contrary to the NPPF;
- Does not meet requirement for affordable rented accommodation;
- Increased traffic and congestion;
- Additional traffic at the roundabout will be a danger to pedestrians and cyclists;
- Cawston Lane is narrow with no footpaths, this is used as a cut through and is currently busy - this will worsen;
- Cars have been damaged by speeding drivers which are a danger to pedestrians, cyclists and horses;
- Cawston Lane should be widened or passing places provided;
- Visibility from access to Lime Tree Village is poor;
- Congestion from residents travelling into Rugby and Dunchurch and to schools due to limited facilities in Bilton;
- Increased parking problems;
- Emergency vehicles would be delayed;
- Traffic report only relates to accidents that are reported, there have been many more as well as near misses;
- Travel plan does not include measures to reduce car travel;
- Emergency access would become a short cut;
- Emergency access does not look safe for large vehicles;
- Access for the south east part of the development should be from Cawston Lane, this would protect the trees;
- Proposed road would be dangerous for buses;
- Road may be extended into Dunchurch;
- New bus stop would add to congestion;
- Lime Tree Village is secure & quiet environment, this would be changed and impact on the lives of the older residents;
- Loss of privacy, light and outlook;
- Increased traffic may put residents off driving and they would become isolated;
- A hedge should be provided between the site and Lime Tree Village to prevent noise;
- Security fence should be erected;
- Lime Tree Walk is a unique and beautiful feature of the area, the proposed road would destroy this;
- Lime Tree Walk should be designated as a conservation area;
- People may take short cuts across the private part of Lime Tree Walk or through Lime Tree Village;
- A crossing, bridge or underpass should be provided where the road crosses Lime Tree Walk;
- Lime Tree Walk is an emergency route to Lime Tree Village;
- Increased pedestrians and cyclists using Lime Tree Avenue, this is a private road which is narrow with no pavement or lights, there is no right for this to be used by cyclists;
- Lime Tree Avenue retains the rural character of the area;
- Lime Tree Avenue may be used by motorbikes and subject to vandalism;
- Vehicles may try to access the site along Lime Tree Avenue;

- There should be a buffer between dwellings and existing properties, however trees should not be planted too close to existing properties;
- Increased risk of crime;
- Application does not include detailed plans showing relationship with neighbours;
- Public Footpath will change from a route through a field to a route through a housing estate;
- Footpath is currently well used;
- Will allow cyclists to use the right of way, this is currently prevented;
- Additional demand on public services, such as doctors;
- Development of this size will require a school and surgery, the local school is full;
- What Housing Associations are involved in the development?
- Conditions should be used to control private renting;
- Will add to lack of facilities in Cawston Grange, could leads to vandalism by bored teenagers;
- Support the provision of well insulated affordable homes for local people;
- A water main crosses the site;
- If the development leads to flooding property owners should be compensated;
- Cawston Woods would be at risk from litter and vandalism;
- Anti-social behaviour;
- Loss of prime agricultural land, Government is promoting food produced in the UK;
- Land contains the deserted medieval village of Cawston;
- Access road would allow further development preventing enjoyment of the countryside;
- Were not made aware of proposals when purchasing home, despite the retirement village land owners being the application site land owners who would have been aware of the proposals;
- Council should not put New Homes Bonus and a mistaken belief this will lead to growth about the wishes of residents;
- Covenants have been ignored;
- Properties will be devalued;
- If receive more objections than letters of support the application should be refused;

Technical consultee responses

WCC Highways	No objection	Subject to conditions and s106
WCC Archaeology	No objection	Subject to condition
WCC Ecology	No objection	Subject to conditions
WCC Planning	Comment	Request education & library contributions
WCC Rights of Way	No objection	Will require diversion of footpath, request contribution to footpath improvements
Severn Trent Water Environment Agency	No objection Objection	Subject to condition & informative Additional Flood Risk information is required
Environmental Health	No objection	Subject to conditions & informatives
Natural England	No objection	Should assess impact on protected species
Warks Fire & Rescue	No objection	Subject to condition
Warks Police	No objection	Should be designed to prevent crime

Tree Officer Parks & Cemeteries	No objection Comment	Subject to conditions Buffer around play areas is not sufficient
Housing	No objection	Welcome offer of 40% affordable, subject to viability
WCC Customer Services	Comment	Building should be provided to deliver services

Relevant planning policies and guidance

Rugby Borough Core Strategy 2011

CS5	Complies	Growth delivery
CS10	Complies	Developer contributions
CS11	Complies	Transport and New Development
CS14	Complies	Enhancing the Strategic Green Infrastructure Network
CS15	Complies	Green Infrastructure Allocations
CS16	Complies	Sustainable Design
CS17	Complies	Reducing Carbon Emissions
CS19	Complies	Affordable housing

Rugby Borough Local Plan 2006 – Saved policies

GP2	Complies	Landscaping
GP6	Complies	Safeguarding development potential
E6	Complies	Biodiversity
T5	Complies	Parking facilities
H11	Complies	Open space provision in residential developments in the urban area
H12	Complies	Open space provision in residential developments in the rural area
LR1	Complies	Open Space Standards
LR3	Complies	Quality and accessibility of open space

Housing Needs Supplementary Planning Document, 2012

Planning Obligations Supplementary Planning Document, 2012

Sustainable Design and Construction Supplementary Planning Document, 2012

National Planning Policy Framework, 2012 (NPPF)

Assessment of proposals

As this is an outline application it seeks to establish whether the principle of the proposed development is acceptable. If this application is approved Reserved Matters submissions would be required for each part of the development to consider the detailed design, layout etc.

Principle of development

The first issue to consider in relation to this application is whether the principle of the development proposed is acceptable in this location.

The site is not allocated as an urban extension but is included within the South West Broad Location for growth which is identified by policy CS5.

The Core Strategy includes Strategic Development Targets for development. In relation to residential development the Core Strategy states that the Council will deliver 10,800 dwellings within the Borough between 2006 and 2026 and at least 9,800 will be accommodated within or adjacent to Rugby Town itself.

In relation to housing land supply the NPPF requires Local Authorities to provide a 5 year supply of specific deliverable sites, plus an additional buffer of 5% (moved forward in the plan period) of housing land to “ensure choice and competition in the market for land”. The effect of this is that a land supply of 5.25 years is required.

Policy CS5 states that if it is demonstrated that there is a significant shortfall in the supply of strategic housing targets the Council will take action to address the identified shortfall. This goes on to state that if a significant shortfall in supply is identified by 2 consecutive monitoring reports that the Council will publish a Development Plan Document (DPD) which will allocate, release and phase the land to the south west of Rugby, which is identified as the South West Broad Location.

Although this policy specifically refers to a plan led approach to rectifying any identified shortfall in housing supply against the housing trajectory the supporting text to this policy specifically states that should there be an identified shortfall in 5 year supply the Council will seek to bring forward land within the South West Broad Location to address the shortfall.

Information submitted by the applicant considers that the Council currently has a 2.93 year housing land supply. The Council’s latest 5 year land supply information, produced in November 2012, concludes that the Council has a 4.03 year land supply.

Work is nearing completion on the information for the year ending March 2013. Whilst this has not yet been finalised it is not expected that this will show a significant improvement in terms of land supply. It is therefore considered that the Council cannot presently demonstrate the 5.25 year housing land supply required by the NPPF.

As detailed above policy CS5 states that where there is a significant shortfall in deliverable sites the Council will publish a DPD to allocate sites within the South West Broad Location. However the supporting text to this policy states that where there is an identified shortfall in land supply the Council will seek to bring forward land within the South West Broad Location to address the shortfall.

The application site is within the South West Broad Location, as there is a shortfall in housing land supply it is considered that the principle of this development is acceptable in accordance with policy CS5.

Guidance within the NPPF states that authorities should take into account the economic and other benefits of the best and most versatile agricultural land, which is defined as that of grade 1, 2 or 3a in the Agricultural Land Classification, and where significant development of agricultural land is necessary authorities should seek to use areas of poorer quality land. An assessment of the site was carried out by the applicants and this concluded that 45% of the site comprises grade 3a land with 55% grade 3b. Therefore 45% of the site, around 6 hectares, comprises the best and most versatile agricultural land.

Information provided by Natural England details that 75.5% of agricultural land within Rugby borough is grade 3, although this is not divided into grades 3a or 3b, this total 26,686 hectares. Even if this is all grade 3a the development would result in the loss of around 0.022% of this land within the borough.

Natural England produced a technical note in 2009 entitled *Agricultural Land Classification: protecting the best and most versatile agricultural land*. Although the note was produced to support guidance contained within the now superseded PPS7, it is the

most up to date information Natural England have published on agricultural land classification. In this Natural England make it clear that although developing on the best and most versatile agricultural land is not ideal, it is not the sole consideration and other factors may need to be taken in to account.

A significant proportion of land adjacent to the Rugby Urban Area is grade 2 and it is considered that the development of grade 3a land is preferable to the loss of grade 2 land. It is also considered that the development would result in the loss of a very small proportion of the best and most versatile land within the borough.

Overall, it is considered that although part of the site is located on grade 3a agricultural land there is a need for additional housing and it is considered that this is not outweighed by the loss of agricultural land.

Saved policy GP6 states that development will not be permitted if it would prejudice the development potential of other land being realized. Land around the site is also included within the South West Broad location and it is possible that applications to develop this land may be submitted in the future. Although the current application is in outline form the site could be developed in a manner that would not prejudice the development of adjacent land, in accordance with saved policy GP6.

Visual amenity and design

The proposals would involve the development of land which is currently in agricultural use and it is accepted that the development would change the character of the area. The site is seen in the context of Lime Tree Village and nearby built development on Coventry Road, Cawston and Lime Tree Avenue.

The site lies within an area identified as Dunsmore Plateau Farmlands in the Landscape Assessment prepared by Warwickshire County Council in 2006. This is described as an area of gently rolling, low glacial plateau forming an empty landscape with geometric field patterns defined by hedgerows, mature hedgerow oaks and blocks of woodland. This considered the site to fall within an area of moderate sensitivity.

A Landscape & Visual Impact Assessment (LVIA) has been submitted with the application to assess the relationship of the site with its surroundings, its visibility within the wider landscape and the impact on the landscape and visual characteristics of the area.

This states that there are near distance views (0-300m) where the site is visible, such as from the public footpath through the site and from Cawston Lane and Coventry Road. However, due to existing development, trees and vegetation there are very few middle distance (300m-600m) views of the site and no long distance views (600m+). From some viewpoints the avenue of lime trees screens views of parts of the site and the full extent of the site is not visible. The site is also contained from most viewpoints by existing boundary hedgerows.

This concludes that from the near distance the site is perceived as open countryside and in the wider landscape is a well contained parcel of land with a wooded backdrop. It states that in order to develop the site for housing mitigation measures such as landscape buffers and structural landscaping are required to minimise the landscape and visual impact of the development.

It is therefore considered that although the development will change the character of the area subject to the retention of existing trees and hedgerows and the provision of

buffer planting around the site boundaries, that the impact on the character of area and visual amenity is not so significant as to warrant the refusal of the application, as such the relevant part of policy CS16 is complied with.

As this is an outline application the detailed design of the proposals cannot be assessed at this stage. Notwithstanding this a Design and Access Statement has been submitted which refers to the existing site and characteristics of the surrounding area.

This states that the development will to allow existing hedgerows and mature trees, including the avenue of Lime Trees, to be retained with additional planting along the main spine road and to provide open space areas to the site boundaries.

A range of building styles will be utilised. This will include key buildings on the main spine road and at the site entrance, properties set back from Coventry Road and reflecting nearby properties and lower density large properties close to the open space areas. The footpath crossing the site will also be retained but will be redirected to follow part of Lime Tree Avenue and then the line of the site boundary.

The Design and Access Statement also includes details of building heights and states that buildings will be 1 – 3 storeys and up to 15m high.

It is considered that buildings could be designed that would not have an adverse impact on the character of the area and this would be considered in detail in the Reserved Matters submissions. The proposals therefore comply with the relevant part of policy CS16.

The area is currently undeveloped and it is therefore inevitable that the proposed development would increase levels of lighting within the site and this will be visible in the wider area. This will arise from temporary lighting during construction and in the longer term from street lighting and lighting to proposed buildings.

As this is an outline application details of the proposed lighting scheme have not been provided. However, conditions could be used to ensure lighting schemes are submitted for each phase of development to allow this to be controlled.

Landscape and ecology

As detailed above mature trees and hedgerows within the site will be retained where possible. The avenue of protected lime trees will be retained, with the exception of 2 trees which will be removed to allow the access through the site to be provided. In addition areas of landscaping will be provided with around 28% of the site area proposed as open space.

Open space is generally proposed around the edges of the site, where it forms a landscaped buffer, additional landscaping is also proposed to either side of the avenue of lime trees.

Detailed landscaping proposals will be considered as part of Reserved Matters applications.

The proposals will result in the removal of 2 lime trees which are covered by a Tree Preservation Order to provide the main road through the site. The proposals also include the removal of 2 elm trees which are not protected and an unprotected lime tree adjacent to the Coventry Road access.

The Council's Tree Officer commented that the removal of the 2 protected lime trees would result in a gap of around 12 metres within the avenue of trees. However, given the high number of trees (219 in total) it is considered there will be a minimal overall impact on the amenity of the group. It is suggested that additional planting is required to replace these trees, including in-filling an existing gap within the avenue further north.

The 2 elm trees and the lime close to Coventry Road are not considered to form significant amenity features.

Therefore the Tree Officer has no objection to the proposals, subject to conditions regarding replacement planting, to ensure no additional trees are removed and to ensure that trees are not damaged during the development.

It is considered that the proposals to retain and enhance on site landscaping are acceptable in accordance with saved policy GP2.

The County Ecologist commented on the application and initially requested further information regarding biodiversity, surveys for bats in the trees to be removed and great crested newts. This additional information was provided by the applicants.

In relation to great crested newts the on-site pond is considered to have negligible potential to support newts. A population of newts is known around 500m from the boundary of the site, however given the distance from the site, poor connectivity and as it is a small population the County Ecologist considers it is unlikely that this population would be affected by the proposals, however a condition requiring further surveys of the on-site pond prior to the commencement of development is requested.

The bat surveys found no evidence of bats roosting in the trees identified for removal, although 1 tree was identified as having limited potential for roosting. It is therefore recommended that this tree is removed using soft felling techniques and this can be included in a Construction Environmental Management Plan.

The Construction Environmental Management Plan can be secured by condition and would include a requirement for updated species surveys and, if necessary, mitigation. The County Ecologist also requested a condition regarding an Ecological Enhancement and Management Plan.

As the application site is currently an agricultural field and the proposals will include areas of open space and hedgerow enhancements which will provide habitat it is possible, depending on the layout, that there will not be an overall loss of biodiversity. However, the County Ecologist has requested that the s106 include a requirement that biodiversity calculations be carried out at the detailed design stage. In the event that there is a loss of biodiversity on-site a contribution would be required to spend on biodiversity off-setting to secure improvements elsewhere. This would ensure there is no net loss of biodiversity, in accordance with the NPPF.

Subject to these conditions the impact on protected species is considered acceptable in accordance with saved policy E6.

Open space provision and Green Infrastructure

As detailed above, various areas of open space are to be provided within the site. These include amenity green space and equipped play areas.

The Council's 2008 Open Space Audit details the requirements for specific types of open space and these are incorporated into the Council's Planning Obligations SPD. The amount of open space proposed within the Design and Access Statement meets the requirements for open space, as detailed within the Planning Obligations SPD, with the exception of outdoor sports facilities.

Comments were received from Parks who expressed concern that the illustrative layout did not include sufficient buffers around the play areas. However, this plan is for illustration only and a suitable scheme could be designed to incorporate the required buffer distances.

It is therefore considered that high quality, accessible open space could be provided in accordance with the requirements of saved policy LR3.

Saved policies LR1, H11 and H12 state that developments should provide open space in accordance with the Council's Open Space Standards and that this could include off-site provision.

Contributions towards off site outdoor sports will therefore be required through a s106 agreement.

Contributions for the maintenance of on-site open space will also be secured by a legal agreement and these policies are therefore complied with.

Policy CS14 Enhancing the Strategic Green Infrastructure Network is applicable to this application as a small part of the site, close to the Coventry Road and Cawston Lane junction site falls within the Green Infrastructure (GI) Area that is indicatively identified on the proposals map. This policy states that existing GI assets should be protected and that linkages between assets should be provided.

Policy CS15 also identifies part of the site as an area identified as a GI allocation with a focus on habitat conservation with provision for managed public access.

It is considered that the proposed open space areas will provide additional habitat that will form a linkage with the existing GI infrastructure, as this forms part of the open space it will also be publically accessible. This is in accordance with policies CS14 and CS15.

Facilities for cyclists and pedestrians

There is currently a public footpath crossing the site and it is proposed to retain this with the legal line of the footpath being diverted to run along part of Lime Tree Walk and through the open space areas. WCC Rights of Way Team commented on the application and advised that they do not object to the principle of this diversion, subject to the necessary legal orders being completed.

North of the site the public footpath runs along the unadopted part of Lime Tree Avenue. Residents have raised concerns that the development would lead to increased use of the footpath and it would be used by cyclists. The applicants have confirmed it is not intended to upgrade the Right of Way to a bridleway so it will not be permitted for use by cyclists or horses and gates or barriers can be used to prevent this. Although the development could increase the use of the footpath this has not been raised as an objection by WCC Rights of Way and the use of the footpath cannot be prevented.

The Rights of Way Team also requested a contribution towards improvements to existing Rights of Way within 1.5 miles of the development site. Further information justifying these requests was requested and provided. This commented that 1.5 miles from the development is the area typically used by dog walkers and that maintenance costs would increase due to use by residents of the proposed development. Estimates were then made of the amount of footpath within this area that would need resurfacing, the number of gates that would need repair and the number of stiles which would need repair or upgrading and the costs were calculated based on these estimates.

However, the request has been based on generalised estimates of the works that would be needed rather than an assessment of the rights of way in the area and the actual works required to these. It is therefore not considered that the request is reasonable or directly related to the development and it is not considered that they can be supported at present. Further detailed information has been requested and if this is forthcoming an update will be provided at Committee.

As this is an outline application details of the pedestrian and cycle routes through the site have not been provided at this stage. However, the Transport Assessment refers to a network of footpaths and cycleways being provided within the site and open space linking to the crossing over Coventry Road and the existing green spaces and routes within Cawston Grange.

Residents have raised concerns that the private pedestrian access to Lime Tree Village will be affected by the development and residents will have to cross the main road through the site. The southern part of this access will remain private and will remain gated. The northern part will remain intact but will become publicly accessible. Where the walkway crosses the road an appropriately designed flush pedestrian crossing point will be provided.

Impact on amenity

There are residential properties adjacent to the site at Lime Tree Village and Lime Tree Avenue. There are also properties opposite the site across Coventry Road.

The Illustrative Site Layout shows area of open space along the boundary with Lime Tree Village and a planted buffer adjacent to existing properties on Lime Tree Avenue. Properties facing Coventry Road are also shown set back behind a landscaped area. However, this is for illustration only and these details may not be included in the Reserved Matters submissions. However it is considered that a scheme could be designed to ensure there is sufficient separation to ensure these properties are not adversely impacted in terms of enclosure, loss of light or privacy and this would be considered in detail at the Reserved Matters stage.

Residents have raised concerns regarding increased pollution and disturbance from the development. The application was accompanied by an Air Quality Assessment and Noise Assessment, Environmental Health have considered these documents and have no objection, subject to a range of conditions.

It is therefore considered that a suitable scheme could be designed to ensure the impact on residential amenity is acceptable and the proposals are in accordance with the relevant part of policy CS16.

Transport, highways and parking provision

Policy CS11 relates to transport and new developments, this states sustainable transport methods are prioritised and that measures should be put in place to mitigate any transport issues.

The Highways Authority, Warwickshire County Council commented on the application and raised no objection and advised that they do not consider the predicted rise in traffic flows will be detrimental to highway safety.

Local residents have raised concern regarding additional traffic using Cawston Lane which is a narrow road and suggest that this road should be improved. The Highway Authority consider that making improvements would attract more vehicles to Cawston Lane and that to deter further traffic from using Cawston Lane no improvements should be made. Residents also raised concerns regarding traffic on Bilton Road, however the Highway Authority consider the impact on this road will be limited.

Contributions towards public transport improvements, payable on the commencement of development of land to the south east of the avenue of lime trees, and sustainable welcome packs have been requested and will be secured by a legal agreement.

It is therefore considered, subject to a legal agreement, that policy CS11 is complied with.

The provision of car and cycle parking will be considered at the Reserved Matters stage however it is considered that suitable provision could be made in accordance with saved policy T5 and the Council's Parking Standards, contained within the Planning Obligations SPD.

Sustainable design and construction

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

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

The application includes a Flood Risk Assessment. This explains that surface water currently drains naturally due to the sites topography. The proposals are for the surface water to be drained through SUDS with attenuation basins proposed in the open space areas towards the south of the site. The Environment Agency advised they support the principle of the surface water drainage system proposed, although they require additional information regarding the discharge point for surface water.

This policy also states that residential developments should meet the water conservation standards within Code Level 4 of the Code for Sustainable Homes, a condition can be attached to ensure that this requirement is met.

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

It is considered that a condition could be used to ensure compliance with the Building Regulations at the time of construction. This is considered necessary on a

development of this size as it is possible that Building Regulations could be updated during the development and to prevent plots being pre-registered which would remove the requirement to comply with the updated standards.

An Energy Statement was submitted as part of the application. This considered that improvements to the building fabric such as improved insulation and efficient fittings and heating systems can go some way toward meeting the required carbon reduction. If further measures are required the preferred options at present are photovoltaic panels and solar water heating.

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

Archaeology

The County Archaeologist raised no objection to the application, subject to a condition regarding archaeological works. It is therefore considered that the impact on heritage assets is acceptable in accordance with the NPPF.

Affordable housing

Policy CS19 states that on developments of the size proposed a target affordable housing provision of 40% will be sought. This goes on to state that where the provision of the target level of affordable housing will threaten the viability of a scheme the Council will consider a reduced target.

As this is an outline application it is not known whether the development would be phased or the timescales for development. It is therefore possible that there may be changes to the financial climate prior to, or during, the development.

The applicant has confirmed that, subject to viability the target of 40% affordable housing will be provided.

It is therefore proposed to include a target requirement of 40% within the legal agreement and if less than this target is proposed in any phase to include a requirement that a viability assessment be provided to allow the shortfall to be assessed and the level of provision agreed. The s106 will also allow the tenure of affordable housing to be agreed for each phase.

Planning obligations

Policy CS10 and the Planning Obligations SPD state that financial contributions may be sought to mitigate against the impacts of a development.

Guidance contained within Circular 05/05 – Planning Obligations and the Community Infrastructure Regulations state that in order for obligations to be taken into account they must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonable related in scale and kind to the development.

If contribution requests do not comply with these criteria it is not considered that the contribution can be required by the Council.

As detailed above contributions have been requested towards public transport, sustainable welcome packs, off-site outdoor sports provision and the maintenance of on-site open space. A contribution towards indoor sports facilities is also required in accordance with the Planning Obligations SPD. It is considered that these requests comply with the requirements above and that the requirement for these contributions is reasonable.

Dunchurch Parish Council requested contributions towards youth services, library provision and improvements to Cawston Lane. As detailed above the Highway Authority do not propose works to Cawston Lane so this request is not supported. Dunchurch Parish Council were contacted to request further information to support the requests for contributions such as the level of contribution required, what this will be spent on and how this need for additional investment relates to the planning application. Although further information was provided this explained that the contributions would meet the running costs of the library and youth service and would allow the youth service to expand in the future. However the existing running costs are not directly related to the development and cannot be supported. Although a request to expand the youth service was received this did not include details regarding the additional demand directly related to the development and the costs associated with this additional demand. Therefore these requests cannot be supported.

Warwickshire County Council requested contributions towards education provision for early years, primary, secondary, sixth form and special educational needs provision. The applicant questioned the request for a secondary education contribution on the basis that they were advised by Warwickshire County Council in July that there were spaces at Bilton High School.

Warwickshire County Council's initial response to this query was that pupils from the development would attend Ashlawn School which does not have spare capacity. However, Bilton High School is significantly closer to the site than Ashlawn School and is more easily accessible. Warwickshire County Council then confirmed that Bilton High School currently have 181 spaces. However, due to proposed works to increase the size of primary schools in the area and numbers of children currently in primary school this school will not have capacity in the future.

However, the Planning Obligations SPD is clear that where there is capacity within schools, at the time of the application, that contributions would not be sought for these pupils. It is considered that the request for secondary provision does not directly relate to the development, as pupils arising from the development could currently be accommodated in the school. The secondary school element of the education request is therefore not supported.

Warwickshire County Council also requested contributions towards library facilities however information to support this request in relation to the additional demand placed on existing facilities or how the contribution would be spent was not provided and it is not considered that this request can be supported.

Comments received from Warwickshire County Council requested that consideration be given to the provision of a multi-functional building within the Cawston area to allow people to access Council services without the need to travel or use public transport. No further justification or detail regarding this request was provided although it was accepted that it may be possible to provide this service from the recently approved community centre in Cawston Grange.

Other Issues

As detailed above the intention is for surface water to be drained using a Sustainable Drainage System. Foul drainage will connect to the existing drainage system and Severn Trent have no objections to the proposals. The Environment Agency support the principle of the proposed surface water drainage arrangements. However, they initially objected to the application on the basis that the Flood Risk Assessment did not identify a discharge point for surface water and information had not been provided regarding whether there was any risk of pollution to controlled waters related to any previous uses of the site. Additional information was provided to address these issues and the Environment Agency have advised that, subject to a condition the objection related to controlled waters has been addressed. Comments are awaited in relation to the additional Flood Risk Information and this will be presented verbally at Committee.

Environmental Health raised no objection in relation to noise issues, contamination or air quality, subject to conditions and informatives.

Dunchurch does not have a Parish Plan.

Recommendation

Subject to no objection being received from the Environment Agency, the Head of Planning and Culture be given delegated powers to approve the application, subject to conditions, including any additional conditions and informatives requested by the Environment Agency, following the completion of a s106 legal agreement.

DRAFT DECISION

APPLICATION NUMBER

R11/1521

DATE VALID

11/09/2013

ADDRESS OF DEVELOPMENT

LAND SOUTH OF COVENTRY ROAD
NORTH EAST OF CAWSTON LANE
COVENTRY ROAD
CAWSTON
RUGBY
CV22 7SW

APPLICANT/AGENT

Jolande Bowater
Barton Willmore Llp
Regent House
Prince's Gate, 4 Homer Road
Solihull
B91 3QQ
On behalf of Iwan Jones, Helical Bar plc

AND

APPLICATION DESCRIPTION

Outline planning application for the development of the site for up to 250 dwellings (Use Class C3), with means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local

Planning Authority before the expiration of three years from the date of this permission.

REASON

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

CONDITION: 2

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

REASON:

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

CONDITION: 3

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

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

REASON:

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

CONDITION: 4

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

<u>Plan/Document</u>	<u>Reference</u>	<u>Received</u>
Site Boundary Plan	12298-01/L	6 September 2013
Application Masterplan	12298-19/C	6 September 2013
Residential Areas Plan	12298/28	24 October 2013
Proposed Site Access	607-01/A	6 September 2013
Phase 1 Environmental Assessment	R1257/P2303557-3053/IH/EP	24 October 2013
Addendum Ecological Information	SW13/E1511/IJL1	24 October 2013
Transport Assessment	607	10 September 2013
Sustainability Statement	47065216	6 September 2013
Energy Statement	47065216	6 September 2013
Ecological Appraisal	E1457R3fv	6 September 2013
Arboricultural Impact Report	03710 AIA	6 September 2013
Flood Risk Assessment	47065216	6 September 2013
Travel Plan	607	6 September 2013
Air Quality Assessment		6 September 2013
Landscape & Visual Impact Assessment	12298/A5/FF	10 September 2013
Noise Assessment		6 September 2013
Archaeological Desk Based Assessment		6 September 2013
Archaeological Evaluation	660088/12317	10 September 2013

REASON:

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

CONDITION: 5

The details submitted in relation to condition 3 shall have full regard to the principles set out in the Design and Access Statement and Application Masterplan - 12298/19/C received by the Local Planning Authority on 10 September 2013.

REASON:

To ensure the detailed development of the site is acceptable to the Local Planning Authority.

CONDITION: 6

Unless otherwise agreed in writing by the Local Planning Authority the development shall include a minimum of 3.93 hectares of public open space in accordance with table 12.3 of the Design and Access Statement received by the Local Planning Authority on 10 September 2013.

REASON:

To ensure the detailed development of the site is acceptable to the Local Planning Authority.

CONDITION: 7

No development shall commence unless and until a phasing plan for the development hereby approved, including infrastructure, works to the Right of Way and open space works, has been submitted to and approved in writing by the Local Planning Authority.

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

REASON:

To ensure the comprehensive development of the site.

CONDITION: 8

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

REASON:

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

CONDITION: 9

No development shall commence in any phase unless and until details of all proposed walls, fences and gates for that phase have been submitted to and approved in writing by the Local Planning Authority.

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

REASON:

In the interest of visual amenity.

CONDITION: 10

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

REASON:

To ensure the proper development of the site.

CONDITION: 11

No external lighting to communal or public areas, including street 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 and protected species.

CONDITION: 12

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

REASON:

In the interest of visual and residential amenity.

CONDITION: 13

Prior to the first occupation of each phase, details of water efficiency measures to be incorporated into the design of the dwellings in that phase to meet standards equivalent to Code Level 4 of the Code for Sustainable Homes 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 dwelling prior to their first occupation and then retained in perpetuity.

REASON:

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

CONDITION: 14

Prior to the first occupation of any phase, details of the equipment and technology to be incorporated to achieve carbon emission reductions for that phase 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: 15

All buildings shall be constructed to comply with the published Building Regulations that are relevant at the time of construction.

REASON:

To ensure sustainable design and construction.

CONDITION: 16

The landscaping scheme required by condition 3e for each phase, shall be implemented no later than the first planting season following first occupation of that phase. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION: 17

In conjunction with the details submitted in relation to condition 3 for any phase an Arboricultural Method Statement (section 6, BS5837:2012) for that phase including a Tree Protection Plan (section 5.5 BS5837:2012) shall be submitted to any approved in writing by the Local Planning Authority.

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

REASON:

In the interest of visual amenity and to ensure retained trees are protected.

CONDITION: 18

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:2010 (Recommendations for Tree Work) and shall be carried out before the commencement of any works.

REASON:

In the interest of visual amenity and to ensure retained trees are protected.

CONDITION: 19

The plans and particulars submitted in accordance with condition 3e above shall include details of the quantity, size, species, position of all trees, shrubs and hedgerows to be planted (including enhancement of the existing Lime tree avenue), together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance.

REASON:

In the interest of the visual amenity of the area.

CONDITION: 20

No development shall commence unless and until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

This shall include details of reptile, water vole and badger surveys carried out at a suitable time of year by a qualified ecologist and appropriate working practices and

safeguards for protected and notable species and habitats that are to be employed whilst works are taking place on site and soft felling techniques for the removal of lime tree T518.

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

REASON:

To ensure that protected species are not harmed by the development

CONDITION: 21

No development shall commence unless and until updated amphibian surveys of the ponds, at an appropriate time of year and a detailed schedule of great crested-newt mitigation measures if appropriate (to include timing of works, protection measures, enhancement details and monitoring) have 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: 22

No development, including site clearance, shall commence unless and until an Ecological Enhancement and Management Plan has been submitted to and agreed in writing by the Local Planning Authority.

This shall include details of species to be planted, timing of works, programme of implementation, habitat management prescriptions and monitoring if deemed necessary.

The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON:

In the interest of ecology.

CONDITION: 23

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: 24

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: 25

The first occupation of any phase of development shall not occur unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes for that phase, has been submitted to and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety.

CONDITION: 26

No development shall commence in any phase unless and until a Construction Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority.

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

REASON:

In the interest of the amenity of nearby residents and the area.

CONDITION: 27

No development shall commence in any phase unless and until an addendum to the submitted Noise Survey detailing noise mitigation measures for glazing and acoustic trickle ventilation for that phase has been submitted to and approved in writing by the Local Planning Authority.

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

REASON:

to prevent future occupiers being affected by noise.

CONDITION: 28

No machinery shall be operated, no construction works shall be carried out and no construction traffic shall enter or leave the site outside the hours of 07.00 hours and 18.00 hours Monday to Friday, nor outside 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.

REASON:

To protect the amenity of nearby residents.

CONDITION: 29

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 in any phase until points (a) to (d) below have been complied with for that phase. 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: 30

No development shall commence unless and 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 site investigation scheme, based on the Phase I Environmental Assessment prepared by URS (report ref. R1257/P2303557-3053/IH/EP, dated 6th February 2012) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. 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 (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON:

In order to protect the quality of 'Controlled Waters' in the area, namely the groundwater held within the underlying Secondary A aquifer (the Dunsmore Gravel) and the surface watercourse flowing along the boundary of the site, the risks posed by the former and current site use and the proposed development must be assessed and appropriately mitigated.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

This development is subject to a s106 legal agreement.

INFORMATIVE: 2

It is recommended that the development be designed to ensure occupiers do not become the victims of crime or antisocial behaviour.

Design advice is available from the Warwickshire Police Crime Prevention Design Advisor.

INFORMATIVE: 3

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 it is not permitted to build close to, directly over or divert a public sewer without consent.

It is recommended that Severn Trent Water are contacted to discuss the proposals. Severn Trent will seek to obtain a solution which protects both the public sewer and the proposed development.

INFORMATIVE: 4

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: 5

The Construction Method Statement required by condition 26 shall include details of:

- The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase;
- The control of dust including arrangements to monitor dust emissions from the development site during the construction phase;
- Measures to reduce mud deposition offsite from vehicles leaving the site.

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

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: 8

The Arboricultural Method Statement required by condition 17 shall include:

- Tree protection measures (fencing & ground protection).
- Works in tree root protection areas: details of road construction through Lime tree walk, access via Coventry Road and new access roads constructed in close proximity to trees along the northern boundary.
- Works near tree root protection areas: creation of attenuation ponds and installation of services.
- Tree surgery operations: Lime tree pruning.

INFORMATIVE: 9

- A legal order will be required to divert public footpath R167 and should be submitted to Rugby Borough Council;
- The current alignment of public footpath R167 must remain open, unobstructed and available for public use until legally diverted;
- The diverted public footpath should be at least 2m wide with vegetation at least 2m from the edge of the footpath;
- A guard rail or barrier is recommended if the public footpath runs alongside any ponds;
- If it is necessary to close public footpath R167 for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this;
- Any disturbance or alteration to the surface of public footpath R167 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.

INFORMATIVE: 10

Lighting should be kept to a minimum in ecologically sensitive areas such as the site boundary hedgerows and the lime tree avenue in order to minimise the impact on bats and other nocturnal species.

INFORMATIVE: 11

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 ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

INFORMATIVE: 12

If additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants.

INFORMATIVE: 13

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

This can be downloaded at:

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

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

INFORMATIVE: 14

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

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

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

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

INFORMATIVE: 15

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

INFORMATIVE: 16

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

- Solid waste management
- Discharge of liquid effluents into the ground (including site drainage)
- Land contamination

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

Reference number: R13/1805

Site address: Brandon Grange Farm, Bretford Road, Brandon

Description: Proposed on-farm anaerobic digestion plant and associated hard surfaced clamp area for the storage of maize

Case Officer Name & Number: Alice Cosnett – 01788 533489

Site Description

Brandon Grange Farm is a working agricultural farm which is sited within the Green Belt between the village boundaries of Brandon and Bretford. The farm consists of a cluster of buildings; the farmhouse, which features a range of attractive brick built agricultural buildings to the west, whilst to the east there is a range of more modern agricultural buildings. Due to the lay of the land, all buildings with the exception of the farmhouse itself and an existing silo are obscured from view when approaching the site along Bretford Road in a westerly direction and similarly when approaching in an easterly direction only small sections of the buildings are visible. Whilst no public footpaths adjoin the application site there are a number of rights of way within the wider area. Currently the farm operates mainly in arable but does still keep some beef cattle.

Proposal Description

Planning permission is sought for the installation of an anaerobic digestion plant with associated hard surfaced clamp area. This will incorporate the installation of:

- a digester which will be of circular construction, have a diameter of 25.602m and height of 12m;
- a digestate tank which will again be of circular construction, have a diameter of 30.602m and height of 12m;
- a combined heat and power (CHP) system which will consist of a steel acoustic container measuring 12m in length, 3m in width and 2.6m in height with associated ventilation and cooling equipment for the engine which will extend to 6.25m in height and exhaust stacks which will extend to 10.1m in height;
- a control room which will be have a length of 12.15m, width of 2.44m and height of 2.59m;
- a Western Power Distribution sub-station and/or transformer and a gas flare.

The two tanks, container section of the CHP and control room will be finished in dark green. To allow for the creation of an additional hard surfaced clamp, an existing agricultural building will be removed and bituminous bound wearing course placed on top of the existing concrete. Whilst the tallest structures within the proposal will be the digester and digestate tanks which will both have a maximum height of 12m, due to the level differences and intention to excavate into the sloping land, the maximum height of the tanks (as viewed) will be reduced to approximately 10m.

Relevant Planning History

R11/0839 Prior Approval not required: Application for prior notification for the erection of an extension to an existing potato store. Prior approval not required 8.6.2011

Technical Consultation Responses

Environment Agency – no objection subject to informatives

Natural England – no comment as proposal is not likely to result in significant impacts on statutory designated sites, landscapes or species

RBC Arboricultural Officer – no objection subject to condition

RBC Development Strategy – if it is considered that the benefits of the proposals outweigh the harm to the Green Belt, the proposal should be approved

RBC Environmental Health – no objection subject to conditions and informative

Warwickshire Wildlife Trust – none received

WCC Archaeology – no comment

WCC Ecology – no objection subject to condition and informatives

WCC Highways – no objection subject to conditions and informatives

Third Party Responses

Councillor Derek Poole – request that the members of the Planning Committee undertake a site visit for the following reasons:

- Concerns regarding highway safety issues
- Impact on the Green Belt
- Impact on watercourses and drainage issues

Brandon and Bretford Parish Council – none received

Neighbours – none received

Relevant Planning Policies and Guidance

Core Strategy

CS1 Development Strategy
CS16 Sustainable Design

Saved Local Plan Policies

E6 Biodiversity
GP2 Landscaping
GP5 Renewable Energy

National Policy

National Planning Policy Framework (NPPF)

Assessment of Proposals

In the assessment of this application, the determining factors are the principle of the proposed development and its impact on the openness of the Green Belt, its impact on the qualities, character and amenity of the area, amenity of neighbouring properties, impact on protected species and impact on highway safety.

Principle of development and its impact on the openness of the Green Belt

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

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

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

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

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

In support of the application, a Renewables Technology Report has been submitted to evidence the environmental benefits of the proposed anaerobic digestion plant. This document states that the proposed development provides considerable environmental benefits to the UK at both a national and local level including the generation of renewable heat and power and the reduction in greenhouse gas emissions. It states that anaerobic digestion plants have a load factor (period that technology is operating at its full output level in terms of kilowatt of energy load) of circa 94%, whilst alternative renewable technologies such as wind energy, solar and hydro power if sited within the vicinity of Brandon Grange Farm, would achieve a load factor of less than 20%. The report states that this represents a significant environmental benefit, particularly when considering that the installation of less reliable forms of renewable energy impacts on both the National Grid and Distribution Network operators as additional infrastructure is required to accommodate these volatile technologies. Furthermore, the Renewables Technology Report details that total carbon dioxide emissions displacement equates to 2,060 tonnes a year.

In addition, the report states that the proposed development provides economic benefits through the provision of employment in both the long term (approximately 3.5 jobs to oversee the running of the anaerobic digestion plant) and short term (approximately 20 jobs during the construction phase). Furthermore, the agent has detailed that the applicant has considered the options for farm diversification after the previous operation as a dairy farm became financially unviable and had to be ceased. The farm is now run mainly as an arable operation but still keeps beef cattle (hence the input of a small amount of manure into the anaerobic digestion plant). Therefore, it is stated that the proposed development will not only be a significant

renewable energy generator but it will also ensure the long term survival of Brandon Grange Farm as an arable farm.

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

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

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

An assessment must also be made, however, to the impact that the development will have on the openness of the Green Belt. By virtue of its size, siting and design it is not considered that it can be concluded that the proposed development will not have some impact on the openness of the Green Belt.

The proposed tanks (the largest of the structures proposed within the development) are sited within close proximity to the existing farm buildings, and sited on a section of land the level of which rises some 9m in an easterly direction. These two 12m high tanks will be sunk 2m below the formed ground level which will reduce their maximum height to 10m and the containment (where the tanks and all other proposed structures will be located) will be cut into this sloping landform. Taking into account the varying land levels within the site, coupled with the specific design of the proposal, the impact of the tanks and their associated structures on the openness of the Green Belt will be reduced. In addition, the tanks, with their colour finish and dimensions appear largely akin to typical agricultural buildings which represent characteristic forms of development within the Green Belt. Furthermore, a redundant dairy building (equating to approximately 1800m³ in volume) will be removed to allow for the creation of an additional clamp area for the storage of maize. Whilst the volume of the proposed structures exceeds the volume of the agricultural building to be removed, it is considered that it does contribute to lessening the impact that the proposal as a whole will have on the openness of the Green Belt. Taking the above into account, it is not considered that on balance the proposed development would have a significant impact on the openness of the Green Belt so as to justify a refusal of planning permission. It is therefore considered that the application complies with Policy CS1 of the Core Strategy, Saved Local Plan Policy GP5 and the contents of the NPPF.

Impact on the qualities, character and amenity of the area

Part 7 of the NPPF (Requiring Good Design) emphasises the importance of good design and Policy CS16 states that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

A Landscape and Visual Assessment has been submitted with the application which includes photomontages of the proposed structures in situ. Due to the topography of the land which surrounds Brandon Grange Farm along with the design of the containment and associated structures which will in effect be cut into the sloping landform of the site, the visual impact of the structures to be erected as part of the proposal will be minimised. Despite this, owing to the size, siting and design of the proposed structures to be erected as part of the proposal they will represent notable forms of development within the site and will be visible from its wider surroundings. In addition the green finish to both the elevations and roof of the most bulky structures will ensure that they appear in keeping with the rural surroundings, akin to typical agricultural buildings which would characteristically be sited within this Green Belt/countryside location. In addition, the siting of the structures is well-related to the existing buildings which make up Brandon Grange Farm further reducing its prominence within the site and the wider landscape. It is considered that the visual impact of the proposed development has been minimised as far as possible (cutting it into the existing sloping landform and finishing the more bulky structures in a dark green colour) and as such that the development represents good quality design which will not have a significant impact on the qualities, character and amenity of the areas in accordance with Part 7 of the NPPF and Policy CS16 of the Core Strategy,

Impact upon the amenity of neighbouring properties

Policy CS16 also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The nearest residential dwelling, Hillside View, is sited some 300m away from the proposed development. This distance is sufficient to prevent any undue loss of amenity arising to neighbouring properties by way of either overbearing or overshadowing.

The Council's Environmental Health department have been consulted on the proposal. It is concluded that as the CHP is fuelled by biogas it is unlikely that there would be significant particulate emissions from the process but that the nearest residential neighbour will be susceptible to odour at the separation distance of 300m. However it is noted that the impact by way of odour will be no more than the open air slurry tank which was in situ when Brandon Grange Farm operated as a dairy farm and as such objection cannot be raised to the scheme on this basis. Furthermore, whilst information is submitted which details that potential odour releases may occur during the movement of materials on site, from the storage of materials, from the digester and from the movement of fertiliser around the farm holding, these will be carefully considered in detail and controlled with relevant preventative and mitigation measures through the Environmental Permit which falls under the responsibility of the Environment Agency.

In the interests of health and safety, Environmental Health have requested the attachment of a condition to obtain further details relating to dust mitigation measures and a full asbestos survey of the existing agricultural building to be demolished. Subject to these conditions, it is not considered that the development will have a significant impact on the amenity of nearby residential properties, complying with the relevant section of Policy CS16 of the Core Strategy.

Impact on protected species

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

An Ecological Survey Report was submitted with the application which presents the results and evaluations following a Phase 1 Habitat Survey at Brandon Grange Farm. Having assessed this survey Natural England have raised no objection to the proposal as it is not considered that the development will have a significant impact on statutory designated sites, landscapes or species. The County Ecologist recognises that there are no known records of protected species within the immediate locality of the site, however there are records of badger, bat and grass snake within the wider area. It is noted that the site is largely of low ecological value; however at the time of the survey nesting swallows were present within the disused agricultural building to be demolished, with one active swallow nest identified and possible older nests present. The County Ecologist has therefore requested the attachment of a pre-commencement condition which requires the applicant to submit a scheme for the provision of suitable nesting boxes/cups for swallows to be erected on buildings within the site. Subject to this condition and a number of informatives, the County Ecologist has raised no objection to the proposed development and as such it is considered that the proposal will not have an adverse impact on biodiversity, complying with the contents of Part 11 of the NPPF and Saved Local Plan Policy E6.

Impact on highway safety

A Transport Statement has been submitted with the application which gives details relating to transport movements during the construction phase of the anaerobic digestion plant as well as the transport movements anticipated during the normal operational stage of the plant. Trip generation information has been provided which details that during the harvest period (late September to October) 500 tractor/trailer movements will be needed over a 3-4 week period based on the use of a 20 tonne trailer. Therefore at its most intensive if carried out over a 3 week period, this would result in 23 movements to and from site per day (i.e. 46 highway movements). This figure would be reduced to 17 highway movements (i.e. 34 in total) if the harvesting was instead carried out over a 4 week period.

However, as the weather conditions will influence the speed at which the maize can be harvested, these are only general figures and as such may alter slightly. In addition, due to the spread of fields proposed for use by Brandon Grange Farm for the growing of maize (as detailed within the Design and Access Statement) it is likely that a significant number of the vehicular trips detailed within the trip generation information would not need to be accommodated on the public highway network. In relation to the removal of digestate from the site, it is anticipated that 11,000 tonnes will have to be removed from site during the working year which will involve approximately 1,386 movements from the site per annum. Spread evenly across the 8 month period, this will result in approximately 5 movements away from the site (i.e. 10 highway movements) per day.

County Highways have been consulted on the application. They note that these traffic movements may not actually represent an intensification of the existing traffic movements to and from Brandon Grange Farm; as this farm, as well as a number of others within the vicinity of the application site, are utilised for arable purposes a short-term intensification of movements would be expected during the harvest period. In addition, whilst they note concern has been raised regarding the use of maize not

grown locally but instead sourced from further afield, they assert that this is in essence no different to the bulk import of, for example, grain storage and subsequent retail. As this would not require Highway Authority approval, it is not considered that objection can be raised to the scheme on this basis. Therefore County Highways have raised no objection to the application subject to the attachment of relevant conditions and informatives. In light of this, it is not considered that the proposed development will have an adverse impact on highway safety complying with the contents of Part 4 of the NPPF which emphasises the importance of ensuring safe and suitable access to development sites.

Impact on trees

Saved Local Plan Policy GP2 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design and that the landscape character of the area should be retained and, where possible, enhanced. A Tree Survey Report has been submitted with the application which provides information relating to the trees and hedgerows to be removed through the proposed development. Through the course of the application the agent however confirmed that the survey was prepared prior to the scheme being finalised and as such the design of the final proposal is such that no trees or hedgerows will need to be removed. The Council's Arboricultural Officer has therefore raised no objection to the proposal subject to a condition which states that no trees or hedgerows shall be removed without the prior consent of the LPA. Subject to this condition, it is not considered that the proposed development will have an adverse impact on trees and the general landscape character of the area in accordance with Saved Local Plan Policy GP2.

Recommendation:

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

DRAFT DECISION

APPLICATION NUMBER

R13/1805

DATE VALID

02/10/2013

ADDRESS OF DEVELOPMENT

BRANDON GRANGE FARM
BRETTFORD ROAD
BRANDON
COVENTRY
CV8 3GE

APPLICANT/AGENT

Mr Alan Brown
ABDS Ltd
West Trenethick Farmhouse
Helston
Cornwall
TR13 0BT
On behalf of Mr A Channing, J C Channing
& Sons

APPLICATION DESCRIPTION

Proposed on-farm anaerobic digestion plant and associated hard surfaced clamp area for the storage of maize

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 and documents entitled 'Design and Access Statement', 'Landscape and Visual Assessment', 'Written Scheme of Investigation for a Programme of Archaeological Evaluation', 'Archaeological Field Evaluation and Heritage Asset Assessment', 'Planning Policy Statement' and 'Report on Strategy Relating to Ground Pollution Prevention and Control' and plan no.C/BB/13/003 A, C/BB/13/005, C/BB/13/006 and C/BB/13/007 received by the Local Planning Authority on 1 October 2013, plan no.C/BB/13/001 A received by the Local Planning Authority on 2 October 2013, document entitled 'Report on a Site Investigation for an Anaerobic Digester Plant' received by the Local Planning Authority on 4 October 2013, document entitled 'Ecological Survey Report' received by the Local Planning Authority on 9 October 2013, document entitled 'Landscape and Visual Assessment Addendum' and 'Renewables Technology Report Anaerobic Digestion Biogas Generation' received by the Local Planning Authority on 8 November 2013 and plan no.C/BB/13/004 B received by the Local Planning Authority on 13 November 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 development shall commence unless and until full details of the colour, finish and texture to be used in the external surfaces of the tanks and containers hereby approved 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 installation of the WPD Sub-station and/or Transformer detailed on plan no.C/BB/13/003 A hereby approved, details of these structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of the visual amenities of the locality.

CONDITION 5:

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 6:

No development shall commence unless and until details of Dust Mitigation Measures have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of health and safety.

CONDITION 7:

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

REASON:

In the interest of health and safety.

CONDITION 8:

The 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 5.5 metres, and hard surfaced in a bound material for a minimum distance of 18.0 metres from the near edge of the highway carriageway.

B) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 18.0 metres from the near edge of the highway carriageway.

REASON:

In the interest of highway safety.

CONDITION 9:

The development hereby permitted shall not be occupied before the [highway/verge] 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 interest of highway safety.

CONDITION 10:

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

REASON:

In the interest of highway safety.

CONDITION 11:

No development shall commence unless and until a comprehensive 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 use of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION 12:

Notwithstanding any indication given within the document entitled 'Tree Survey Report' received by the Local Planning Authority on 1 October 2013, 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 without the prior written approval of the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION 13:

No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes/cups for swallows to be erected on buildings within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location and timing of works. Thereafter the cup(s)/box(es) shall be installed and maintained in perpetuity.

REASON:

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

CONDITION 14:

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

REASON:

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, unless a waste exemption applies. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site

movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations. If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility. The applicant is advised to contact the Environment Management team at Dioun Sully Office on 0121 711 5853 or refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>.

INFORMATIVE 2:

The design of the bund area should incorporate a sloping floor level that will allow spills to gather away from access points of the bund area. This will minimise the likely hood of spilled pollutants escaping through these access points.

INFORMATIVE 3:

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 4:

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 5:

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 6:

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

INFORMATIVE 7:

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

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

INFORMATIVE 8:

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 9:

In view of the existing refugia and composition of the surrounding habitat, care should be taken when clearing the ground prior to development. Precautionary avoidance methods prior to and during construction should be undertaken as outlined within the Ecological Survey Report completed by Turnstone Ecology Ltd dated September 2013. If any evidence of specially protected species such as adder, grass snake, slow worm or common lizard is found, work should stop while WCC Ecological Services (01926 418060) or Natural England is contacted. Section 9 (part1) of the Wildlife and Countryside act 1981, makes it is an offence to intentionally or recklessly kill or injure any of the species listed above.

INFORMATIVE 10:

Bats can be found in many buildings, even those that initially appear to be unsuitable or have been subject to a bat survey and found no evidence. Therefore if any evidence of bats is found on site, work should stop while a bat survey is carried out by an experienced bat worker, and any recommendations made following the survey are undertaken. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000, and are also deemed a European Protected Species. 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.

INFORMATIVE 11:

Lighting can have a harmful effect on bats impacting on their use of a roost and also their commuting routes and foraging areas. 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 along the existing hedgerows 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: R12/2182

Site address: Land south of Blue Haven Marina, Hillmorton Wharf, Crick Road, Rugby, CV21 4PW

Description: Erection of 23 timber holiday lodges with associated works.

Case Officer Name & Number: Karen McCulloch, 01788 533623

Description of site

The application site comprises a large field to the south of the existing Bluehaven Marina, which is located immediately south of the Royal Oak PH, on the south side of Crick Road (A428), adjacent to a road bridge over the Oxford Canal. The marina has access directly onto the Oxford Canal and currently has around 25 berths for canal boats as well as repair/workshop facilities in two adjoining buildings.

The application site is relatively flat and is separated from the existing marina by a grassed bank and a hedgerow.

Description of proposals

This application is for the erection of 23 timber lodges on land to the south of the existing marina. These will use the existing access from Crick Road which is shared with the adjacent public house. There is an existing access from Kilsby Lane from the south of the site, however, this is to be used as an emergency and maintenance access only.

The lodges will be a mix of styles and sizes with 6 one-bed, 6 two-bed and 11 three-bed proposed. These will all be constructed of timber with cedar shingle roofs. The lodges will all be single storey with a maximum ridge height of around 4.5m.

Parking areas will be provided adjacent to each lodge, these and the access roads will be porous paving infilled with gravel. Existing hedgerows to the field boundaries will be retained and landscaping will be carried out between the cabins.

The agent has confirmed that the applicant will retain ownership of the lodges and that these will be let to holiday makers.

Relevant planning history

Planning permission was granted in 2009 for an extension to the existing marina to provide a further 123 berths (R08/1844) this permission was renewed in 2012 and remains extant (R12/0397).

The applicant has commented that there have recently been approvals for other large marinas in the area, including 200 berths at Barby and 550 at Onley. They therefore consider that there will not be sufficient demand for them to implement the approved 123 berth marina extension.

Technical consultation responses

Environment Agency	No objection	Subject to condition
WCC Highways	No objection	
WCC Ecology	No objection	Subject to conditions & I informatives
WCC Archaeology	No objection	Subject to condition
Severn Trent	No objection	Subject to condition

Fire & Rescue	No objection	Subject to condition
Natural England	No objection	
Inland Waterways	No objection	Are sorry that marina is not progressing
Environmental Health	No objection	Subject to conditions & informatives
Landscape Officer	No objection	
Canal & Rivers Trust	No objection	Subject to conditions and informatives
Daventry DC	No objection	

Third party comments

- Neighbours (1) Support
- We fully support these proposals

Councillor Lawrence Comments

- should prevent chalets from being used as dwellings;
- if they are dwellings should pay Council Tax;
- will add to increasing traffic on Crick Road;
- safeguards and signage should be used to minimise accidents;
- Kilsby Lane access is dangerous and should not be used;
- there is no footpath on Kilsby Lane, a footpath would be a benefit;
- are additional moorings proposed;
- s106 monies should be sought to enhance Hillmorton.

Planning Policy Guidance

Rugby Borough Core Strategy, 2011

CS1	Complies	Development Strategy
CS11	Complies	Transport and New Development
CS14	Complies	Enhancing the Strategic Green Infrastructure network
CS16	Complies	Sustainable Design
CS17	Complies	Reducing Carbon Emissions

Rugby Borough Local Plan, 2006 – Saved Policies

GP2	Complies	Landscaping
E6	Complies	Biodiversity
T5	Complies	Parking facilities
LR10	Complies	Tourism and visitor facilities and attractions

Planning Obligations SPD 2012

National Planning Policy Framework, 2012

Determining Considerations

The site lies adjacent to an existing marina which is located just outside of the defined urban edge of Rugby in a countryside location.

The main issues therefore regarding the acceptability of this proposal relate to; the principle of the erection of holiday lodges in this countryside location, appearance and design, landscape impact, highways and parking, impact on the canal, ecology, flood risk and archaeology.

Principle of Development.

The site is located outside of the urban area in the countryside.

There is an extant planning permission to extend the existing marina complex to provide an additional 123 berths which would bring the total berths on site to 148. The applicant has stated that this permission is now not being pursued as since the original planning permission there have been a number of approvals of marina developments in the locality. Therefore they are seeking an alternative form of development which would complement the existing marina.

Policy CS1 sets out the development strategy for the Borough with new development within the countryside being resisted with the exception of where national policy permits development. The NPPF supports economic growth in rural areas in order to create jobs and prosperity. The NPPF also supports the sustainable growth and expansion of all types of business and enterprise of all types, through well designed new buildings. Support is also given to sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, which respect the character of the countryside. This should also include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

The proposal will compliment an existing rural business that is unable to pursue their existing planning permission for the expansion of the marina due to a number of competing sites that have also expanded. The proposal will support the existing business by allowing current users of the marina who do not always wish to reside within their boats to stay in the lodges. The lodges can also be utilised by users who are undertaking repairs to their boats in the winter months. The lodges can also have no link to the existing business but may offer the opportunity to combine a stay in the lodges with hiring a canal boat.

Saved Local Plan policy LR10 states that where there is a need for tourist facilities which cannot be met within the Town Centre a sequential assessment to sites should be applied. The policy also requires that proposals should be appropriate to their location, not have an impact on the vitality and viability of the town centre and be on previously developed land

There are currently no holiday lodges within the locality and this form of tourist accommodation would not be capable of being sited within the Town Centre or urban location. The proposal is located within a sustainable location as it abuts the urban area and the holiday lodges will support the existing marina. Whilst the site is not located near to a rural village the proposals will help support the nearby local centre within the urban area.

It is therefore considered that the proposal accords with policy CS1, saved policy LR10 and the NPPF and the principle of the development is acceptable.

Holiday accommodation is a type of dwelling. As new residential dwellings are not appropriate in the countryside a condition is necessary to ensure that the lodges are not used as primary residential accommodation.

Appearance and Design/Landscape Impact.

In terms of appearance, design and landscape impact, the proposals will introduce built development into this countryside location.

The previously approved marina would have involved digging down to the level of the canal. However, the proposed lodges will be built at around the existing ground level.

The lodges will be constructed of timber and will be a maximum of around 4.5m high. This will reduce the impact of the lodges in terms of visual amenity.

The lodges will be visible from nearby land outside of the site, however they will be low level and will not be prominent. They may be visible to users of the canal although the lodges will be screened by landscaping and will be seen in association with the existing marina and buildings.

The impact on visual amenity is therefore considered acceptable in accordance with policy CS16.

As the lodges will be a type of dwelling house a condition is required to remove permitted development rights as extensions or alterations would have an adverse impact on visual amenity.

As with the previous approvals two trees close to the existing marina will be removed to provide the access however most existing trees and hedgerows will be retained around the perimeter of the site. In relation to the previous applications the Council's Tree Officer raised no objection to the removal of these trees.

Additional tree and hedgerow planting and other landscaping is proposed across the site and a condition can be used to ensure the details of this are agreed. This landscaping will help to soften the edge of the development and provide a better landscape structure. It is therefore considered that the proposal complies with saved policy GP2.

Highways & Parking.

The access to the site will remain unchanged, using an existing right of way from the marina across the Royal Oak car park to an existing access/egress onto Crick Road. No modifications to the access are proposed. Information provided by the applicant indicates that approximately 7 vehicle movements per hour would be expected during peak visiting times on a Sunday morning.

Warwickshire County Council Highways has been consulted and have raised no objections to this proposal.

The proposal is therefore considered to be acceptable on highway grounds in relation to policy CS11.

The Council's Parking Standards, contained within the Planning Obligations SPD do not include a specific requirement holiday accommodation. In this location the parking standards for dwellings require 1.5 spaces for 1 or 2 bedroom units and 2 spaces for 3 bedroom units. Parking spaces are proposed adjacent to the lodges and on the access roads and it is considered that this requirement can be met.

Details of cycle parking have not been provided. However, this can be controlled by condition and there is sufficient land available to provide suitable cycle parking.

The parking provision is considered acceptable in accordance with the Parking Standards and the proposal complies with saved policy T5

Ecology

The site is potentially of ecological interest as it is located close to an existing water course, therefore the following surveys were submitted: Phase 1 Habitat Survey, Otter and water vole survey, Reptile survey, Great Crested Newt survey and Bat survey.

WCC Ecology commented on the application and requested updated surveys for reptiles and otters be controlled by condition and requested informatives relating to badgers and nesting birds.

Natural England also requested updated surveys relating to bats, Great Crested Newts and otters. However, Natural England suggested the surveys be required prior to the determination of the application not by condition.

However, consideration must be given to the extant permission for the marina which can be implemented. Conditions attached to this require additional surveys, and mitigation information, to be agreed prior to the commencement of the development. It is therefore considered reasonable to impose similar conditions on the current applications to ensure there is no adverse impact on protected species.

Subject to these conditions and informatives the proposals are considered acceptable in accordance with saved policy E6.

Due to the location adjacent to the canal the site falls within the strategic green infrastructure network as identified by policy CS14. This policy states the GI network should be protected and where possible enhanced.

As detailed above the majority of trees and hedgerows around the site perimeter will be retained providing linkages to the GI network. Additional landscaping is also proposed across the site.

WCC Ecology comment that the proposed landscaping scheme should incorporate biodiversity enhancements and incorporate provision for roosting bats. This can be controlled by condition and is considered acceptable in accordance with policy CS14.

Flood Risk.

A flood risk assessment has been undertaken by the applicant and additional information was provided following a request from the Environment Agency. The Environment Agency and Severn Trent Water raise no objections subject to conditions regarding drainage details, surface water runoff and attenuation. The proposal is therefore considered to comply with guidance contained in the NPPF.

Archaeology.

There may be some deposits of archaeological interest on this site. Warwickshire County Council Archaeology have commented that although they would not object to the proposed development, a programme of archaeological evaluation should be undertaken prior to the development of the site via the imposition of a planning condition.

Residential Amenity.

Residential properties on Crick Road are a significant distance from the site. The nearest property to the site is Wharf Farm. This property will be around 40m from the

closest lodge and it is not considered there will be an adverse impact on the amenity of this property. The proposal is therefore considered to comply with the relevant part of policy CS16.

Water efficiency/Drainage

Policy CS16 states that new buildings should comply with the water conservation standards contained within the Level 4 of the Code for Sustainable Homes and this can be controlled by condition.

This policy also states that where possible sustainable drainage systems should be used. The application form states that sustainable drainage will be used for surface water and this is considered acceptable.

Policy CS17 required developments of 10 or more dwellings, or over 1000 square metres of non-residential floorspace to incorporate technology to reduce carbon emissions by 10%. This has been discussed with the agent who has advised that it is not known at this stage what equipment will be used to achieve this target. A condition is therefore suggested requiring these details to be agreed.

Recommendation

Approval, subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R12/2182

DATE VALID

04/07/2013

ADDRESS OF DEVELOPMENT

Land south of BLUE HAVEN MARINE,
HILLMORTON WHARF
CRICK ROAD
HILLMORTON
RUGBY
CV21 4PW

APPLICANT/AGENT

Sally Stroman
Wilbraham Associates Ltd
18a Regent Place
Rugby
Warwickshire
CV21 2PN

On behalf of Hillmorton Wharf Marina

APPLICATION DESCRIPTION

Erection of 23 timber holiday lodges with associated works.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

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

REASON:

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

CONDITION: 2

The development shall not be carried out other than in accordance with the Site Location Plan, Layout Plan - 540-01-01/A and Typical Cabin Cross Section received by the Local Planning Authority on 3rd July 2013 and the amended Holiday & Leisure Homes Designs: Maxstoke - 3 bedroom, Maxstoke - 2 bedroom, Rockingham 3a, Rockingham 2, Rockingham 1, Odiham B received by the Local Planning Authority on 14th August 2013.

REASON:

For the avoidance of doubt.

CONDITION: 3

The lodges hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole, or main place of residence.

The operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON:

To ensure the development provides holiday accommodation only in order to protect the character and appearance of the countryside.

CONDITION: 4

The lodges hereby approved shall not be occupied during the month January in any year as detailed in the agent's e-mail to the Local Planning Authority of 9th October 2013.

REASON:

To ensure the development provides holiday accommodation only in order to protect the character and appearance of the countryside.

CONDITION: 5

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

REASON:

In the interest of visual amenity and to protect the character and appearance of the countryside.

CONDITION: 6

The facing materials to be used on the external walls and roof shall be as specified on the application form, received by the Local Planning Authority on 3rd July 2013.

REASON:

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

CONDITION: 7

No walls, fences or gates shall be erected unless and until full details have been submitted to and approved in writing by the Local Planning Authority.

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

REASON:

In the interest of visual amenity.

CONDITION: 8

No development shall commence unless and 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. Development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure the proper development of the site.

CONDITION: 9

No development shall commence unless and until full details of the siting, design and materials of the proposed bin and cycle stores have been submitted to and approved in writing by the Local Planning Authority. The bin and cycle stores shall be provided, in accordance with the approved details before the first occupation of any lodge.

REASON:

In the interest of visual amenity.

CONDITION: 10

The accommodation for car parking and access roads shall be provided before the occupation of the development hereby permitted and shall be retained permanently.

REASON:

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

CONDITION: 11

As shown on the approved plan the access from the site to Kilsby Lane shall be used by emergency and maintenance vehicles only.

REASON:

In the interest of highway safety.

CONDITION: 12

Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence unless and until details of technology to be incorporated into the design of the buildings to achieve a 10% carbon emissions reduction efficiency, including the submission of an Energy Performance Certificate, have been submitted to and approved in writing by the Local Planning Authority.

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 through sustainable design and construction is achieved.

CONDITION: 13

Unless otherwise agreed in writing by the Local Planning Authority the lodges hereby permitted shall be constructed to achieve a minimum water efficiency standard equivalent to Code Level 4 of the Code for Sustainable Homes (i.e. a maximum indoor water consumption of 105 litres per person per day.)

REASON:

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

CONDITION: 14

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 and protect the water quality in the Oxford Canal.

CONDITION: 15

No development shall commence unless and until full details of the bio-disk sewage treatment plant have been submitted to and approved in writing by the Local Planning Authority.

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

REASON:

To prevent pollution and to ensure a satisfactory means of drainage.

CONDITION: 16

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

REASON:

In the interests of fire safety.

CONDITION: 17

A 2 metre wide stand- off area from the top of the adjacent Oxford Canal cutting shall be established along the western site boundary prior to the commencement of development, and no excavations or earthmoving shall take place within this area and no holiday lodges shall encroach onto the stand- off area. There shall be no use of heavy plant or machinery within the stand- off area during development.

REASON:

In the interests of minimising the risk of any adverse impacts upon the structural integrity of the adjacent Oxford Canal and canal cutting.

CONDITION: 18

No development shall commence unless and until an updated reptile and Great Crested Newt survey carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified ecologist and appropriate mitigation measures have been submitted to and agreed by Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION: 19

No development shall commence unless and until an updated otter and water vole survey carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified ecologist and appropriate mitigation measures have been submitted to and agreed by Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION: 20

No development shall commence unless and until an updated bat survey carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified ecologist and appropriate mitigation measures have been submitted to and agreed by Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION: 21

No works, including site clearance, shall commence unless and until an ecological and landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme must include all aspects of; landscaping including size, species (which shall be native species) and spacing of plants, the retention of trees and hedges on the western boundary, details of marginal planting and creation of provisions for roosting bats.

The 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:

In the interest of visual amenity and biodiversity and to ensure the development contributes to the character, distinctiveness and biodiversity of the Oxford Canal corridor.

CONDITION: 22

No development shall take place until 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 plan shall incorporate the recommendations detailed in the ecological surveys. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

REASON:

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

CONDITION: 23

No works shall be carried out to the mature oak tree and dead oak tree stump in the eastern boundary hedgerow that are identified in the Bat Survey - RT-MME-103441-02, received by the Local Planning Authority on 3rd July 2013 as having bat roost potential unless and until a bat survey and mitigation measures have been submitted to and approved in writing by the Local Planning Authority.

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

REASON:

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

CONDITION: 24

The existing trees and hedgerows along the boundaries of the site identified on the approved plans for retention, shall be retained and suitably protected from damage in accordance with the requirements of BS3998:2010 (Recommendations for Tree Work) to the satisfaction of the Local Planning Authority during the period that development takes place. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:2010 (Recommendations for Tree Work).

REASON:

In the interests of the visual amenities of the locality and in the interests of the future health and amenity value of the trees.

CONDITION: 25

No development shall take place until a method statement/construction environmental management plan, has been submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved method statement.

REASON:

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

CONDITION: 26

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

REASON:

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

CONDITION: 27

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 and biodiversity.

CONDITION: 28

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: 29

The development shall not be carried out other than in accordance with the Addendum to Site Specific Flood Risk Assessment reference XL03177/FRA – Addendum received by the Local Planning Authority on 23rd October 2013, the Proposed Surface Water Drainage Strategy Plan – XL03177/100 Rev A and the supporting Micro Drainage Calculations received by the Local Planning Authority on 12th November 2013, as well as following measures below:

1) Limiting surface water runoff generated by the development proposals to at or below the equivalent Greenfield Runoff rate, in accordance with these documents (i.e. 6.4 l/s for QBAR, 12.55 l/s for 1 in 30 year event and 16.45 l/s for the 100 year event).

2) Provision of sufficient surface water attenuation in the form of sub-base storage in hardstanding areas, to contain the 1 in 100 year (with 30% increase in peak rainfall intensity to account for the impacts of climate change) rainfall event.

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

REASON:

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

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

Badgers and their setts (communal place of rest) are protected, making it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while Warwickshire Museum Ecology Unit or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches that can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136.

INFORMATIVE: 2

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

INFORMATIVE: 3

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: 4

Any proposed discharge of foul or surface water to the adjacent Oxford Canal will require the prior consent of the Canal & River Trust. Please be aware that the Trust is not a land drainage authority and such discharge is not granted as of right, and where it is granted it will usually be subject to a commercial agreement; please contact the Utilities Team at the Hatton Office on 01926 626100 for further advice.

INFORMATIVE: 5

The Landscape Management Plan required by condition 22 shall include the following:

- details of maintenance regimes
- details of any new habitat created on site and how it will be managed
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

INFORMATIVE: 6

Under the new Environmental Permitting Programme Phase 2 (EPP2), as of April 6th 2010, it may be necessary to apply for a EPP2 Discharge Permit or an Exemption from the Environment Agency for consent to discharge to a surface water (ditch, stream or river).

The Government currently is consulting on PPG 2 Guidance and exemptions are available for discharge to surface water that are of 5 cubic metres per day or less via a sewage treatment plant. This is approximately the equivalent of 31 people occupying a single property.

It may not be possible to meet the above exemption if all units are occupied at the same time.

The link to the Environment Agencies website is below:

<http://www.environment-agency.gov.uk/homeandleisure/118753.aspx>

INFORMATIVE: 7

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -

Monday - Friday - 7.30 a.m. - 18.00 p.m.,

Saturday - 8.30 a.m. - 13.00 p.m.

No work on Sundays & Bank Holidays.

INFORMATIVE: 8

If wood burning stoves are to be installed please note that the area is within an smoke control zone created under the Clean Air Acts, therefore appliances must be installed that are exempt from the legislation or burn an authorised approved fuel source.

Further information can be found on the Councils web site, HETAS website and the DEFRA website.

INFORMATIVE: 9

The proposed lodges (except the 3 bedroom lodges) fall within the definition of caravans/mobiles homes and will require a site licence under the Caravan site and Control of Development Act 1960.

The following are relevant to meet minimum welfare standards:

- 1) There must be a 6 metre minimum separation distance between each unit and 4 metres from any site boundary units.
- 2) Each unit must have a potable drinking water supply supplied internally.
- 3) The sewerage system should be suitable and have the capacity for the development and approved by the local licensing authority.
- 4) If the units are to be used all year round a suitable means of heating each is required.
- 5) A risk assessment with regard to fire will be required and further advice can be obtained from Warwickshire Fire and Rescue. Units which do not come under the definition of a caravan may need Building Regulation approval.
- 6) The site will require a caravan site licence. Further advice can be obtained from public health and licensing section at the Council on 01788 533882.

INFORMATIVE: 10

The method statement required by condition 25 shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:

- The timing of the works.
- The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution) For example, this may include the appointment of an Ecological Clerk of Works who can offer ecological advice to the appointed contractor, provide a toolkit talk about protected and invasive species, carry out ecological inspections if works are carried out during breeding seasons for protected wildlife and advising on methods to deal with invasive species found on site including biosecurity measures.
- The ecological enhancements as mitigation for the loss of habitat resulting from the development.
- A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.
- Any necessary mitigation for protected species detailed within the Middlesmarch Extended Phase 1 survey, section 6 'Recommendations' and subsequent protected species surveys for great crested newt, water voles, otters, reptiles and bats.
- Construction methods.
- Any necessary pollution protection methods.
- 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.

INFORMATIVE: 11

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

This can be downloaded at:

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

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

Reference number:

R13/0451

Site address:

Site C, Former Peugeot Works, Oxford Road, Ryton on Dunsmore

Description :

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

Case Officer Name & Number:

Richard Holt 01788 533687

Description of Site:

The application site, known as Site C, lies within the designated West Midlands Green Belt and forms part of the former Peugeot Works complex and therefore the majority of the site is allocated as a Strategically Significant Employment & Major Development Site in the Green Belt in the Rugby Borough Core Strategy 2011. To the north and north-east is Ryton on Dunsmore village whilst to the south is the A423, Oxford Road, with fields beyond. Immediately to the north-west is a public footpath connecting Oxford Road to Ryton on Dunsmore village with the site of the former Peugeot Works now known as Site B beyond. To the south-west is the A423, Oxford Road, with various properties and the industrial site of Stonemarket. To the south-east is an area of woodland and shrubs known as The Dell, which actually lies within the application site boundary, with Ryton Nurseries beyond.

Site C was used in conjunction with the general industrial use of Sites A & B to manufacture cars and was primarily used to store cars. This use has ceased and the buildings associated with that use have been demolished. Site C has generally remained in the same state since the closure of the Peugeot factory, although some of the former vehicle parking areas are less well defined and part of the site has been used for Heavy Goods Vehicles and trailer storage.

The majority of the site is set below Oxford Road by approximately 3 metres. There is an access point located at the north-western corner of the site on to Oxford Road and there is a ramp that sweeps down into the site from the access. Part of the site is surfaced entirely in tarmac whilst another significant section is surfaced in a combination of gravel and tarmac. The edges of the site are surrounded by vegetation and there are several bodies of water predominately along the south-western portion. The site is surrounded by metal palisade fencing.

A triangular area of densely vegetated land at the northern most corner of the site, adjoining the primary school is also within the application area.

Description of Proposals:

This is an outline planning application for 16.69ha of the southern part of the former Peugeot Works site for up to 40,000 square metres for Class B8 (storage & distribution uses) including up to 20% (8,000 square metres) being B1c/B2 (light & general industry uses), plus vehicle parking and landscaping; vehicle access from the A423 Oxford Road; importation of c50,000 cubic metres of material to raise ground levels; retention of areas of nature conservation, biodiversity enhancements and improvements to public footpaths. Matters relating to appearance, landscaping,

layout and scale will be considered at the reserved matters stage with only access being considered at this stage.

A Development Parameters plan has been submitted with the proposal which indicates that the central 5 hectare portion of the site is intended to be the Core Development Area for the buildings, parking, yard and circulation area. Surrounding this central area is an Outer Development Area of approximately 3.7 hectares which will act as a further parking, yard and circulation area, including links to the main and emergency accesses. Around these areas will be a landscape buffer zone, footpath corridor, The Dell Nature Reserve and a triangular portion of land currently well vegetated adjacent to the school, equating to approximately 8 hectares.

It is understood that owing to the proximity of ground water to existing ground levels, the scheme will also include the importation of approximately 50,000 cubic metres of clean inert material to raise the ground level within the main central part of the site by between approximately 0.5 metres and 1 metre. Within the Core Development Area the buildings are intended to have a maximum height of 12.5 metres to the eaves and 15 metres to the ridge.

The applicant's agent has confirmed that The Dell will remain as a nature reserve and a management plan will secure its long term maintenance and the triangular portion of land at the northern most part of the site which is currently heavily vegetated will remain undeveloped and potentially be vested in the adjacent school. The public footpaths running along two sides of the site will also be protected from development with their corridors where appropriate being enhanced.

The applicant's agent envisages that the proposed development could yield between 500 to 1000 jobs and it is understood the site would operate 24 hours a day, 7 days a week.

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

- 1) Site previously promoted for residential use, but Inspector at Rugby Core Strategy Inquiry in 2010/2011 identified sufficient housing land in Borough, however no technical objections raised by Council to Inspector to developing site;
- 2) Response to public questionnaire demonstrates overwhelming support for proposals;
- 3) Will secure economic growth and create jobs;
- 4) Identified strategic employment site;
- 5) Warehousing and distribution is an important and fast growing sector of the regional economy;
- 6) Need to make best use of land to maximise employment potential;
- 7) Maintain and enhance peripheral landscaping;
- 8) Almost 100m from nearest dwelling;
- 9) Proposed building heights reduced to decrease impact on Green Belt;
- 10) Opportunity to create enhanced pedestrian and cycle links with village; &
- 11) Yield landscape, biodiversity and community benefits.

The applicant's agent has also submitted a Landscape & Visual Impact Assessment, Preliminary Geotechnical & GeoEnvironmental Risk Assessment, Flood Risk Assessment, Noise Assessment, Air Quality Assessment, Statement of Community Engagement, Ecological Appraisal, a Utilities Statement Framework Travel Plan,

Highways Technical Note, Transport Assessment and a draft Unilateral Undertaking relating to a Green Travel Plan.

Relevant Planning History:

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

Site A:

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

Outline application for 13.39HA of the northern part of the former Peugeot Works Site for up to 51,860 sqm of employment comprising of up to 47,756 sqm of Class B8 (warehouse & distribution) with ancillary offices and up to 4,104 sqm of Class B1(c)/B2/B8 (light industry/general industry/warehouse & distribution with ancillary offices), including vehicle parking and landscaping with access from existing roundabout. Approved 05/09/2012

Approval of reserved matters for a sortation facility (Class B8) relating to appearance, landscaping, layout and scale against outline application (R12/0600) for 13.39HA of northern part of former Peugeot Works Site for up to 51,860 sqm of employment comprising of up to 47,756 sqm of Class B8 (warehouse & distribution) with ancillary offices and up to 4,104 sqm of Class B1(c)/B2/B8 (light industry/general industry/warehouse & distribution with ancillary offices), including vehicles parking and landscaping with access from existing roundabout. Pending

Site B:

Outline planning permission for redevelopment of 25.93 HA for storage and distribution (Class B8) and General Industry (Class B2) (With up to 30% B2) up to a total maximum of 120770m2 including new access on to Oxford Road (A423). Approved 18/04/2008

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

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

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

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

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

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

Approval of reserved matters for Units 3&4/Plot 3 relating to layout, appearance, landscaping and scale (Application D) against renewed outline planning permission R07/2010/OPS (R10/1972) for the redevelopment of 25.93HA for storage and distribution (Class B8) and general industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m², including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping]. Approved 20/05/2013

Approval of reserved matters for Unit/Plot 3 relating to layout, appearance, landscaping and scale (Application C) against renewed outline planning permission R07/2010/OPS (R10/1972) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m², including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping]. Approved 11/06/2013

Approval of reserved matters for Unit/Plot 1 relating to layout, appearance, landscaping and scale (Application B) against renewed outline planning permission R07/2010/OPS (R10/1972) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 120770m², including new access on to Oxford Road (A423) [this will also allow an extension of time to implement associated reserved matters R08/1305/MAJP (Unit 1) & R08/1341/MRES (Units 2 & 3) for layout, scale, appearance & landscaping]. Approved 12/06/2013

Approval of reserved matters for Unit DC5/Plot 1 relating to layout, appearance, landscaping and scale (Application E) against renewed outline planning permission R07/2010/OPS (R10/1972) for the redevelopment of 25.93Ha for storage and distribution (Class B8) and General Industry (Class B2) (with up to 30% B2) up to a total maximum of 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] & Condition 5 of R10/1972 (associated with Plot 1 - Unit DC5).
Approved 28/08/2013

Site C:

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

Retention of re-surfaced existing maintenance and emergency access route.
Approved 07/03/2013

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
Environment Agency	No objection, subject to conditions & informatives
Natural England	No objection, subject to a condition
WCC Ecology	No objection, subject to conditions & informatives
Coventry Airport	No objection, subject to informatives
National Air Traffic Services – NATS	No objection
Coventry City Council	No objection
RBC Environmental Services	No objection, subject to conditions & informatives
RBC Landscaping	No objection – nature reserve seems well protected and appears to be adequate landscape buffer zones within site
WCC Archaeology	No objection, subject to a condition
Ramblers	No objection, subject to a condition
WCC Paths	No objection, subject to informatives
WCC Highways	No objection, subject to a legal agreement/unilateral undertaking for a Green Travel Plan
Highways Agency	No objection, subject to a condition

Third Party Consultations:

A Statement of Community Engagement did accompany the application which refers to a consultation exercise undertaken by the applicant/agent prior to the submission of the application. This details 110 responses from the public which they consider demonstrated overwhelming support for the proposed scheme and only a limited number of objections focusing on preference for residential development and desire for more high-tech units.

As part of the consultation process conducted by the Local Planning Authority in connection with the application the following comments have been received:

Neighbour (1)	Comments	<p>Do not object to site being developed for industrial usage; insufficient details given – anything could be built inside development area; May be 2 units, may be more; Industrial use could be noisy and smelly; Support all types of employment and improvements to footpaths around site; Support The Dell being a nature reserve and making area into pleasant place to sit & rest and enjoy nature; Should only be 2 units with lorry access into buildings facing Oxford Road in order to reduce impact on their property; & Building should be no higher than existing hedgerow.</p>
Ryton on Dunsmore Parish Council	Object	<p>Transport Assessment flawed – fails to show worse case of traffic movements on A423 and onto Sites A & B as well as impact from Wolston Fields Sand & Gravel; Cannot understand how Highways Agency could support additional heavy traffic at A45/A46 roundabout when they objected to Wolston Fields Sand & Gravel lorries; Additional roundabout should be created on to A423 not a 'T-junction' owing to level of lorry movements; Previous agreed site development area based on old Peugeot Works buildings has already been exceeded – application should be rejected; Use of land for yet more large warehouses is inappropriate; Site sits on edge of village on land reserved for village expansion; Overall height will be contrary to visual amenities; Infilling of site will not keep buildings at low level; Adopted Parish Plan highlighted need for housing not warehousing; Questions leaflet put out by developer asked very leading questions and did not deal in full comments made; & Parish Council minded to support need for some smaller employment units.</p>

Relevant Planning Policies & Guidance:

Rugby Borough Council Local Plan, 2006 Saved Policies:

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

Rugby Borough Core Strategy 2011:

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

National Planning Policy Framework, 2012

Rugby Borough Council Planning Obligations Supplementary Planning Document, 2012

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

Ryton on Dunsmore Parish Plan, 2012

Assessment of Proposals:

General Principles & Green Belt:

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

The Peugeot buildings which occupied the site had a combined floorspace of approximately 143,064m² over both application sites A and B. The planning permissions in place for both Site A & Site B currently permits buildings with a total floorspace of 172,630m², which equates to approximately a 20% increase in floorspace over the original buildings. The Secretary of State for the Communities & Local Government considered that this increase was acceptable and did not call-in the application for determination.

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

Both the proposed Core & Outer Development Areas of the proposed development lie within the Strategically Significant Employment & Major Development Site in the Green Belt allocation. Therefore, Saved Local Plan Policy ED4 states that planning permission will only be granted for redevelopment if it does not result in built

development occupying a larger area than was previously the case or the height of the existing buildings being exceeded, unless there would be an overall landscape benefit. It is clear that the proposed development does occupy a larger area than those buildings that were previously across the site and would be greater than the height of the previous buildings, bearing in mind very few buildings and structures use to be present on Site C. It is necessary therefore to establish if there would be an overall landscape benefit. It is accepted that the proposed development will provide modern buildings broken up with parking, circulation areas and that there could be the opportunity to have soft landscaping around the buildings on the former car park areas that would potentially be more attractive than the present hard surface. However, a substantial level of soft landscaping already surrounds the site and such additional planting would be incidental to the overall scheme and therefore would not result in an overall landscape benefit that is sufficient enough to outweigh the impact of the extent and height of the intended buildings across the site. On this basis, the development would not therefore result in an overall landscape benefit and the proposal is not compliant with saved policy ED4.

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

Para 89 of the NPPF states that complete redevelopment of previously developed sites would not be inappropriate development provided that there would be no greater impact on the openness of the Green Belt. It is considered that the proposal will have a greater impact upon the openness of the Green Belt, particularly as the approved floorspace across the Former Peugeot Works site would increase by a further 23% under the current scheme. This would then equate to an increase of around 49% compared to the original floorspace of the previous Peugeot buildings, and therefore constitutes inappropriate development. As required by paras 87 and 88 of the NPPF, very special circumstances will therefore be required in order to outweigh the potential harm by reason of inappropriateness.

The proposal would lead to the more effective use of previously developed land which currently has permission for the parking of c530 HGVs and is not considered to generate sufficient employment particularly given the site's role as a strategically important employment site. Whilst the proposal will further increase the amount of built development on the former Peugeot site, it will not have a greater impact on the purposes of including land within the Green Belt as set out in para 80 of the NPPF.

As stated above, the principle of economic development of this site has long been accepted both by the previous use of the site and its allocation as a major developed and strategically significant employment site in the Green Belt within the previous Local Plan. Whilst it is acknowledged that the previous floorspace of the Peugeot Works buildings on site has been exceeded by new development schemes and this proposal would increase this further, Site C remains allocated as a Strategically Significant Employment & Major Development Site in the Green Belt. This designation was reconfirmed by the Planning Inspector when he assessed the Core Strategy and concluded that Site C was not needed as an alternative housing site and that there was adequate protection to retain the Ryton site for employment purposes under saved policies ED4 & ED5.

Therefore, it is considered that this reflects an acceptance of the substantial benefits to the local and sub-regional economy that would result from the proposed development. It was previously acknowledged within the revoked West Midlands Regional Spatial Strategy that the provision of employment uses on this site would contribute to the delivery of Coventry City Council's employment targets and this is noted within the Core Strategy in the supporting text to Policy CS1. Whilst the level of employment land initially envisaged at Sites A & B has been exceeded already by approximately 20%, this does not reduce the economic benefits that the proposals would bring and the sub-regional nature of these benefits should be recognised by potentially contributing to both Coventry and Rugby's future employment need and thus carries significant weight as part of this decision. This is reiterated by the NPPF which strongly focuses on proactively supporting sustainable economic development on previously developed land by placing significant weight on proposals that encourage economic growth and states that they should be approved without delay where they accord with the Development Plan.

The applicant's agent considers that very special circumstances do exist and have referred to the benefits the development would bring to job creation in the area, the efficient use of employment land, the previous use of the site and its landscape character, enhancements to existing footpaths and Government Policy on promoting growth.

The applicant has submitted correspondence from Jones Lang LaSalle, specialist property advisors, who still consider that the West Midlands remains a focus for the logistics sector and state over the last 12 months a pick up in the level of activity is now resulting in a number of major new facilities being constructed for occupiers, eg Site B at Ryton. They consider that large distribution buildings should be the principal focus of any masterplan for the site, but that an allowance should be made for Class B2 uses, particularly on the back of major expansion plans of Jaguar Land Rover who are generating a significant amount of demand in the logistics and industrial sector. Therefore, it is important that a future developer has the flexibility to meet the demand from that sector in the future. The agent has also referred to the construction of a new speculative building of c21,000sqm on Site B which is the largest spec unit planned in the Midlands for 6 years and they consider is further evidence of the strength and demand of the logistics market in this area. These are significant factors and contribute to very special circumstances, particularly as para 14 of the NPPF states that at its heart is a presumption in favour of sustainable development. Nevertheless, the agent considers that the signs of an economic recovery are still tentative and on that basis have requested that the submission of the approval of reserved matters is increased from 3 to 5 years from the date of any permission. In the light of the above this is considered reasonable.

The likely scale of the proposed footprint of the intended development is detailed on the illustrative masterplan. Although the ground level is to be raised it will still be approximately 2 metres lower than the adjacent Oxford Road. The existing landscape buffer zone along Oxford Road will be retained at around 45m to 60m and the area of The Dell will act as a further landscaped zone resulting in the development being over 100m from Leamington Road. Whilst the retention of existing landscape features around the site, including their future management, is welcomed and further landscape improvements may result around and through the site which would address the principles of saved Policy GP2, it is acknowledged that such features would not be so significant to outweigh the conflict with saved Policy ED4 as stated above.

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

The Parish Council have referred to their Parish Plan and the need for more housing, especially starter homes, homes for the elderly and small family homes, rather than employment. However, Section D9 of the Parish Plan refers to 81% of respondents feeling there should be more encouragement for jobs and home based working. As detailed above, the Planning Inspector for the Core Strategy concluded that Site C was not needed as an alternative housing site.

In conclusion the site will have an impact on the Green Belt through the introduction of new built development on the site. However, this impact needs to balance against the proposal making more efficient use of a previously developed site which is aligned to its designation as an allocated employment site and that it will potentially provide the opportunity for 500 to 1000 new jobs which, as detailed in the NPPF, should be given significant weight.

Highways:

The existing access onto Oxford Road is substandard and its widening with kerbed radii has been approved under the previous application for heavy goods vehicle storage on site. It is understood that these improvement works are to be carried out shortly as since the previous planning permission was issued it has taken time to address the legal documents associated with the highway works.

Appendix 2 of the Planning Obligations Supplementary Planning Document 2012 indicates that the standards for commercial vehicle parking for the proposed development are considered on the basis of individual applications. The illustrative masterplan provides an indication of how the site could be developed with the core and outer development areas and the associated levels of parking. On this basis 117 heavy goods vehicle spaces are shown to serve the site. In relation to the provision of Classes B1(c)/B2/B8 units on the site the proposed level of car parking envisaged would be 424 spaces. In accordance with the Council's maximum car parking standards this would not exceed the figures of either 667 spaces for solely B8 use or 733 spaces for 80% B8 use and 20% B1(c) use or 710 spaces for 80% B8 use and 20% B2 use. Although, in all these cases the intended level of car parking is significantly below these figures they would still comply with the adopted standards, as it is a maximum figure that is sought. Nevertheless, it is only an illustrative masterplan that has been submitted as the layout will be determined at the reserved matters stage, together with associated parking levels.

Sustainable development underpins the core principles of planning and the need to encourage sustainable modes of transport is key in order to address the causes and potential impacts of climate change through reducing carbon emissions and reducing the dependence on the private car. The unilateral undertaking submitted with application incorporates the requirement for a Green Travel Plan for the site, which this proposal would have to adhere to.

Concerns have been raised at the level of heavy goods vehicle movements that will be generated by the site and that the accompanying documentation does not adequately address this matter. WCC Highways have confirmed that they raise no objection to the proposed development, subject to the developer's entering into a legal agreement to provide a Green Travel Plan that will serve the site and will be in place prior to the first occupation of any part of the site. The Highways Agency has also confirmed that they raise no objection subject to the submission of a Travel Plan. A draft unilateral undertaking in relation to the provision of a Green Travel Plan and Heavy Goods Vehicle routing when exiting the site has been submitted with the application. WCC Highways has confirmed their initial acceptance of the principle of the document.

Contained within the Section 106 legal agreements for both Sites A & B a clause was included that ensured HGVs exiting the sites turned right onto the A423 Oxford Road and thereby travelled upto the Toll Bar junction to access the A45 rather than go through Ryton on Dunsmore village. These HGV movements were also to be monitored by CCTV. For completeness and for the avoidance of doubt across the former Peugeot Works site, the agent has added this clause to the unilateral undertaking for Site C. As no other planning obligations are sought by the development the developer has chosen to submit a unilateral undertaking rather than a Section 106 legal agreement in order to expedite the legal process. This is acceptable to the Council's legal section.

The existing emergency access corridor which runs between Leamington Road and the site adjacent to The Dell will also act as a pedestrian and cycle access to and from the site in order to enhance linkages with the village of Ryton on Dunsmore. The public footpaths which run along the north-western and north-eastern sides of the site lie partly on land controlled by the applicant. These rights of way will be retained as part of the development and enhanced where appropriate on land in the applicant's control, in terms of width and additional planting. The County Council Footpath Section raises no objection in principle but wishes to ensure that no new planting restricts the use of the footpaths. This can be conditioned accordingly.

Overall based on the site's location to the strategic road network, proximity to the city of Coventry, adjacent to a relatively frequent bus route along the A45 (every 2 hours, Monday to Saturday) and based on the past use of the wider former Peugeot site and planning policies affecting the site, the development is considered to be sustainable. Therefore, it is considered that the proposals would comply with saved policy T5, policies CS10 & CS11 and the NPPF.

Amenity:

The most affected residential properties by the proposed development are those on Soden's Avenue, Warren Close, Ryton Lodge & Lodge Cottage on Oxford Road and Warren Farm. The closest residential properties to the intended Core Development Area would be those on Soden's Avenue and Warren Close which would lie around 90 to 100 metres away. Warren Farm would lie approximately 120 metres from the Core Development Area whilst Ryton Lodge & Lodge Cottage would be around 130 to 140 metres away. The finished ground floor level for the intended buildings on Site C once the inert material has been imported into the site would be approximately 1 metre below those properties on Warren Close, as well as Ryton Lodge & Lodge Cottage, and 2 metres below those on Soden's Avenue. Notwithstanding the areas of landscaping around the site, it is not considered that the proposed development would overshadow or have an overbearing impact upon those nearby properties based on the aforementioned distances.

A noise assessment has been produced and indicated that the changes in existing ambient noise levels resulting from the development are likely to be slight and barely perceptible, even in the worst case scenario considered. However, it did conclude that maximum noise levels from slamming car doors and heavy goods vehicles brakes are predicted to breach the criterion that the World Health Organisation suggests and could lead to sleep disturbance. These potential impacts can be mitigated by restricting the areas towards the edge of the site for the parking of cars and lorries, particularly along the north-eastern edge and by the provision of acoustic fencing on site. The location and height of any acoustic fences will be dependent on the final layout considered at the subsequent reserved matters stage, but these final details can be addressed by condition. A series of other noise mitigation conditions have been recommended by the Council's Environmental Services Section including fixed plant and machinery details, broadband reversing alarms, construction method statement and hours of construction.

In terms of air quality and ground contamination and the associated reports that accompanied the application, the Council's Environmental Services Section accepts their findings and considers that the additional screening for asbestos and assessment of bund material as well as dust prevention and management can be adequately addressed by condition.

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

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

Visual Appearance, Landscaping & Ecology:

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

A Landscape & Visual Impact Assessment (LVIA) has been submitted which covers a study area of approximately 10 square miles (26km²). This considers that the area around the application site is in generally poor condition resulting partly from a legacy of mineral extraction and unsympathetic urban development. It does accept that the area has the capacity to absorb development in some locations aided by existing and emerging woodland as well as large industrial buildings. It considers the area is strongly affected by high levels of artificial lighting and noise, particularly from the local highways network.

The LVIA accepts that the proposed development would be more apparent than that of the permitted uses of the site and has been assessed as having a moderately adverse indirect effect on adjoining local character areas in close proximity to the site until the proposed structural landscaping becomes established. It also considers that

there would be no significant adverse effect on landscape elements or on nature conservation value, aspects of cultural heritage or levels of tranquillity as well as some long term benefits resulting from an improved landscape structure and management of retained areas of vegetation.

The LVIA considers the scenic quality of the site and adjoining urban context is at present quite poor and where this is effectively replaced by views of the proposed development in conjunction with stronger landscape component, the net effect will likely fall within a neutral or slightly beneficial range, improving as vegetation matures. It does acknowledge that the quality of many views from residential properties will become more enclosed and urban in nature as upper levels of built development replaces filtered views of the sky and distant views. Nevertheless, the LVIA concludes that such effects on nearby residential properties would be capable of being significantly reduced by a combination of sympathetic building and landscape design. It also considers that the long term effects of the proposed development would be neutral in nature and comparable to the existing scene with filtered views towards a substantive woodland block albeit with the new woodland block replacing a slightly greater extent of sky.

The external appearance of the buildings is not to be considered as part of this application and will be assessed in due course at the reserved matters stage.

Along and adjacent to the south-eastern, south-western and north-eastern edges of the application site there is an EcoSite according to Warwickshire Biological Records Centre. The submitted ecological report acknowledges a range of flora, fauna and protected species present in the EcoSite. Although two small portions of land within the designated area may be lost to development, the translocation of some of the identified species of flora to elsewhere in the EcoSite will ensure their continued presence within the application site post-development and therefore the loss of these discrete areas is not considered likely to undermine the integrity of the designation. A five year ecological management plan for the area known as The Dell has already been approved in September 2013 by the Local Planning Authority as part of the previous permissions on Site C.

Natural England has confirmed that they are satisfied with the proposed development and that the Ryton Wood, Ryton & Brandon Gravel Pits & Brandon Marsh Sites of Special Scientific Interest (SSSIs) do not represent a constraint in determining the proposal. However, they consider that the intended scheme is likely to affect great crested newts but mitigation measures can be dealt with by condition. WCC Ecology also raises no objection to the proposal but wishes to seek the imposition of a series of conditions in relation to great crested newt and grass snake mitigation, a badger survey, nesting birds, bats and an ecological and landscaping scheme. On this basis, it is considered that the impact on ecological matters can be adequately addressed by condition and therefore the proposal would accord with saved Policy E6 and the NPPF.

The site lies within the Princethorpe Woodland biodiversity opportunity area. Policy CS14 refers to enhancing the Green Infrastructure Network and where appropriate new developments must provide suitable Green Infrastructure linkages throughout the development and link into adjacent strategic and local Green Infrastructure networks or assets, where present. The majority of the existing landscaping around the perimeter of the site will remain and together with the future management and enhancement of the EcoSite will undoubtedly boost the Green Infrastructure of the immediate locality and assist in retaining and providing further wildlife habitats. This Council is considering the potential for the Community Infrastructure Levy to create a

fund for the enhancement of Strategic Green Infrastructure in the future. This matter is ongoing and to date nothing has been finalised. Therefore, it is considered that the degree of landscaping being retained and enhanced would accord with the principles of Policy CS14. In addition, the existing landscaping around the perimeter of the site will also assist in reducing the visual intrusion of the development on neighbouring uses and countryside and when the reserved matters on landscaping are considered they can ensure any new native species of ecological value are used. On this basis, the proposal would also comply with the general principles of saved Policy GP2.

Sustainable Design & Construction:

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

Policy CS16 states that sustainable drainage systems (SUDS) should be used and development should meet specified water conservation levels. Opportunities for utilising SUDS are also referred to in saved Policy GP2. The application included both a Flood Risk Assessment and a Utilities Statement, which includes drainage. The former document refers to SUDS in minimising the risk of flooding from the development and that the existing lagoons, balancing pond, swales and ditches, together with overflow system in the form of a new swale serving the existing balancing pond, will address surface water drainage across the site. The Environment Agency has raised no objections subject to the imposition of conditions and informatives. The policy also states that all new non-residential development shall demonstrate water efficiency of the relevant BREEAM (Building Research Establishment Environmental Assessment Method) very good standard. It is considered that a condition can be imposed to any planning permission securing these requirements.

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

Other Matters:

The site lies just over 1 mile (1.75 km) from the take-off/approach path at Coventry Airport. Whilst there are constraints on building and operational equipment heights, such as cranes during construction in order to safeguard aerodrome operations, the height of the proposed buildings is well below any potential limits. However, Coventry Airport has requested that they are consulted prior to erection of any equipment such as cranes. They have also requested that several informatives are added so matters relating to bird strike, particularly in relation to landscaping and water bodies, lighting, general safeguarding and cranes are brought to the applicant's attention. National Air Traffic Services (NATS)/NERL Safeguarding have confirmed that they have no safeguarding objection to the proposal. On this basis, it is considered that the proposal would comply with saved policy T13.

The site has been subject to some disturbance in the past, including gravel extraction; however, WCC Archaeology still consider that there is potential for archaeological deposits to survive across parts of the site. It is understood that previous fieldwork to the north-west of the application site (Site B) has identified archaeological features associated with the occupation of this area during the Iron Age and Roman period. Nevertheless, WCC Archaeology considers their comments can be addressed by condition thereby satisfying the NPPF.

A Flood Risk Assessment was submitted with the application and concluded that the risk of flooding from all forms of flood risk was negligible and no mitigation measures are necessary. Permeable paving is designed underneath the proposed car parking areas and a new overflow system in the form of a swale is also proposed to accommodate any excess in the existing balancing pond. It is likely that the foul drainage will connect in to the new foul drainage network being provided by Sites A & B although a pumping station would be required to pump flows to the connection point owing to insufficient fall. The Environment Agency are satisfied with the principle of the proposed development, but seek the imposition of conditions in relation surface water drainage design and further intrusive site investigation works.

The Development Parameters Plan indicates an area of 0.26 hectares (0.65 acres) as a potential school nature conservation site outside of the Core and Outer Development Areas. It is understood that initial discussions have occurred with the school as the site will remain undeveloped, however, the applicant considers that further meaningful progress can really only occur once planning permission is forthcoming. The provision of the school nature area is not a fundamental requirement of the proposed development nor is it required to justify the development. Ultimately it will be a matter between the owner of the land and the school, however, owing to the topography of the site, its relation to the main Development Areas, and the existing footpaths in the locality, it would be a logical use of this part of the site. It is also understood from the details submitted by the agent in relation to the Statement of Community Involvement that there appears to be significant local support for the provision of the nature conservation area, particularly for the school.

On previous reserved matters applications for Site B reference was made to the erection of the building on Plot 2 of Site B affecting the television reception of nearby dwellings. The NPPF states that Local Planning Authorities need to consider the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services. No further guidance is given on this matter, however, the superseded Planning Policy Guidance Note 8 on Telecommunications considered that digital television signals are far more robust than analogue and as viewers change to digital this should eliminate such problems of interference. It is clear that such interference has occurred to digital signals but has now been rectified in conjunction with the applicant for Site B. It is understood that the applicant for Site B set up a direct contact at their company for local residents to liaise with if they were experiencing reception issues who would then send out a local television aerial company to remedy the problem at no cost to the resident. The applicant's agent in relation to Site C is also prepared to work with local residents and advise any future developer if such problems occur because of their development. It is considered that these measures would address this potential issue.

Human Rights, particularly with regard to Article 1 of the First Protocol (protection of property) and Article 8 (right to respect private and family life) forms part of the overall assessment of the planning application in the headings above and it is

considered that these adequately address individual resident's rights under the European Convention on Human Rights, including those of individuals living adjacent to the former Peugeot Works site.

Conclusion:

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

Recommendation:

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

DRAFT DECISION

APPLICATION NUMBER

R13/0451

DATE VALID

05/07/2013

ADDRESS OF DEVELOPMENT

C FORMER PEUGEOT FACTORY SITE
OXFORD ROAD
RYTON-ON-DUNSMORE

APPLICANT/AGENT

Martin Friend
Vincent & Goring
Sterling Court
Norton Road
Stevenage
Hertfordshire
SG1 2JY

On behalf of Chris Hall, Trenport
Investments Limited

APPLICATION DESCRIPTION

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

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON

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

CONDITION 2:

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

REASON:

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

CONDITION 3:

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

a - Layout,

b - Scale,

c - Appearance &

d - Landscaping, including any structural landscaping, such as bunding

REASON:

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

CONDITION 4:

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

Plan ref 5004 201A 'Site Identification Plan' received by Local Planning Authority on 16th October 2013;

Plan ref 5004 208B 'Development Parameters' received by the Local Planning Authority on 16th October 2013 and para 3.9 in relation to building heights of the Planning, Design & Access Statement dated June 2013 received by the Local Planning Authority on 27th June 2013;

Technical Note ref PH/EP/ITB8282-003 TN dated 09/09/2013 by i-Transport LLP and a Framework Travel Plan ref PH/EP/PR/ITB8282-004 R dated 10/09/2013 by i-Transport LLP both of the above received by the Local Planning Authority on 11th September 2013;

Landscape & Visual Impact Assessment dated 03/07/2013 by David Jarvis Associates Limited received by the Local Planning Authority on 11th July 2013;

Air Quality Assessment ref RE00023 - Rep 1 Rev 0 dated 10/06/2013 by Resound Environment;

Ecological Appraisal ref E1457R4 dated June 2013 by Bioscan (UK) Limited;

Flood Risk Assessment ref 50600472 Issue 1 Revision 1 dated 03/06/2013 by WSP;

Noise Assessment ref RA00227 - Rep 1 Rev 0 dated 06/06/2013 by Resound Acoustics;

Preliminary Geotechnical & Geo-Environmental Risk Assessment ref 00037114-001 Issue 1 Revision 1 dated 06/06/2013 by WSP;

Transport Assessment ref PH/EP/DF/ITB8282-002A R dated 17/06/2013 by i-Transport LLP; and
Utilities Statement Issue 1 Revision 1 ref 50600472 dated 04/04/2013 by WSP;
all of the above received by the Local Planning Authority on 27th June 2013.

REASON:

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

CONDITION 5:

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

REASON:

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

CONDITION 6:

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

REASON:

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

CONDITION 7:

Notwithstanding the details and reports submitted, no development shall commence on any plot/phase until details, including full calculations, elevations and siting, of acoustic fences/landscaped bunds have been provided, particularly to the vehicle parking and un/loading areas for that plot/phase. The acoustic fence/landscaped bund shall then be installed in accordance with the approved details prior to the first occupation of that plot/phase and remain in place in perpetuity.

REASON:

In the interests of the residential amenities of the locality.

CONDITION 8:

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

REASON:

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

CONDITION 9:

Prior to the first occupation of each building, details of the equipment and technology to be incorporated into the design of each building to achieve 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 10:

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

REASON:

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

CONDITION 11:

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

REASON:

In the interests of fire safety.

CONDITION 12:

No development hereby approved shall take place until such time as a scheme that limits surface water discharge from the site to 231l/s as per the 'Proposed Surface Water Drainage Strategy' by Faber Maunsell/AECOM dated July 2007 ref 53681/03 date 10/07 previously received by the Local Planning Authority on 23rd October 2007 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

CONDITION 13:

The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage, including any associated plant, 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 minimise the risk of pollution.

CONDITION 14:

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

REASON:

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

CONDITION 15:

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

REASON:

In the interests of the amenities of the locality.

CONDITION 16:

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

REASON:

In the interests of the amenities of the locality.

CONDITION 17:

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

REASON:

In the interests of the amenities of the locality.

CONDITION 18:

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

REASON:

In the interests of the amenities of the locality.

CONDITION 19:

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be 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) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the prior written approval of the Local Planning Authority and the scheme shall be implemented as approved.

REASON:

To prevent the pollution of Controlled Waters, notably the underlying groundwater aquifer and the nearby River Avon.

CONDITION 20:

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

REASON:

For the avoidance of doubt.

CONDITION 21:

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

REASON:

In the interests of promoting sustainable transport measures.

CONDITION 22:

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

REASON:

In the interests of the amenities of the locality.

CONDITION 23:

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

REASON:

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

CONDITION 24:

The Access Corridor as defined on the Development Parameters plan ref 5004 208B received by the Local Planning Authority on 16th October 2013 shall only be used by vehicles in the case of an emergency and only by employees on cycles (non-motorised) associated with Site C or by pedestrians .

REASON:

In the interests of the amenities of the locality.

CONDITION 25:

In conjunction with the landscaping details submitted as part of Condition 3(d) of this permission, full details of improvement and enhancement works to footpaths R147 & R147a on land within the control of the applicant/developer adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The improvement and enhancement works shall then be implemented within 6 months of the first building on site first being occupied, unless otherwise agreed in writing with the Local Planning Authority. The landscaping scheme, as detailed on the approved plans and submitted as part of Condition 3(d) of

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

REASON:

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

CONDITION 26:

The development hereby permitted shall proceed in accordance with the outline grass snake and great crested newt mitigation measures as set out in the Ecological Appraisal referred to in Condition 4 of this planning permission. Before development commences a detailed grass snake and newt mitigation and monitoring strategy shall be submitted to and approved in writing by the Local Planning Authority and the approved mitigation and monitoring measures shall then be implemented in full.

REASON:

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

CONDITION 27:

The development hereby permitted shall not commence until a detailed badger survey (to include the relevant measures included within Section 4.3.5 of the Ecological Appraisal referred to in Condition 4 of this planning permission), and appropriate mitigation measures (if 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 28:

The development hereby permitted shall either not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

REASON:

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

CONDITION 29:

No works shall commence on site, including site clearance, until a detailed combined ecological and landscaping scheme has been submitted and agreed in writing with the Local Planning Authority. There shall be reference to the existing recommendations within the Ecological Appraisal referred to in Condition 4 of this planning permission and the previously approved 'The Dell' Ecological Management Plan (August 2013) ref E1457R5fv prepared by Bioscan (UK) Ltd and received by the Local Planning Authority on 30th August 2013 under applications ref R12/0134 & R12/2267. The scheme must include all aspects of landscaping including details of habitat creation and enhancements for wildlife, species to be planted, timing of works, programme of implementation, prescriptions for management actions and

monitoring. The plan shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure protected species are not harmed by the development.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

This application is subject to a unilateral undertaking.

INFORMATIVE 2:

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

INFORMATIVE 3:

Owing to the proximity of the development to Coventry Airport they advise that prior to the erection of any cranes associated with the construction of the development they are notified (02476 308601; handling@coventryairport.co.uk). In addition Coventry Airport brings the applicant's attention to the following Airport Operators Association & General Aviation Awareness Council Advice Notes, which can be viewed at www.gaac.org.uk:

Note 1 - Safeguarding - An Overview

Note 2 - Lighting near Aerodromes

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

Note 4 - Cranes and Other Construction Issues

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

INFORMATIVE 4:

With regard to Condition 15 of this permission, it is advised that details of the noise scheme for the containment, mitigation and management of noise emanating from the site should include information relating to the design of the external fabric of the buildings in order to optimise the containment of potential noise breakout. In addition, the applicant's attention is drawn to paras 6.5 & 6.6 of the Resound Acoustics Noise Assessment Rev0 ref RA00227 - Rep 1 received by the Local Planning Authority on 27th June 2013 with regard to the design and construction of the buildings.

INFORMATIVE 5:

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

1. All ground floor glazing and vulnerable windows 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. Doorsets offering pedestrian access to commercial units shall certified to LPS 1175 security rating 2 (minimum) and installed in accordance with the manufacturers specifications. The Main Pedestrian Access points shall be protected by a door, shutter, grille or a combination thereof, any one of which shall have been successfully tested and certificated to the Loss Prevention Certification Board Standard LPS 1175 Security Rating 2. In some cases, i.e. in very low crime areas,

and after consultation with the ALO/CPDA a door certified to PAS 24-1:1999 'Doors of enhanced security' may be acceptable;

3. Boundary fencing or railings shall be tested and certified to LPS 1175 Security Rating 2 or Sold Secure Gold, the tested product must not include anti-climb topping as part of the minimum height (2m) requirement within Security Rating 2 of this standard. All fencing shall be incorporate measures to prevent tunnelling. All perimeter fencing should be 2.4 metre high. In certain circumstances anti climb topping may be required. Due regard shall be taken of the Occupiers Liability Act 1984. i.e. adequate signage must be provide to warn of the dangers associated with anti climb measures;

4. Vehicular access within the secure area should be restricted as far as possible. Physical features to enforce this restriction may include bollards, double kerbs, walls and substantial landscaping. Fixed bollards, rising bollards and vehicle blocking systems shall be successfully tested and certified to PAS 68:2007 'Specification for Vehicle Security Barriers;'

5. Roller shutter vehicle access doors shall be tested and certificated to LPS 1175 Security Rating 2 (Minimum). 23.2. If the Roller shutter vehicle access door is vulnerable to a 'ram-raid' attack it should be further protected by a security gate, barrier or bollard(s). All such products shall be certified to BS PAS 68: 2007 'Specification for vehicle security barriers' or Sold Secure Gold;

6. Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2003; &

7. Staff smoking areas should be within a secure fence so access cannot be gained to staff private vehicles. This will be a deterrent for in house theft and hinder staff from taking goods to their vehicles.

INFORMATIVE 6:

In accordance with Condition 28, the applicant/developer is advised that birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

INFORMATIVE 7:

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

INFORMATIVE 8:

Japanese knotweed and New Zealand pygmyweed are invasive plants listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This means that, although it is not illegal to have the plant on your land, it is illegal to plant it or actively allow it to spread (e.g. through translocation of soil containing seeds). Any Japanese knotweed and New Zealand pygmyweed polluted soil or plant material that is discarded, intended to be discarded or required to be discarded is classed as controlled waste and should be accompanied by appropriate Waste Transfer documentation. Invasive plants threaten biodiversity by out-competing native species and should be eradicated where possible. Please contact the WCC Ecological Services for further advice (01926 418060).

INFORMATIVE 9:

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. In considering planning applications that may affect European Protected Species, the Local Authority is bound by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions.

INFORMATIVE 10:

In connection with Condition 29 the applicant/developer is advised that suitable habitats are created within the site for lapwings and ringed plovers based on the results of the Ecological Appraisal referred to in Condition 4 of this planning permission.

INFORMATIVE 11:

The applicant/developer is advised that in connection with Condition 14, to enable the scheme to be assessed in full the following information should 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 12:

In connection with Condition 18, the applicant/developer 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:-

1. Minimise any disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood;
2. Eradicate offensive behaviour and language from construction sites; &
3. 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 13:

The applicant/developer is advised that in accordance with Condition 18, the Construction Method Statement should include details relating to:

1. The control of noise and vibration emissions from construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase;
2. The control of dust including arrangements to monitor dust emissions from the development site during the construction phase; and
3. Measures to reduce mud deposition offsite from vehicles leaving the site.

INFORMATIVE 14:

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

INFORMATIVE 15:

The applicant/developer is advised that public footpaths R147 and R147a must remain open and available for public use at all times, so must not be obstructed by parked vehicles or by materials during construction. If it is necessary to close public footpaths R147 or R147a for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this. Any disturbance or alteration to the surface of a public right of way requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on a public right of way.

INFORMATIVE 16:

The applicant/developer is advised that in connection with Condition 12, the surface water drainage design should include:

1. Detailed design & modelling (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements;
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 30% (for climate change) critical rain storm;
3. Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken; and
4. Details of how the on site 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. This is particularly important for drainage schemes that include permeable paving as siltation build up can impair permeable paving performance.

INFORMATIVE 17:

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 18:

Should your development require a new address or an amendment to an existing address please complete an application form for Postal Naming and Numbering. This can be downloaded at:

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

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

INFORMATIVE 19:

The applicant/developer is advised that during the construction of buildings on the adjacent site, Site B of the Former Peugeot Works, some neighbouring residents experienced television reception interference. As with the developments on Site B, the applicant/developer for Site C is strongly advised to engage with local residents as necessary in order to address any potential television reception interference issues that may occur from the redevelopment of Site C approved by this planning permission.

Application Ref No. R13/1879

Site Address:

Land adjacent to DIRFT Zone 3 Expansion Site, between A428 Crick Road and A5 Hillmorton Rugby Works.

Description:

Use of land for the formation of three stockpiles for the storage of excavated material for a temporary period expiring on 31st March 2015

Case Officer: Greg Vigars (01788) 533621

The Site

The application site is located in close proximity to the defined administrative boundary between Rugby Borough and Daventry District Councils. It has an area of approximately 7.34 hectares and comprises land to the west of the approved DIRFT II Zone 3 site. The site forms part of the former Rugby Radio Station site and is part of the area allocated for the proposed Rugby Sustainable Urban Extension where significant residential and employment development is proposed.

The application site comprises intrinsically low quality improved / semi-improved grassland which historically has been heavily grazed.

The wider surrounding area to the south and east of the site comprises the established DIRFT development, including the DIRFT Rail Port.

Relevant Planning 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.

R12/0101 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)
Approved 14th June 2013 Daventry District Council

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/2013/0032 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.

Approved 13th June 2013

The Proposed Development

The application seeks temporary planning permission for the creation of three stockpiles for the storage of excavated material until March 2015. These are required to facilitate the construction of the approved Sainsbury's distribution unit currently being constructed on the adjacent DIRFT II Zone 3 site in accordance with the planning permissions granted by Rugby and Daventry. (Ref Nos. R12/0101 and DA/2013/0032). Prologis, who are undertaking the construction of the unit, are working to an extremely tight time scale. The aim is to have the entire development completed by the 21st November 2014.

Due to the time constraints, there is a need to move material from the Low Bay area of the proposed building. Prior to its reuse, this excavated material needs to be modified with lime and it is not possible to move it directly to its permanent location to create the intermodal embankment on the site boundary as quickly as the programme requires.

The applicant therefore proposes to move some of this material into temporary stockpiles located adjacent to the DIRFT II Zone 3 site, before transferring it back into the site at a slower rate. This will enable the delivery programme to be implemented without having to use local roads to transport the material to a different stockpile area.

It is proposed to stockpile the material into three separate piles, thereby enabling all hedgerows on site to be retained. It is proposed that the stockpiles will measure between 3m and 9m in height.

In order to provide an appropriate base for the stored material (Lias Clay and Alluvium), the applicant proposes to lay a geotextile on top of the existing soil. By doing this, the existing ground will not be broken or disturbed.

In addition to the site layout plan and sections drawing, the application is accompanied by an Ecological Survey and Method Statement, a Heritage Report and a Drainage Report.

Technical Consultations

Environment Agency	no objections	subject to informative
Natural England	no objections	subject to the LPA taking into account Standing Advice for Protected Species and any other local considerations.
Wks CC – Ecology	no objections	subject to condition
Wks CC – Archaeology	comments awaited	

Third Party Consultations

Parish Council	no comments received
Ward Councillors	no comments received
Daventry District Council	no objections
Neighbours	no representations received

Relevant Planning Policies

Local Development Framework Core Strategy, June 2011

CS4	conforms	Rugby Radio Station Sustainable Urban Extension
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 10 – meeting the challenge of climate change and flooding (paras 100 and 103); Part 11 – conserving and enhancing the natural environment (paras 109, and 118); Part 12 – conserving and enhancing the historic environment (paras. 128-129); decision taking/determining applications (paras.186, 187, 196 and 197)

Determining Considerations

Principle of Development

The land is allocated for employment development as part of the Rugby Radio Station Sustainable Urban Extension (SUE) site as defined in the adopted Core Strategy. The allocation requires the provision of a suitable buffer area between the established DIRFT development and the urban extension. The SUE is the subject of a current planning application currently under consideration which proposes that the land the subject of this planning application be used for employment purposes. It is considered that the proposal to create temporary stockpiles will not have an adverse effect on the delivery of the Rugby SUE. Planning permission is sought for the storage of the material for a temporary period of some 18 months. At the end of this period, the land will be ploughed and seeded and returned to its original state.

The proposed development therefore accords with the relevant adopted policies of the Core Strategy.

Ecology

The Ecological Assessment which accompanies the application contains full details of the ecological value of the site and highlights the following:

- The land on which the stockpiles would be sited comprises heavily grazed fields of improved or species-poor semi-improved grassland with boundaries consisting of gappy, species-poor hedgerows. The potential for protected species in this area is therefore limited, primarily on account of the habitats

present and the management regime of the site which has concentrated on grazing.

- Whilst great crested newt populations have been identified just over 200m from the proposed storage areas, given the history of monitoring of the ponds known to support populations of great crested newts, the risk of encountering individual newts is considered to be extremely low and no greater than would be the case in the course of normal agricultural management of the areas.
- The Report concludes that there is little risk in utilizing the areas of the site as defined for the temporary storage of soil.

Furthermore, Natural England and Warks County Council – Ecology have not raised objections to the proposals. It is therefore considered that the proposed development does not conflict with relevant adopted planning policies.

Heritage

A Heritage Assessment has been submitted in support of the temporary use of the site.

This report concludes that:

- The proposed development will not result in substantial harm to or loss of any designated heritage asset. With regard to the buried remains and ridge and furrow earthworks, their non-designated status and the public benefits of the scheme as set out in the application suggest that the impacts on the historic environment would be acceptable in terms of planning policy guidance.
- The distance of designated assets from the proposed development and the effect of intervening infrastructure, buildings, trees and hedges means that there will be no significant impact on the settings of any designated heritage assets.
-

Comments are still awaited from Warks CC – Archaeology.

Given the nature of the proposals and the fact that the stockpiles will only be on site for a temporary period following which the land will revert to its current use, it is considered that the development does not conflict with relevant adopted planning policies.

Flood Risk and Drainage.

A Flood Risk Assessment and Drainage Strategy has been prepared to support the application proposals. It concludes that there are no flooding or drainage issues preventing the temporary stock piling of material at the site. The existing overland drainage will not be affected as any run-off will flow through the gaps between the temporary stockpiles into the ditch that runs along the western boundary of the DIRFT Zone 3 Plot A Site, as the existing overland flow does at present.

The Environment Agency has confirmed that it has no objections to the proposals. It is therefore considered that the scheme accords with adopted planning policies.

Landscape and Trees

The proposed stockpiles are temporary in nature, and will therefore not have a permanent visual effect on the landscape. No trees will be affected by the temporary stockpile areas. All trees and hedgerows will be conserved and appropriately protected during the course of development. A tree/hedgerow protection Plan was submitted with the application.

The proposals therefore accord with relevant adopted planning policies.

Conclusion

The proposals will assist in the effective delivery of the DIRFT Expansion Site strategic employment allocation which will result in positive impacts for the local and regional economy.

There are no technical constraints to the development and overall the benefits of the proposals will outweigh the temporary impacts of the development. It is considered it does not conflict with relevant adopted local planning policies and national policies and will not be prejudicial to the aspirations of the Council in respect of the proposed sustainable urban extension on the former Rugby Radio Station site.

It is therefore considered that there are no reasonable grounds to resist granting planning permission for the proposed development for an appropriate temporary period

Recommendation

APPROVE subject to appropriate conditions

DRAFT DECISION

APPLICATION NUMBER

R13/1879

DATE VALID

08/10/2013

ADDRESS OF DEVELOPMENT

LAND ADJ TO DIRFT 11 ZONE 3
between A428 AND A5
CRICK ROAD
HILLMORTON
RUGBY

APPLICANT/AGENT

Caroline Simpson
Nathaniel Litchfield & Partners
Third Floor
One St. James Square
Manchester
M2 6DN
On behalf of , Prologis UK Limited

APPLICATION DESCRIPTION

Use of land for the formation of three stockpiles for the storage of excavated material for a temporary period expiring on 31st March 2015.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

This permission shall be for a temporary period expiring on 31st March 2015 following which the use of the land for stockpiling shall cease and any remaining material shall be removed from the site and the land returned to its former state and condition unless the further permission of the Local Planning authority has been obtained.

REASON:

The land forms part of the allocated Rugby Radio Station Sustainable Urban Extension Site within Rugby Borough and is only acceptable on a temporary basis to facilitate development on the neighbouring site

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:

- Planning Application Form dated 4th October 2013
- Site Location Plan No. F070-P025 Rev A dated 1st August 2013
- Site Plan No. F070-P026 Rev A dated 27th September 2013
- Sections Drawing No. F070 Rev A dated 27th September 2013
- Tree / Hedge Protection Details DrawingNo. 25 dated September 2013
- Ecology Statement Ref No. OXF8148 dated September 2013 prepared by RPS
- Heritage Statement Ref No. JLP0140 dated 24th September 2013 prepared by RPS
- Drainage Statement Ref No. NK015669 dated 24th September 2013 prepared by RPS

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 proceed in accordance with the detailed method statement as set out in the document Ecology Statement prepared by RPS and received by the Local Planning Authority on 8th October 2013. The approved mitigation measures shall be implemented in full.

REASON:

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

CONDITION 4:

Only material excavated from the adjacent site being developed in accordance with the planning permissions Ref DA/2013/0032 dated 13th June 2013 and R12/0101 dated 14th June 2013 shall be stockpiled on the site and no excavated material or other materials shall be imported to the site from elsewhere.

REASON:

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

CONDITION 5:

The hours of operation shall be in accordance with those agreed under planning permission Ref No. R12/0101 dated 14th June 2013 and any agreed subsequent alterations to those hours.

REASON:

In the interests of amenity.

STATEMENT OF POSITIVE ENGAGEMENT

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 189 of the NPPF

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	27.11.2013
Report Title	Delegated Decisions –18.10.2013 to 07.11.2013
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 3774
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

Equality and Diversity N/A

Options N/A

Recommendation The Report be noted

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

Rugby Borough Council

Planning Committee – 27.11.2013

Delegated Decisions – From 18.10.2013 To 07.11.2013

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: 27.11.2013
Subject Matter: Delegated Decisions – 18.10.2013 to 07.11.2013
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 18.10.2013 TO 07.11.2013

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R13/0453 Refused 30.10.2013</i>	Star Farm Brownsover Lane Brownsover	Two storey side extension.
Applications Approved		
<i>R13/1767 Approved 17.10.2013</i>	Land South Side of Top Road Barnacle	Proposed erection of a stable block and associated hardstanding.
<i>R13/0169 Approved 17.10.2013</i>	Land adjacent to 3 Harris Drive Rugby	Erection of a detached bungalow and associated works.
<i>R13/1315 Approved 18.10.2013</i>	Peter Hall Farm Peter Hall Lane Walsgrave on Sowe	Conversion of barn to a dwellinghouse and creation of a new access.
<i>R13/0404 Approved 18.10.2013</i>	The Coach House 82 Main Street Wolston	Waiver of condition 4 of R07/0804 dated 17th April 2007 for the conversion of outbuilding to one-bed dwelling to allow occupation as an independent, self-contained dwelling.
<i>R13/0331 Approved 21.10.2013</i>	Land Rear of 13 to 29 Crick Road Hillmorton	Variation of condition 2 of planning permission R12/0455, granted by appeal APP/E3715/A/12/2178105 (Erection of 8 detached dwellings and 2 double garages, accessed via existing access from Crick Road) to change housetypes on plots 12, 14 and 15, make alterations to approved dwellings on plots 9 and 11 and alter garage and siting of plot 11.
<i>R13/1166 Approved 23.10.2013</i>	The Beeches 47 Main Street Wolston	Erection of single-storey side extension, infill rear extension, external alterations including replacement window and internal alterations.
<i>R12/1960</i>	Plot 6 Land at Willoughby	Retention of two fields shelters.

<i>Approved</i> 23.10.2013	Moor Lane Willoughby	
<i>R13/1123</i> <i>Approved</i> 23.10.2013	3 Madden Place Rugby	Proposed first floor front extension.
<i>R13/0246</i> <i>Approved</i> 23.10.2013	58 Oxford Street Rugby	Conversion of dwelling to 2no.residential flats and erection of new build infill development to side consisting of 2no.residential flats.
<i>R13/1797</i> <i>Approved</i> 23.10.2013	GE Power Conversion Leicester Road Rugby	Erection of a replacement Visitor Reception Area.
<i>R13/1576</i> <i>Approved</i> 24.10.2013	10 Sandford Way Dunchurch	New pitched roof to flat roofed dormer.
<i>R13/1261</i> <i>Approved</i> 24.10.2013	11 Broad Street Brinklow	Erection of new boundary wall with iron railings and replace existing double doors and brick infill to outbuilding with full height double doors.
<i>R13/1770</i> <i>Approved</i> 24.10.2013	14 Orson Leys Rugby	Erection of a single storey rear extension, a canopy to the front elevation and raising of the roof height of the existing bungalow to create a first floor living accommodation.
<i>R13/1068</i> <i>Approved</i> 24.10.2013	North Gates Hinckley Road Burton Hastings	Erection of garage to front of property, new driveway and boundary fence.
<i>R13/1819</i> <i>Approved</i> 25.10.2013	Valley House Farm Southam Road Kites Hardwick	Erection of an agricultural building.
<i>R13/1561</i> <i>Approved</i> 25.10.2013	Dunsmore House Lilbourne Road Clifton Upon Dunsmore	Erection of fuel store for biomass boiler and associated works.
<i>R13/1697</i> <i>Approved</i> 25.10.2013	41 Kingsley Avenue Hillmorton	Erection of a rear conservatory.
<i>R13/1584</i> <i>Approved</i> 25.10.2013	56 Dunnerdale Brownsover	Retention of a conservatory.

<i>R13/1667 Approved 25.10.2013</i>	Wharf Farm Kilsby Lane Hillmorton	Proposed erection of domestic garage and office.
<i>R13/1811 Approved 28.10.2013</i>	ALDI Food Stores 12 Paddox Close Rugby	Demolition of existing Do It All buildings and erection of single storey building and use as food retail store with associated parking. (Variation of condition 7 of planning permission R/97/0156/04949/P dated 28/05/1997 to extend the opening hours to 08:00am to 22:00pm on Monday to Saturdays and 10:00am to 16:00 on Sundays (part retrospective)).
<i>R13/1012 Approved 29.10.2013</i>	5 Devonshire Close Cawston Rugby	Erection of single-storey front extension, part single-storey and part two-storey rear extension and alterations to garden level.
<i>R13/1836 Approved 29.10.2013</i>	21 Bronze Road Cawston Rugby	Provision of block paving.
<i>R13/0465 Approved 30.10.2013</i>	Warwickshire Wildlife Trust, Brandon Marsh Nature Centre Brandon Lane	Erection of a 9m x 2.4 m timber bird hide.
<i>R13/0892 Approved 30.10.2013</i>	Little Manor 15 Main Street Wolston	Erection of two-storey rear extension.
<i>R13/1534 Approved 30.10.2013</i>	Pool House Bungalow Rugby Road Brandon	Two replacement dwellings.
<i>R13/1569 Approved 30.10.2013</i>	53 Berrybanks Rugby	Retention of hard standing to front of house.
<i>R13/1580 Approved 30.10.2013</i>	40 Main Street Clifton upon Dunsmore	Demolition of existing redundant retail premises and the erection of a two storey 3 bed detached dwelling and erection of front boundary wall.
<i>R13/1808 Approved 30.10.2013</i>	Norton Bury Main Road Ansty	Erection of single storey rear extension.

<i>R13/0847 Approved 31.10.2013</i>	Brookside Cottage Main Road Ansty	Erection of part two storey and part single storey side extension, single storey side and front extension to form garden room.
<i>R13/1162 Approved 31.10.2013</i>	32 Beech Drive Rugby	Erection of 3 no. detached dwellings and access road. (Resubmission of a previously approved scheme under planning ref. no. R08/1737/PLN for erection of 3 no. detached dwellings and access road granted 24th March 2009).
<i>R13/1340 Approved 31.10.2013</i>	34 Selborne Road Rugby	Erection of a wooden shed to be used as an artist studio (retrospective).
<i>R13/1677 Approved 31.10.2013</i>	Formerly Wallis 33-34 High Street Rugby	Change of use of ground floor and first floor from A1 (Retail) to either A2 (Financial and Professional Services) or A3 (Restaurants and Cafes) uses.
<i>R13/1803 Approved 31.10.2013</i>	Haven Coventry Road Wolvey	Erection of a single storey side extension.
<i>R12/1863 Approved 01.11.2013</i>	Elliot's Field Retail Park Leicester Road Rugby	Retention of Potable Cabin for second hand clothing recycling.
<i>R12/2288 Approved 01.11.2013</i>	20 Regent Place Rugby	Conversion of existing premises to residential dwelling.
<i>R13/1558 Approved 01.11.2013</i>	10 The Hall Close Dunchurch	Erection of a single storey side/rear extension.
<i>R13/1437 Approved 05.11.2013</i>	25 Lauderdale Close Rugby	Erection of a detached garage.
<i>R13/1514 Approved 06.11.2013</i>	Former Sutton Park Motors 26-42 Railway Terrace Rugby	Erection of a single storey side extension to create a food bank store, the erection of a single storey extension to the auditorium, the erection of a first floor extension to create a link between the two existing mezzanine floors, provision of access ramps to external doors, boundary fence and gate treatment and

		material change to the external façade to include render and timber cladding.
<i>R11/1396 Approved 06.11.2013</i>	The Barbellows London Road Coventry	Conversion of barns to a dwelling house including demolition of attached modern agricultural buildings
Prior Approval Applications		
<i>R13/1589 Prior Approval 24.10.2013</i>	51 Lutterworth Road Brinklow	Proposed rear single storey extension; measuring 3.1m in depth with an eaves height of 2.8m and an overall height of 3.43m.
<i>R13/1669 Prior Approval 28.10.2013</i>	75-77 Albert Street Rugby	Prior approval application for the change of use from offices (use class B1a) to 7 residential flats (use class C3).
Prior Notification		
<i>R13/1912 Prior Notification 31.10.2013</i>	Woodway Engineering Ltd Woodway Engineering Lower Road Rugby	Prior approval application for the construction of an agricultural building.
<i>R13/2008 Prior Notification 05.11.2013</i>	Land at Valley Farm Bungalow Valley Lane Kites Hardwick	Prior approval application for the erection of an agricultural building.
Listed Building Consents		
<i>R13/1615 Listed Building Consent 23.10.2013</i>	The Beeches 47 Main Street Wolston	Listed Building Consent application for erection of single-storey side extension, infill rear extension, external alterations including replacement window and internal alterations.
<i>R13/1603 Listed Building Consent 24.10.2013</i>	11 Broad Street Brinklow	Listed Building consent for the erection of new boundary wall with iron railings and replace existing double doors and brick infill to outbuilding with full height double doors.
<i>R13/1611 Listed Building Consent 30.10.2013</i>	Little Manor 15 Main Street Wolston	Listed Building Consent application for removal of existing conservatory and erection of two-storey rear extension.
<i>R13/1641</i>	Shepherds Hey Annex	Internal alterations to annex including

<i>Listed Building Consent</i> 30.10.2013	279 Dunchurch Road Rugby	construction of partition walls on ground floor, fit new staircase and handrails and reduce the size of the bathroom on the first floor.
Conservation Area Consents		
<i>R13/1581 Conservation Area Consent</i> 30.10.2013	40 Main Street Clifton upon Dunsmore	Conservation Area Consent For demolition of existing building.
Advertisement Consents		
<i>R13/1099 Advertisement Consent</i> 22.10.2013	Unit G Central Park Local Centre Bryant Road Rugby	Erection of one non-illuminated fascia signs.
<i>R13/1744 Advertisement Consent</i> 23.10.2013	Café Vita 34A High Street Rugby	Provision of 3 No. non illuminated signage to front, corner and side elevation of shop and installation of a retractable awning to the front of the building.
Certificate of Lawful Use or Development		
<i>R13/1260 Certificate of Lawful Use or Development</i> 30.10.2013	107 Cambridge Street Rugby	Certificate of Lawful Use for use of ground floor of premises as a hot food take-away and first floor as residential flat.
Approval of Details/ Materials		
<i>R11/2294 Approval of Details</i> 17.10.2013	Abbotsbury Pettiver Crescent Hillmorton	Demolition of existing buildings and erection of three-storey buildings with 61 extra care units (Class C2) and associated communal areas, landscaping, parking, access and sub-station.
<i>R11/0330 Approval of Details</i> 18.10.2013	Land the South of Ashlawn Road Ashlawn Road Rugby	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.

<i>R11/2294</i> <i>Approval of non-material changes</i> <i>18.10.2013</i>	Abbotsbury Pettiver Crescent Hillmorton	Demolition of existing buildings and erection of three-storey buildings with 61 extra care units (Class C2) and associated communal areas, landscaping, parking, access and sub-station.
<i>R13/1433</i> <i>Approval of Details</i> <i>21.10.2013</i>	Garages South of No. 34 Nelson Way Bilton	Erection of 2 No. flat roofed buildings to provide bin and bike stores.
<i>R10/1272</i> <i>Approval of Details</i> <i>22.10.2013</i>	Rugby Gateway Leicester Road Rugby	Outline application for residential development (up to 1300 units); employment development (up to 36ha in total, B2 – General Industrial & B8 – Storage & Distribution); community facilities (D1 – Non-residential Institutions) including primary school, nursery and health facility, retail premises (A1 – Retail, A3 – Food & Drink, A4 – Drinking Establishments & A5 - Hot Food Takeaway); open space; associated infrastructure and works including details of access into site (including alterations to highway and existing roundabouts). Demolition of existing buildings.
<i>R10/1713</i> <i>Approval of Details</i> <i>22.10.2013</i>	41 Clifton Road (Land to Rear) Rugby	Two-storey building containing 4 no. one-bedroom flats and demolition of existing boundary wall (Amended Plans).
<i>R13/1591</i> <i>(R09/0035/MEIA)</i> <i>Approval of Details</i> <i>23.10.2013</i>	Manufacturing Technology Centre Unit 5 Ansty Park Pilot Way Ansty	Use of land for the construction of 124,484 sq.m. of floor space for use as a High Technology Park for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended, and associated infrastructure, car parking and landscaping.
<i>R10/1272</i> <i>Approval of reserved matters</i> <i>29.10.2013</i>	Rugby Gateway (Employment Area) Leicester Road Rugby	Provision of structural landscaping to employment area. (Approval of Reserved Matters in relation to planning permission R10/1272).
<i>R12/1559</i> <i>Approval of Details</i> <i>30.10.2013</i>	286-290 Dunchurch Road Rugby	Erection of a three-storey 70 bedroom residential care home (Class C2) with associated parking, landscaping, access and highway works.
<i>R10/1272</i> <i>Approval of Details</i> <i>01.11.2013</i>	Rugby Gateway Leicester Road Rugby	Outline application for residential development (up to 1300 units); employment development (up to 36ha in total, B2 – General Industrial & B8 – Storage & Distribution); community facilities (D1 – Non-residential Institutions) including primary school, nursery and health

		facility, retail premises (A1 – Retail, A3 – Food & Drink, A4 – Drinking Establishments & A5 - Hot Food Takeaway); open space; associated infrastructure and works including details of access into site (including alterations to highway and existing roundabouts). Demolition of existing buildings.
<i>R12/1194 Approval of Details 05.11.2013</i>	Land off Priory Road and School Street Priory Road Wolston	Erection of 80 dwellings with associated open space, landscaping, infrastructure and newt reserve (resubmission of refused application Ref R10/1131 dated 28th Feb 2012).
<i>R13/1445 Approval of non-material changes 06.11.2013</i>	73 Tower Road Hillmorton	Erection of a two storey side and rear extension and single storey rear extension
<i>R11/2223 Approval of Details 06.11.2013</i>	28 Railway Terrace Rugby	Change of use of Autosales room and MOT repair service (Use Class sui generis) to a community building including an auditorium and ancillary café (Use Class D1)