

3rd March 2017

PLANNING COMMITTEE - 15TH MARCH 2017

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 15th March 2017 in the Council Chamber at the Town Hall, Rugby.

Adam Norburn
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the meeting held on 22nd February 2017.

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. Diversion of part of footpath R125 Long Lawford.
6. Advance Notice of Site Visits for Planning Applications - no advance notice of site visits has been received.
7. Delegated Decisions – 26th January 2017 to 15th February 2017.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be considered.

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

The Reports of Officers (Ref. PLN 2016/17 – 12) are attached.

Membership of the Committee:

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

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

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

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

Planning Committee – 15 March 2017

Report of the Head of Growth and Investment

Applications for Consideration

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

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

There are no applications recommended for refusal to be considered.

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
1	R16/2561	Site C, Former Peugeot Works, Oxford Road, Ryton on Dunsmore Outline planning application for redevelopment of the southern part of the former Peugeot Works site for Class B2 (general industry) & Class B8 (warehouse, storage & distribution) uses, together with ancillary offices, gatehouses, car parking, associated road infrastructure and landscaping, including importation of material to raise ground levels (REVISED SCHEME TO R14/2236 WITH NEW ACCESS)	3
2	R17/0036	Land South of Technology Drive, Technology Drive, Rugby Erection of 231 dwellings together with open space, earthworks, balancing pond, site remediation, landscaping, car parking and other ancillary and enabling works. Re-plan of housing layout following planning approval reference R15/2074.	34

Reference number:

R16/2561

Site address:

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

Description :

Outline planning application for redevelopment of the southern part of the former Peugeot Works site for Class B2 (general industry) & Class B8 (warehouse, storage & distribution) uses, together with ancillary offices, gatehouses, car parking, associated road infrastructure and landscaping, including importation of material to raise ground levels (REVISED SCHEME TO R14/2236 WITH NEW ACCESS)

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 application 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 (R147a) connecting Oxford Road to Ryton on Dunsmore village with the site of the former Peugeot Works now known as Site B beyond which has been developed for employment purposes. To the south-west is the A423, Oxford Road, with various properties and the industrial site of Stonemarket and Millboard (at Ryton Lodge). To the south-east is an area of woodland and shrubs known as The Dell, which is in the ownership of the applicant, 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 (HGVs) and trailer storage on a short term basis.

The majority of the site is set below Oxford Road by approximately 3 metres. There is an existing 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 this 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 ownership of the applicant.

Description of Proposals:

This is an outline planning application for 13.74ha of the southern part of the former Peugeot Works site for up to 48,750 square metres for Class B8 (storage & distribution uses) and Class B2 (general industry use) together with ancillary offices, gatehouses, car parking, associated road infrastructure (including access onto the existing Prologis Ryton site) and structural landscaping, including importation of approximately 88,000 cubic metres of material to raise ground levels. 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 portion of the site will be the Core Development Zone for primarily the main buildings, including some service yards and parking. This will be surrounded in part by an Outer Development Area for parking,

service yards and circulation plus ancillary buildings such as gatehouses. Encompassed around this towards the periphery of the site will be a Landscaping Area which will include retained and proposed landscaping as well as areas of surface water attenuation .

For the purposes of this current application, the footpath corridor remains within the application site boundary but the Dell Nature Reserve and a triangular portion of land currently well vegetated adjacent to the school, lies outside the application site boundary. However, all these areas of land remain in the ownership of the applicant.

It is understood that owing to the high water table the impact of yard levels and the potential need for loading docks was not fully considered under the original 2013 submission. Therefore, to prevent the areas flooding from shallow ground water an earthworks modelling exercise has been undertaken to establish that approximately 88,000 cubic metres of material will be needed to raise the existing ground level within the main central part of the site up to a finished floor level of 80.1 metres AOD by approximately 2 metres. This detailed modelling exercise has resulted in a reduction of the amount of fill required compared with the previously approved 2016 application on the site from 115, 000 cubic metres of fill. Within the Core Development Area the buildings are intended to have a maximum clear internal height of 12.5 metres and 15 metres to the ridge.

The public footpaths running along two sides of the site will be subject to landscape enhancements to provide more attractive pedestrian links into and around the proposed development.

The applicant's agent envisages that the proposed development could support at least 700 jobs and it is understood the site would operate 24 hours a day, 7 days a week.

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

- 1) Outline planning permissions previously granted on site for up to 40,000 sqm and for up to 48,750 sqm of Class B8/Class & B1c/B2 uses;
- 2) Site located within an emerging logistics park which is part operational;
- 3) Good access to existing road network, including motorways;
- 4) Site served by public transport and will incorporate a Green Travel Plan;
- 5) Public footpath links to village adjacent to site;
- 6) Majority of site hard landscaped – linked to former uses;
- 7) Site allocated as Strategically Significant Employment & Major Development Site in the Green Belt;
- 8) Opportunities to improve biodiversity across site will be sought;
- 9) Buildings will achieve minimum BREEAM rating of Very Good;
- 10) Good quality buildings of sustainable design consistent with neighbouring employment site;
- 11) Maximum ridge heights of 15 metres;
- 12) Maintain and strengthened landscape belts; &
- 13) Proposal will incorporate various crime prevention attributes.

The applicant's agent has also submitted a Planning Statement, Earthworks Analysis Plan & Technical Commentary, Ecological Appraisal, Noise Assessment, Air Quality Assessment, Flood Risk Assessment, Drainage Philosophy Statement, Phase 1 Preliminary Environmental & Geotechnical Risk Assessment, Phase 2 Environmental & Geotechnical Site Investigation, Transport Assessment, Heritage Statement and a Landscape & Visual Impact Assessment.

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. Approved 23/12/2013

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

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

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

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

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

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

Application for Reserved Matters Approval for Unit DC1 relating to appearance, landscaping, layout, and scale, including ancillary car parking, loading areas, gatehouse and sprinkler tanks (Application F), 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 Unit DC1).

Approved 30/04/2014

Application for Reserved Matters Approval for Unit DC1 relating to appearance, landscaping, layout, and scale, including ancillary car parking, loading areas and sprinkler tank (Application H), against renewed outline 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).

Approved 13/02/2015

Sites A & B:

Outline planning application for the use of land for Class B2 (General Industry) & Class B8 (Storage, Warehouse & Distribution) employment purposes together with ancillary offices, gatehouses, car parking and associated road infrastructure and landscaping, including access.

Approved 17/02/2015

Application for Reserved Matters for Unit DC7 relating to appearance, landscaping, layout, and scale, including ancillary car parking, loading areas, gatehouse, sprinkler tanks and pump house (Application K), against outline planning permission R14/0217 (for the use of land for Class B2 (General Industry) & Class B8 (Storage, Warehouse & Distribution) employment purposes together with ancillary offices, gatehouses, car parking and associated road infrastructure and landscaping, including access). Approved 23/07/2015

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

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. Approved 18/12/2013

Outline planning application for redevelopment of 13.65ha of the southern part of the former Peugeot Works site for Class B2 (general industry) & Class B8 (warehouse, storage & distribution) uses, together with ancillary offices, gatehouses, car parking, associated road infrastructure (including access onto the A423 Oxford Road) and landscaping, including importation of material to raise ground levels. Approved 18/05/2016

Technical Consultations:

NATS (National Air Traffic)	No safeguarding objection
Coventry Airport	No comments received to date
Environment Agency	No objection, subject to a condition & informatives
Severn Trent Water	No objection, subject to a condition & informative
Western Power	No objection, subject to an informative
Natural England	No objection
Warwickshire County Council – Ecology	No objection, subject to conditions
Warwickshire Police	No objection, subject to informatives
Warwickshire Fire & Rescue	No comments received to date
Highways England	No objection, subject to a condition
Warwickshire County Council – Highways	No objection, subject to conditions
Warwickshire County Council – Paths	No objection, subject to a condition & informatives
Warwickshire County Council – Flooding	No objection, subject to conditions
Warwickshire County Council – Health	No objection, subject to informatives
Warwickshire County Council - Archaeology	Await further comments
The Ramblers	No comments received to date
RBC – Environmental & Public Realm	No objection, subject to conditions & informatives
RBC Tree Officer	No comments received to date
Coventry City Council	No objection

Third Party Consultations:

Neighbour (1):

Object Excessive height;
 Overlooking of habitable windows;

No justification to elevate building with rubble;
Pumps could overcome water and sewerage levels difference easily;
If building kept at existing ground level existing trees and hedgerow will cover ugly grey building;
New building should be sky blue in colour; &
Good sense that access on to Oxford Road has been changed.

Ryton on Dunsmore Parish Council:

Object Noise levels higher than original application – figures taken on Oxford Road already in excess of maximum quoted figures in report and additional noise from site will make these worse;
Conflict and safety of rights of way users crossing site;
Proposed right of way crossing staggered with sighting problem because of acoustic fencing;
No mention of traffic lights or central refuge for pedestrians crossing over A423 Oxford Road previously supported by Prologis;
Concerns at links to site to Leamington Road through The Dell – should be closed off to reduce impact on The Dell and potential hazardous parking on Leamington Road;
The Dell should be transferred to the village’s care at no cost;
Triangular portion of land in north of site should be transferred to school; &
No proposal to realign right of way by school.

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
National Planning Practice Guidance, 2014

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:

Background:

This latest application on Site C is very similar to the previously approved outline scheme in 2016. The most significant difference relates to the proposed access arrangements which instead of utilising an existing access point on to the A423 Oxford Road opposite Millboard, Ryton Lodge at the west of the site, will now join the existing Prologis Park estate road between Units DC2 & DC3 to the north of the site and join up with the existing roundabout on the Oxford Road. The other notable changes are that

following a further earthworks modelling exercise approximately 27,000 cubic metres of less fill will be required to form the desired floor level across the site and the boundaries of the Core Development Zone are altering by moving closer to Oxford Road but further from Soden's Avenue and Warren Close. Nevertheless, this is a separate planning application which must be considered on its own merits.

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 Sites A & B currently permits buildings with a total floorspace of 172,630m², which equated to approximately a 20% increase in floorspace over the original buildings. However, planning permission has been subsequently granted to allow a further 48,750m² on Site C resulting in an approved total floorspace across Sites A, B & C of 221,380m², a 55% increase in floorspace over the original buildings. In both cases the Secretary of State for the Communities & Local Government considered that these increases were acceptable and did not call-in the applications for determination. Nevertheless, following the construction of Units DC1-DC7 across Sites A & B a floorspace of approximately 144,242m² has been formed which is 28,000m² less than that approved for Sites A & B and less than 1% more than the floorspace of the original buildings at the Former Peugeot Works.

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 a modern building or buildings that potentially may be 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; however, based on the extant planning permissions now across the site this would technically equate to an increase of around 55% 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. However, based on the floorspace of the Units now built out across Sites A & B, the total increase of new floorspace now envisaged on Sites A, B & C combined would equate to an approximate 35% increase over the original buildings instead.

The proposal would lead to the more effective use of previously developed land which is allocated as a Strategically Significant Employment & Major Development Site in the Green Belt. 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, particularly owing to its designation.

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 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 significant job creation in the area; the efficient use of allocated employment land; the previous use of the site and its associated planning history; and the Government Policy on promoting growth.

When the previous proposal for Site C was considered in 2013, the applicant submitted correspondence from Jones Lang LaSalle, specialist property advisors, who at the time considered that the West Midlands remained a focus for the logistics sector and stated 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 also considered 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 and to date have occupied 3 of the 7 buildings on the Prologis Ryton site. Therefore, it is important that a future developer has the flexibility to meet the demand from that sector. Whilst this letter has not accompanied the latest application, it does remain on the Council's files and the Local Planning Authority considers its content is still relevant. The Local Planning Authority is also aware that both the applicant and other competitors are now constructing

speculative buildings in the Midlands, which is a further indication of the strength and demand of the logistics market in the area. Overall the above factors are significant and contribute to very special circumstances, particularly as para 14 of the NPPF states that at its heart is a presumption in favour of sustainable development.

The likely scale of the proposed footprint of the intended development is detailed on the illustrative masterplan contained within the Design & Access Statement, with two possible scenarios of 1 or 2 buildings. Although the ground level is to be raised, the works will bring the finished floor level of the building/s to a height approximately 1 metre below the carriageway of the 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/maintenance 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.

Section D9 of the Ryton on Dunsmore Parish Plan refers to 81% of respondents feeling there should be more encouragement for jobs and home based working. Therefore, it is considered that the proposal does not conflict with the Parish Plan and accords with Policy CS2.

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 around 700 new jobs which, as detailed in the NPPF, should be given significant weight.

Highways:

The existing access onto Oxford Road (A423) is substandard and its widening with kerbed radii has been approved under the previous application for heavy goods vehicle storage on site but to date has not been undertaken.

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 masterplans and illustrative landscape plans provide an indication of how the site could be developed with the core and outer development areas and the associated levels of parking. One of the illustrative landscape plans depicts the construction of two buildings on site showing 98 heavy goods vehicle spaces to serve the entire site, plus 51 heavy goods vehicle docking spaces. In relation to the provision of Classes B2/B8 units on the site the proposed level of car parking envisaged would be 341 spaces with an additional 14 disabled parking spaces. In accordance with the Council's maximum car parking standards this would not exceed the figures of either 812 spaces for solely B8 use or 1083 spaces for 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, these are only illustrative masterplans that have 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 submitted Transport Assessment refers to the implementation of a Travel Plan to assist in increasing travel awareness and to effectively manage and reduce the level of single occupancy car use by future occupiers of Site C. The Transport Assessment acknowledges that the provision of the Travel Plan for the site would be secured via a s106 legal agreement as with the previous application on the site and on the adjacent Prologis Ryton industrial site.

Under the previous application concerns were raised at the vehicular access arrangements and design solutions of the development onto the A423 Oxford Road opposite Ryton Lodge. However, this access arrangement no longer forms part of the proposed development as vehicular access is being provided through the existing Prologis Ryton industrial estate. Nevertheless, under the previous scheme the access arrangements resulted in a signalised access and pedestrian crossing. The Parish Council have raised concerns that the safe crossing point for pedestrians across Oxford Road will no longer exist. Whilst it is understood the applicants were prepared to put in such a signalised crossing point for pedestrians using the public rights of way network, the Highway Authority have not stipulated that such works are necessary as part of the latest proposals and therefore whilst it may be desirable it would be unreasonable for the Local Planning Authority to insist upon its provision as part of the application. However, the applicant's agent has subsequently advised that they would still like to promote its potential provision separately through highway legislation, but their initial assessment is that without an actual junction it may not be able to be secured as it would not meet Warwickshire County Council Highway Authority's standards so remain unsure that they could even deliver it despite their best intentions.

The Highway Authority has raised no objections to the proposal subject to conditions, which include a construction management plan, access layout arrangements and a Travel Plan. Highways England has also raised no objection subject to the imposition of a construction management plan. Warwickshire County Council Public Health Team are keen that sustainable travel methods are incorporated into the development. The submitted Transport Assessment makes reference to the importance of a workplace travel plan in fostering sustainable travel and that the previously agreed Travel Plan for the Prologis Ryton site can be updated. With regard to the request for a Travel Plan, this will be covered by a legal agreement as detailed above.

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 up to 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 Local Planning Authority considers that these particular matters should also be covered by a legal agreement rather than by condition, but accept as the latest application will be utilising the existing Oxford Road roundabout these provisions are already active on site.

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 principle of this was previously approved under the last outline application. 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 Parish Council has raised concerns at the safety of rights of way users crossing the new access road adjacent to Unit DC3, Jaguar Land Rover, as it will be a staggered crossing and visibility will be impinged by the acoustic fence resulting in a visual splay problem. However, the County Council (WCC) Footpath Section have stated that there would be adequate visibility at this crossing point and

that staggered gaps and tactile paving would be provided and such provisions are welcomed. As detailed below under the Amenity section the envisaged position of the acoustic fence is deemed acceptable and final details of the design and location of the acoustic fence will be addressed via condition. They are also aware that there have been previous discussions regarding the potential diversion of a section of footpath around the 'School Conservation Area' so it follows the current trodden path along the north eastern edge of the site and that until this right of way has been legally diverted the existing route must not be obstructed. This would be addressed by separate legislation but the applicant's agent has advised that this is still the intention as once diverted will enable the transfer of the 'School Conservation Area' to the school. Overall the WCC Footpath Section raises no objection in principle but wishes to ensure that no new planting restricts the use of the footpaths, including other conditions and informatives.

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 Parish Council have also raised concerns at the interrelationship of the new access road into the site and how it crosses the existing public right of way as well as how the acoustic fencing will be installed. In particular how the acoustic fencing will impinge upon the visibility splays of the public right of way. The Noise Assessment suggests that part of the appropriate mitigation measures would be to extend the existing acoustic fence to the north of the site at the rear of 41 Soden's Avenue south eastwards parallel to the new access road. Whilst this cuts across the existing public right of way calculations account for a gap in the fence as well as the potential requirement to move the fence away from the access road to enable a small amount of regrading to the bund. The existing acoustic fence would be set back approximately 8 metres from the edge of the carriageway of the new access road and the plan illustrating the noise barrier alignment in the Noise Assessment shows a landscaped strip between the edge of the access road and the acoustic fence. The Noise Assessment specifically mentions the potential need for the acoustic fence to be set back from the new access road to accommodate landscape proposals and on the illustrative landscape plan shows the new acoustic fence being set back 3 metres from the edge of the carriageway at its closest point. The final specification of any noise barrier, including its location, would be addressed via condition and therefore any potential conflict with vision splays would be resolved at that stage and in the light of the above it is considered that this is possible.

The most affected existing 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 70 to 90 metres away. Warren Farm would lie approximately 120 metres from the Core Development Area whilst Ryton Lodge & Lodge Cottage would be around 100 metres away. The finished ground floor level for the intended buildings on Site C once the material has been imported into the site would be approximately 1 metre below those properties Soden's Avenue whilst being a similar level to those properties on Warren Close and slightly above Ryton Lodge & Lodge Cottage. However, the finished floor level would be approximately 0.5 metres higher than Warren Farm and approximately 0.75 metre higher than the land known as Warren Fields. This represents a slight lowering by c200mm compared to the previously approved scheme.

The illustrative landscape plans indicate that along the north-eastern edge of the site there is space to incorporate a series of landscaped bunds. These will be approximately 4 metres high above the existing ground level which will rise to approximately 2 metres above the height of the intended finished floor level of the buildings with planting on top. It is envisaged such soft landscaping will have grown by 4 to 5 metres in height within 10 years of being planted.

Local Planning Authority remains aware that the former safeguarded housing site known as Warren Fields to the immediate north-east of the site is still likely to come forward for housing development in the near future and the Local Planning Authority has entered into pre-application discussions with a potential developer. Whilst the Local Planning Authority cannot prejudge the determination of any application that may be submitted on the site, owing to the site lying within the village boundary of Ryton on Dunsmore and the applicable planning policies, it is reasonable for the Local Planning Authority to have due regard to the potential development of the site and its relationship with the current proposal, especially as the Warren Fields site is intended to have sensitive receptors on it, namely residential properties.

Since the publication of the Rugby Borough Local Plan, 2006 the allocation of the Warren Fields site for future housing and the Former Peugeot Works Site for strategic employment purposes and the relationship between the two has existed. The Local Planning Authority has received a housing layout plan that shows how the Warren Fields site could potentially be developed. Based on this layout, the Core Development Zone on Site C would at the closest point and at an oblique angle be approximately 30 metres away from the nearest dwelling. The distance between the Core Development Zone and the north-eastern boundary of the site increases from a narrow pinch point of approximately 25 metres up to 70 metres. Within part of this area, as identified above, landscaped bunding could be provided.

Although thought to be imminent, no housing application has been submitted on the Warren Fields site and therefore there are no specific proposals to judge. In addition, the Council's Environmental Services Section have advised that future dwellings on the Warren Fields site may need to be designed in a manner which minimising potential external noise and incorporate features, such as acoustic glazing. However, when the previous applications were considered by Members of the Planning Committee concern was raised at the potential impact of residential properties to the north-east of the site and specifically mentioned the need for robust noise mitigation measures to be installed along this edge of the application site to make the development acceptable. Therefore, the use of conditions to secure such measures is considered reasonable.

Concerns have been raised at the potential impact of a solid wall of an industrial building at over 12 metres high running parallel to the boundary of the north-eastern edge of the site on the amenity of adjacent sites/properties. However, owing to the aforementioned distances, together with the provision of comprehensive areas of soft and structural landscaping it is not considered that the proposed development would overshadow or have an overbearing impact upon those existing properties/sites and that the site at Warren Fields could achieve a satisfactory housing layout in principle. Therefore, it is not considered reasonable to impose restrictions on the number of industrial units intended for the site.

A landscape belt already exists between Site C and Provost Williams C of E Primary School. Based on the illustrative landscape plans, this is proposed to be enhanced and expanded to between 15 to 38 metres in depth. The closest school building to the Core Development Site will lie approximately 80 metres away. On this basis, it is considered that the relationship between the school and any future development on Site C is acceptable.

The proposed access road will lie approximately 34 metres and 38 metres from 41 & 39 Soden's Avenue respectively. The formation of this new access point clearly has the potential to impact upon the adjacent residents of Soden's Avenue to a greater extent than the previously approved scheme.

A noise assessment has been produced to accompany this latest application based on two separate illustrative plans, plus a worst case scenario interpretation of the parameters plan. Both show the new access from the northern corner of the site with one showing a large single building occupying the site whilst the other shows two smaller buildings. Based on a worst case scenario potential increases in noise levels could rise by up to 7.1dB at the closest residential properties. The noise assessment considers that the provision of an acoustic fence could not adequately mitigate for this increase in noise level so concludes that the final form of development at the reserved matters stage should ensure that service yards are not located to the north-east of the proposed buildings.

Based on developing the site in line with either of the two illustrative options the assessment considers that there would either be no change or barely perceptible, slight increase in noise at all locations, except for 39 Soden's Avenue, which in both cases would experience a noticeable increase of up to 5dB at night. In order to address the increase in ambient noise level to +2.9dB or less at all receptors, which was the threshold previously adopted, an acoustic fence would need to be erected parallel to the new access road and join up with the existing acoustic fence to the north of the site. Furthermore it recommends that a 4 metre high acoustic fence is installed to screen any service yard from off-site receptors [dwellings] that are less than 115 metres away or to screen car parks which are less than 40 metres away.

Provided such mitigation measures are adhered to then the report concludes the development would be acceptable. The location and height of acoustic treatments, including bunding will be dependent on the final layout considered at the 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 Environment & Public Realm Section including fixed plant, broadband reversing alarms, construction method/management statement and hours of construction.

In terms of air quality and ground contamination and the associated reports that accompanied the application, the Council's Environment & Public Realm Section in general accepts their findings and considers that any additional details sought or required mitigation, prevention and management measures can be adequately addressed by condition. Furthermore, Coventry City Council have raised no objection to the proposal.

Large areas of external artificial lighting are already present relatively close to the site from Coventry City, Middlemarch Business Park, Coventry Airport, Prologis Ryton Industrial Estate and the A45 all adding to sky glow. 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. In addition, the submitted ecological report also refers to the need for such a lighting scheme to limit light spill on to surrounding wildlife habitats, particularly with regard to foraging bats. The Council's Environment & Public Realm Section are content for this to be dealt with as a condition.

Subject to a series of conditions and informatives, overall Environment & Public Realm Section 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 borders areas identified as Dunsmore Plateau Fringe & Dunsmore Plateau Farmlands 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 as well as an empty landscape of former waste. Reference is also made to meandering river valleys, such as the Avon, with large arable fields where parts are considered to be in decline, together with an acknowledgement of the high sensitivity of Ryton on Dunsmore.

A Landscape & Visual Impact Assessment (LVIA) has been submitted covering a study area that projects out from the site for approximately 2 km. It acknowledges that the levels of tranquillity are reduced when travelling closer to the urban edge of Coventry along the Avon Valley where busy dual carriageways, large commercial development and remnants of mineral extraction exist. However, as the surrounding topography further from the application site is characterised by low rounded hills, open aspect and rolling landform, wide views towards Prologis Ryton and Middlemarch Business Park are apparent.

The LVIA considers the specific character area of the site to be flat with only 6 metres of ground level change across the entire 55 hectare, Former Peugeot Works site. Despite various landscaped bunds, tree belts, blocks of vegetation and self-sown vegetation the landscape character and value of both the site and the south-eastern edge of Coventry is judged to be low. However, owing to an element of new attractive and well maintained landscaping across the Former Peugeot Works site the overall condition of the landscaping has been categorised as medium. The LVIA acknowledges that there would be up to two industrial buildings with a maximum roof ridge height of 15 metres comparable to existing buildings on Prologis Park.

The LVIA identifies that the most noteworthy effect of the scheme will be experienced in close proximity to the site and that the presence of the proposals on the existing villages of both Ryton on Dunsmore and Bubbenhall will be notable and the character of the area will appear more urbanised and enclosed, resulting in a moderate adverse landscape effect. The LVIA considers the slight increase in townscape and the limited interaction with the surrounding rural landscape due to the dense woodland and tree belts to the south west and south east of the site means the impact on the character area of Dunsmore Plateau Farmlands is of a minor adverse landscape effect. Owing to the presence of the Prologis Park to date and Stonemarket the impact on other character areas near to the site is judged by the LVIA to have a negligible or neutral landscape effect.

It considers the greatest impact on the landscape will be the site itself. However, existing built form together with dense woodland and tree belts which isolate the area from the wider rural landscape mean the existing landscape is considered to be assessed as low sensitivity but the proposed mitigation planting which is envisaged for the site is predicted to have a minor beneficial effect on the character of the area.

The LVIA also considers the most noteworthy visual effect will be experienced from the public rights away to the north-east and north-west of the site, the residential areas of Warren Close, Handley's Close and Soden's Avenue as well as surrounding land such as Warren Farm field. It states that the presence of the vehicular access and acoustic fence at the point where the footpath comes into the site from Soden's Avenue will continue to impact on this section of the footpath resulting in a minor/moderate adverse residual effect. The report considers that as the landscape mitigation proposals and existing vegetation matures the proposed development will become a more familiar feature in the landscape and the presence of the building/s will become less prominent resulting in a minor adverse visual impact in this area.

The LVIA considers there will be limited views from the primary school, Lodge Cottage and along the Oxford Road (A423) owing to existing vegetation and therefore the anticipated visual effect would be negligible/neutral. It also considers long views along the Oxford Road and the public rights of way to the east of Ryton on Dunsmore village as well as views along the Leamington Road are judge to be also of a visual negligible/neutral effect, particularly owing to the presence of existing buildings and vegetation. Nevertheless, it does acknowledge that more distance views, particularly to the south from along the Centenary Way/Coventry Way/Shakespeare's Avon Way are slightly more open due to the open rolling farmland and therefore the anticipated visual effect would be minor adverse to negligible/neutral.

Overall the effects of the proposed development are considered to be predominately localised and contained within a reasonably small area. The implementation and ongoing maintenance of the landscape proposals will ensure that they develop to provide an element of mitigation which will limit the residual effects and that no significant residual landscape and visual effects are predicted for the proposed development post-mitigation.

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; however, the submitted Design & Access Statement indicates that future buildings on the site are likely to follow a design palette comparable to those buildings already built on Sites A & B of the Former Peugeot Works.

Along and adjacent to the south-eastern, south-western and north-eastern edges of the application site there is an EcoSite, a potential Local Wildlife Site known as The Dell, according to Warwickshire Biological Records Centre. Under the previous outline planning permission ecological and badger reports were submitted and additional grass snake, newt and badger surveys were submitted and approved together with an ecological management plan pursuant to numerous conditions. An updated ecological appraisal has been received which has identified that the habitats present remain broadly consistent with those previously detected, however, it is acknowledged that the provision of the new access road would result in the loss of amenity grassland and scrub/thicket planting.

As before the report refers to a small section of the EcoSite being lost to the development, however this is judged to be a very small area of scrub and wet woodland and the loss can be mitigated for through the management of the retained wet woodland together with other planting and enhanced habitats on site. This includes the provision of both bat and bird boxes throughout the woodland and along the envisaged acoustic fence. The revised Ecological Appraisal considers that there would be no net loss of biodiversity but without the management of the woodland that would occur through developing the site the ecological value of the site would deteriorate.

An updated Badger Report has also been submitted which has indicated renewed badger activity on site. Although the details of this report are confidential it has advised that the proposed development will not impact upon this species and with the provision of new habitats and management of retained habitats the site will see an increase of suitable foraging habitat for this species.

The Ecological Appraisal does advise that the lighting of the site will be designed to ensure light is displayed on to the core development area, with the use of angles, baffles and height restricted lighting. This will ensure minimal light spill occurs on to retained habitats, therefore having negligible impact upon foraging bats within the immediate area on-site. This can be adequately addressed via a suitably worded condition.

Warwickshire County Council (WCC) Ecology Unit consider that the Ecological Appraisal has been undertaken in accordance with appropriate methodology and they have confidence with the conclusions drawn. They also welcome the proposed landscaping, management and provision of bat and bird boxes within the site and anticipate that previously approved plans relating to Habitat Management, Landscape & Ecological Management, Construction and Environment Management and Woodland Management are updated. All these points can be addressed by condition which WCC Ecology accepts. In addition, more detailed landscape matters can be addressed via any subsequent reserved matters proposals for landscaping in due course.

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. 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. 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 (inc Drainage):

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

Policy CS16 states that sustainable drainage systems (SUDS) should be used and development should meet specified water conservation levels. Opportunities for utilising SUDS are also referred to in saved Policy GP2. The application included both a Flood Risk Assessment and a Drainage Philosophy Statement. The documents refer to SUDS in minimising the risk of flooding from the development but whilst it acknowledged that an existing attenuation pond is present on site it is understood that its water level is in continuity with the ground water table and hence it has limited storage capacity. In addition, the very shallow water table precludes the use of soakaways or other infiltration methods as a reliable means of dealing with surface water run-off. Therefore, below ground cellular storage units will be provided set above the ground water table in the car park area. The Flood Risk Assessment advises that the surface water drainage concept provides up to the 1 in 100 year plus climate change event, whilst the Drainage Philosophy states that site drainage, particularly from service yards and car parks, would go through sediment sump/catch pits and be designed to ensure that any overland flows are routed away from buildings.

The applicant's agent has provided details of ground water table monitoring that has suggested there are peak levels which rise above the existing ground level of the site resulting in shallow ponding in the south western corner of the site at its lowest point. The risk of ground water flooding is a factor in determining the application and external yard/pavements are to be established at 500mm above the highest recorded levels of ground water. When factoring in 1.3m loading docks the raising of the ground levels by approximately 2 metres in part would ensure adequate protection against flooding of the development by ground water. Whilst third party comments have been received that states any flooding could be addressed by pumps to reduce the need to raise ground levels, designing out preventative measures at this stage would be more appropriate. The impact of raising ground levels on the amenity of adjacent properties has been addressed above.

Warwickshire County Council Lead Local Flood Authority have confirmed that the details submitted by the applicant adequately demonstrate how surface water generated by the development will be controlled and managed and therefore raised no objection, subject to conditions.

Regards to foul drainage and site contamination, both Severn Trent Water and the Environment Agency have raised no objection to the proposed scheme, subject to conditions and informatives.

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%. Whilst the Deregulation Act 2015 removes the requirement for the Code of Sustainable Homes in planning consents, the subsequent amendment to the Planning & Energy Act, 2008 does not apply to non-domestic buildings and therefore BREEAM requirements will remain in place to enable planning authorities to continue to promote sustainable design and construction of such buildings.

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. The applicant's agent has indicated that construction will be a minimum standard of BREEAM very good, but to ensure this it is considered that such matters should 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. No comments have been received to date from Coventry Airport, but the 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 previously considered that there was 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. WCC Archaeology had requested the application remains undetermined until they had considered the submitted details further; however, over 18 months has passed since this was also raised on the previous outline application and no further comments have been forthcoming.

A Heritage Statement has been produced by the applicant's archaeological consultants which concludes that, on the basis of current evidence, there is a nil potential for archaeological remains to survive given past extensive ground disturbance due to mineral extraction and being part of the former Peugeot Works. Owing to the location of existing listed buildings and scheduled ancient monuments to the east of Ryton on Dunsmore village, including a Grade II Registered Park & Garden, it is not considered their settings would be adversely affected. Overall it is judged there will be no adverse impact on heritage assets and the proposal would not conflict with the NPPF.

The Development Parameters Plan indicates an area of approximately 0.26 hectares (0.65 acres) as a potential school conservation area outside of the Core and Outer Development Areas. It is understood that negotiations regarding the transfer of the triangular piece of land for use by the school between the applicant and Warwickshire County Council have stalled and cannot be progressed until the footpath has been diverted so it would not end up running through the school site. The provision of the school conservation 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 understood that the transfer of The Dell to Ryton on Dunsmore Parish is still the intention of the applicants. However, as this is a voluntary arrangement they do not wish to delay the processing of the planning application and wish to pursue this outside of the planning process. Ultimately this is a matter of land ownership and the submitted ecological, landscaping and woodland reports secure adequate mitigation and management measures for the purposes of the planning application.

On previous reserved matters applications for Site B reference was made to the erection of Unit DC2 (Network Rail) 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 in relation to Site C has previously indicated that they are prepared to work with local residents if such problems occur because of their development, but owing to the site's location in relation to signal direction from the Sutton

Coldfield transmitter they do not envisage many issues this time. 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 and the strong emphasis on supporting sustainable economic growth, 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 Growth & Investment be granted delegated powers to grant planning permission subject to a legal agreement to secure a Travel Plan and HGV routing, conditions and informatives.

DRAFT DECISION

APPLICATION NUMBER

R16/2561

DATE VALID

06/12/2016

ADDRESS OF DEVELOPMENT

FORMER PEUGEOT FACTORY SITE C
OXFORD ROAD
RYTON-ON-DUNSMORE
CV8 3EA

APPLICANT/AGENT

Sara Jones
Delta Planning
1 Chester Court
1677a High Street
Knowle
Solihull
B93 0LL
On behalf of , Prologis UK Limited

APPLICATION DESCRIPTION

Outline planning application for redevelopment of the southern part of the former Peugeot Works site for Class B2 (general industry) & Class B8 (warehouse, storage & distribution) uses, together with ancillary offices, gatehouses, car parking, associated road infrastructure and landscaping, including importation of material to raise ground levels (REVISED SCHEME TO R14/2236 WITH NEW ACCESS)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON

To comply with Section 92 of the Town & Country Planning Act 1990 as amended by 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 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION 3:

With the exception of site infrastructure works to create the site access on to Prologis Park, Imperial Road and raise ground levels, 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:

Appendix A: Confidential Badger Report Draft 1 dated November 2016 by FPCR received by the Local Planning Authority on 22nd December 2016;

30714-PL-110A Site Location Plan received by the Local Planning Authority on 6th December 2016;

Site C Access Road General Arrangement & Constraints plan ref NK017773-RPS-SI-DR-C-SK0750 Rev B dated November 2016;

Plot C Parameters Plan ref 30714-PL-112B dated October 2016;

Air Quality Assessment ref RE00039 Rep 1 Rev 0 dated 1st December 2016 by Resound Environment;

Design & Access Statement by Michael Sparks Associates dated November 2016;

Drainage Philosophy Statement ref NK017773-RPS-SI-XX-CA-D-0030 dated November 2016 by RPS Planning & Development;

Earthworks Analysis plan ref NK017773-RPS-SI-DR-C-SK0202 dated June 2016;

Earthworks Technical Commentary by RPS;

Ecological Appraisal dated 30th November 2016 by FPCR Environment & Design Limited;

Flood Risk Assessment ref RCEF47080-002R dated December 2016 by RPS Consultants Limited;

Heritage Statement ref NS/08349 dated October 2014 by CgMs Consulting;

Landscape & Visual Impact Assessment ref 1456/14-RP02 dated 25th November 2016 by Barry Chinn Associates;

Noise Assessment ref RA00448 - Rep 1 Rev 0 dated 1st December 2016 by Resound Acoustics;

Phase 1 Preliminary Environmental & Geotechnical Risk Assessment ref HLEI32663/001Rv2 dated 1st October 2014 by RPS Health, Safety & Environment;

Phase 2 Environmental & Geotechnical Site Investigation Report ref HLEI32663-002R Rev 6 dated November 2016 by RPS Health, Safety & Environment; &
Alternative Access Strategy Transport Assessment ref NK018187-ZONE-C-TA dated 28th November 2016 by RPS Group;
all of the above received by the Local Planning Authority on 5th December 2016;

Email from the Agent to the Local Planning Authority dated 23rd February 2017 at 18:34 re air quality and contaminated land;

Email from the Agent to the Local Planning Authority dated 16th February 2017 at 16:16 re Parameters Plan and Design & Access Statement; &

Email from the Agent to the Local Planning Authority dated 30th January 2017 at 11:20 re The Dell.

REASON:

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

CONDITION 5:

Notwithstanding Condition 3 above, 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 a schedule/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 built 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 built 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 and along the north-eastern portion of the overall site. 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 in to the design of that building to meet the standards below in accordance with Policy CS16 of the Rugby Borough Core Strategy 2011 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 be retained in perpetuity. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall be equivalent to BREAAAM very good standard.

REASON:

In order to ensure water efficiency is achieved through sustainable design & 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 and approved in writing by the Local Planning Authority. 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:

Prior to the first occupation of any building on site, the access to the site from Prologis Park Ryton shall be constructed, located and laid out in general accordance with the Site C Access Road General Arrangement & Constraints plan ref NK017773-RPS-SI-DR-C-SK0750 Rev B received by the Local Planning Authority on 5th December 2016.

REASON:

In the interests of highway safety.

CONDITION 11:

No built 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:

In addition to Conditions 13 & 19 of this planning permission and before development commences, further ground investigation works shall be undertaken in regards to ground water table monitoring and the results, together with buoyancy calculations for all underground drainage structures shall be submitted to and approved in writing by the Local Planning Authority. Details agreed in accordance with this condition and any mitigation measures shall be addressed/carried out prior to the date on which the development for that plot/phase is first occupied.

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:

With the exception of site infrastructure works to create the site access on to Prologis Park, Imperial Road and raise ground levels, no built development shall commence on any plot/phase until drainage plans for the disposal of surface water and 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 relevant to that plot/phase.

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; to limit light spill on surrounding wildlife habitats; to safeguard air traffic operations; and in the interests of the amenities of the area.

CONDITION 15:

A scheme for the containment, mitigation and management of noise emanating from that particular phase/plot, including details of all external mechanical fixed plant equipment, flues or other equipment associated with that particular phase/plot, 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 manoeuvred on site using vehicles/plant owned/leased by the occupiers of the site (including those operated by national fleet companies) shall 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, including any ground works or remediation, shall commence on any plot/phase until details of a construction management/method statement have been submitted to and approved in writing by the Local Planning Authority, in conjunction with Warwickshire County Council Highways Authority and Highways England. This shall include full details of the construction access, a construction phasing plan and a Heavy Goods Vehicle Routing Plan for construction traffic (including vehicles associated with the importation of material to the site), including any potential impact on air quality on both residential and commercial/industrial receptors. 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 (with no works on Sundays, Public & Bank Holidays), unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of the amenities of the locality, including highways.

CONDITION 19:

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 on any plot/phase 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 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 V of the Town & Country Planning (General Permitted Development) Order 2015 (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 built 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 'Pedestrian/Cycle Access' linking the site to Leamington Road as detailed on the Plot C Parameters Plan ref 30714-PL-112B received by the Local Planning Authority on 5th December 2016 shall only be used by vehicles in the case of an emergency and only by employees on cycles (non-motorised) associated with the application site known as 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, an Arboricultural Method Statement (Section 6, BS5837:2012) including a Tree Protection Plan (Section 5.5 BS5837:2012), together with 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 any built development commences. The mitigation measures and tree protection details along with the improvement and enhancement works to the footpaths 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 Great Crested Newt & Grass Snake Mitigation Strategy by FPCR dated December 2014 received by the Local Planning Authority on 9th June 2016 as approved under Condition 26 of application R14/2236 with the mitigation and monitoring measures implemented in full.

REASON:

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

CONDITION 27:

With the exception of site infrastructure works to create the site access on to Prologis Park, Imperial Road and raise ground levels, no development shall commence until an updated Woodland Management Plan for The Dell has first been submitted to and approved in writing by the Local Planning Authority. This shall include details of measures to be implemented for ecological enhancement, habitat management, measures for the monitoring of outcomes/means of reviewing the plan and the body or organisation responsible for implementation of the plan. The approved plan shall be implemented in full and followed at all times.

REASON:

In accordance with NPPF and to enhance the nature conservation value of the site.

CONDITION 28:

The development hereby permitted, including any groundworks, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details concerning pre-commencement checks for badgers, breeding birds, reptiles, amphibians and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. 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 29:

In addition to the requirements of Conditions 3, 26 to 28 of this planning permission, the first reserved matters submission shall include a combined ecological and landscaping scheme, including structural landscaping, to be submitted to and agreed in writing with the Local Planning Authority. The plan shall include:

- details of planting and maintenance of all new planting;
- details of species used and sourcing of plants;

- details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement; &
- provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles);

Such approved measures shall thereafter be implemented in full.

REASON:

To ensure protected species are not harmed by the development and there is a net biodiversity gain.

CONDITION 30:

Prior to the first occupation of any building on site, the existing vehicular access on to the A423 Oxford Road shall be permanently closed and the highway features (including the verge) have been reinstated, together with the removal of the existing access gates and replacement with palisade fencing of a height and appearance to match the adjacent palisade fencing, and in the general accordance with Illustrative Landscape Plan ref 1456/14 24 contained within the Landscape & Visual Impact Assessment approved under Condition 4 above.

REASON:

In the interests of visual amenity and 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.

INFORMATIVE 1:

This application is subject to a Section 106 legal agreement.

INFORMATIVE 2:

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

INFORMATIVE 3:

Owing to the proximity of the development to Coventry Airport, the applicant/developer is advised that prior to the erection of any cranes associated with the construction of the development they notify Coventry Airport (02476 308601; handling@coventryairport.co.uk). In addition, the applicant/developer'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 2.32 to 2.36 & 6.10 to 6.11 of the Resound Acoustics Noise Assessment Rev0 ref RA00448 - Rep 1 received by the Local Planning Authority on 5th December 2016 with regard to the design, construction & layout of the buildings.

INFORMATIVE 5:

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

- 1) Boundary fencing or railings shall be tested and certified to LPS 1175 Security Rating 2 and to a height of 2.4 metres. Gates, pedestrian and/or vehicular, should also achieve LPS 1175 Security Rating 2;
- 2) Roller shutter vehicle access doors shall be tested and certificated to LPS 1175 Security Rating 2 (Minimum). 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;
- 3) Roller shutters/grilles protecting pedestrian access doors shall be tested and certified to LPS1175 security rating 2 (minimum) and installed in accordance with the manufacturers specifications. Roller shutters/grilles protecting windows shall be tested and certified to LPS1175 security rating 1 (minimum) (Level 2) and installed in accordance with the manufacturers specifications;
- 4) All external and emergency egress doorsets not protected by a roller shutter or grille shall be tested and certificated to LPS 1175 Security Rating 2 (Minimum);
- 5) Ground floor windows and those easily accessible above ground floor, shall be Certificated (BSI Kitemark or similar) to PAS 24 'Specification for enhanced security performance of casement and tilt/turn windows for domestic applications' or Loss Prevention Certification Board standard LPS 1175 Security Rating 1;
- 6) Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489:2013;
- 7) CCTV coverage is recommended for the whole site with dedicated cameras on the entrance road with the facility to record number plates;
- 8) Smoking areas should be located in secure areas away from parking areas.

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 consideration should be given to wildlife habitat enhancements particularly associated with nesting and breeding opportunities for birds owing to the loss of stone and gravel surfaces that have attracted lapwings and ringed plovers.

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; &
8. The applicant/developer is advised that any lighting columns proposed should not exceed 10 metres in height in order to limit the impact on nearby residential properties and the Green Belt.

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 Management/Method Statement should also 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;

3. Measures to reduce mud deposition offsite from vehicles leaving the site; &

4. Very intrusive activities such as piling, power floating of concrete slab foundations and roller vibrating plant for ground profiling shall be limited to the hours of 8:30am to 5:30pm Monday to Friday and 9am to 12:30pm on Saturdays only. No such activities shall occur on Sundays or Bank or Public Holidays.

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. Any damage to the surface of the public rights of way R147 or R147a caused during the works must be made good. Furthermore, in conjunction with Condition 25 the applicant/developer is advised that any new vegetation must be planted at least 2 metres away from the edge of public rights of way R147 & R147a to help ensure that mature growth will not encroach onto these public rights of way.

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 [01926 412004]. 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:

In connection with Condition 13 of this planning permission, the Environment Agency advise the applicant/developer that details of the maximum daily volumes of foul drainage will be required and whether the current permit reflects this ref EPR/ZP3621GM as a permit variation may be required to represent the current site discharge. On this basis, the applicant/developer is advised to contact the Environment Agency's National Permitting Team on 03708 506 506.

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.

INFORMATIVE 20:

The applicant/developer is advised that in connection with Condition 3d) structural landscaping and bunding shall be included along the north-eastern boundary in order to protect the residential amenity of adjacent properties and the Arboricultural Method Statement as referred to in Condition 25 should include:

- Tree Protection Measures;
- Details of tree works in tree root protection areas;
- Tree surgery operations: schedule of trees to be removed and works to retained trees eg access facilitation pruning;
- Arboricultural site monitoring schedule; &
- Tree & landscape management plan.

In addition, the landscape scheme should include details of the quantity, size, species and position of all trees to be planted, together with an indication of how they integrate with the proposed development in the long term with regard to their mature size and anticipated routine maintenance. Furthermore, all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified.

INFORMATIVE 21:

In subsequent reserved matters submissions, the applicant/developer shall have regard to the Illustrative Landscape Plans ref 1456/14 24 & 1456/14 25 received by the Local Planning Authority on 5th December 2016 in connection with this outline planning application.

INFORMATIVE 22:

Should it be necessary to import suitable waste material to the site for use in the construction of the development (i.e. for the construction of hard-standing areas, raising of existing levels, access tracks etc), then an Exemption under Schedule 3 of the Environmental Permitting (England & Wales) Regulations 2010 will be required. A suitable Exemption must be registered with the Environment Agency prior to bringing waste on site. Please note that if the waste type or tonnage is outside the

scope of the required Exemption, any deposit of waste in or on land for its recovery or disposal, will require a Permit under the 2010 Regulations before any such activity can begin.

INFORMATIVE 23:

Development which involves a culvert or an obstruction to flow on an Ordinary Watercourse will require consent under the Land Drainage Act 1991 and the Flood and Water Management Act 2010. In the case of an Ordinary Watercourse the responsibility for consenting lies with the Lead Local Flood Authority (LLFA). In an internal drainage district, the consent of the Internal Drainage Board, instead of the LLFA, is required for the above works under Section 23 of the Land Drainage Act 1991. An Ordinary Watercourse is defined as any watercourse not identified as a Main River on maps held by the Environment Agency and DEFRA. For further information on Ordinary Watercourses contact the LLFA on 01926 412781 / FRMplanning@warwickshire.gov.uk.

INFORMATIVE 24:

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the application site area specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and the applicant/developer are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and any buildings. Should you require any further information please contact Severn Trent Water on the telephone number or email - 024 7771 6843 / net.dev.east@severntrent.co.uk

INFORMATIVE 25:

The applicant/developer is advised that Western Power has infrastructure lying underground within and adjacent to the site, particularly along the public right of way R147a, at the existing vehicular access on to Oxford Road, A423 and along the carriageway and verge of Oxford Road, A423. Any disconnection/connection of or to existing supplies need to be applied for and the applicant/developer is advised to contact Western Power on 01455 232228.

Reference number: R17/0036

Site address: Land South of Technology Drive, Technology Drive, Rugby

Description: Erection of 231 dwellings together with open space, earthworks, balancing pond, site remediation, landscaping, car parking and other ancillary and enabling works. Re-plan of housing layout following planning approval reference R15/2074.

Case Officer Name & Number: Owain Williams – 01788 533789

This application has been brought forward to committee due to its status as a major application.

Site Description

The site of this proposal is located south of Technology Drive and lies within the Leicester Road Opportunity Area commonly known as the 'Leicester Road site'.

The site itself is a broadly 'L-shaped' site of 4.9 hectares. The site is bounded to the north by the existing employment development (beyond Technology Drive) known as GE Power Conversion and the recently consented retail development; to the west by the residential development for Taylor Wimpey; to the east by Warwickshire College; and to the south by the embankment to the railway line. The Black Path which is a strategic footpath and cycle linkage between the Town Centre and Brownsover to the north runs through the application site.

The application site is currently being part developed under approval ref R15/2074, which includes residential dwellings being erected to the north part of the site fronting Technology Drive. There are ongoing remediation works being undertaken to the rear of the site. The black path that dissects the site is still in use which links to another footpath which runs around the outside of the site close to the railway and connects with Hunters Lane.

Proposal Description

The proposal is for full planning permission for the erection of 231 dwellings which would include earthworks, balancing pond, site remediation, structural landscaping, car parking and other ancillary and enabling works.

The proposed development will provide a range of differing house types and sizes including 1 and 2 bedroom apartments and 2, 3 and 4 bedrooms family homes. Alongside this, it will provide Public Open Space which will be located in two main areas. There will be a natural and semi natural green space to the north of the site sitting adjacent to Technology Drive and a Multi-Use Games Area (MUGA) to the South East of the site which forms the larger of the two areas.

A main vehicular access route linking Technology Drive to Hunters Lane will also provide a link with the residential development to the west. A further vehicular access will be achieved off Technology Drive to provide access to those apartments and dwellings to the east of the development.

This application has been submitted due to a re-plan of the housing layout of a section of the site due to minor level changes and following the identification of a rising main and easement in a different location to the initial survey works.

The re-plan proposed here relates to 84 dwellings of the 230 recently approved, and as a result of the proposed alterations, there is a net gain of one dwelling for the entire phase 4 development. The overall number of dwellings proposed for Phase 4, as highlighted above, is therefore 231 dwellings.

Some of the alterations that have occurred have meant banks of dwellings switching locations with the rear amenity space and small alterations to house types. The open space has been altered from play equipment to a Multi Use Games Area to provide a more varied option throughout the developments which form part of this larger scheme.

Relevant Planning History

R06/0064/MAJP - Outline Planning Application for the redevelopment of land to provide a mixed scheme incorporating residential development comprising the erection of 540no. dwellings, 2 hectares of employment (Class B1) development, a new college campus for Warwickshire College including associated facilities with car parking (Class D1), a DIY retail store [5156 sq. m gross internal floor space with ancillary areas for the display and sale of building materials (975 sq. m) and garden centre products (1245 sq. m gross)], and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary works – Approved 17/09/07

R07/2055/MRES - "Submission of reserved matters (layout, scale, appearance and landscaping) Pursuant to the outline planning permission ref: no. R06/0064/MAJP dated 17th September 2007 for the erection of a college of further education (Use Class D1) for Warwickshire College with ancillary library (Use Class D1), restaurants (Use Class A3), shop and salons (Use Class A1), multi-purpose hall (Use Class D1/D2, nursery (Use Class D1), workshops and offices (use class B1), sports hall (Use Class D2) and conference suite (Use Class D1) with associated open space (incorporating all weather sports pitch), wind turbine, car parking, landscaping and ancillary works." Approved – 06/05/08

R07/1918/MAJP - Outline planning application with means of access to be determined for the redevelopment of land for the erection of 95 dwellings (Class C3) with associated public open space, landscaping, car parking, access roads and ancillary works – Approved 08/02/12

R12/1610 - Erection of 87 dwellings and garages; construction of associated infrastructure comprising estate roads, foul water pumping station and balancing pond; provision of open space and all ancillary and enabling works - submission of reserved matters in respect of phase 1 comprising access, appearance, landscaping, layout and scale pursuant to outline planning permission ref. R06/0064/MAJP dated 17.09.2007 – Approved 30/01/13

R12/1884 - Erection of 101 dwellings (Class C3), garages and associated works including internal access roads, emergency access, car parking, earthworks, landscaping and drainage - submission of reserved matters comprising appearance, landscaping, layout and scale pursuant to outline planning permission ref. R06/0064/MAJP dated 17.09.2007 – Approved 24/07/13

R13/1597 - Outline planning application for the redevelopment of land to provide a mixed scheme incorporating residential development comprising the erection of 540no.dwellings, 2 hectares of employment (Class B1) development, a new college campus for Warwickshire College including associated facilities with car parking (Class D1), a DIY retail store (5156sq.m gross internal floor space with ancillary areas for the display and sale of building materials (975sq.m) and garden centre products (1245sq.m gross) and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary works: - variation of condition nos. 6, 10, 13, 33 and 34, and waiver of condition 12 attached to outline planning permission ref. R06/0064/MAJP dated 17/09/2007 to defer the implementation of highway, pedestrian and cycleway improvement works and to cover noise assessment in respect of the spine road. Approved 25/07/14

R13/1600 - Outline planning application with means of access to be determined for the redevelopment of land for the erection of 95 dwellings (Class C3) with associated public open space, landscaping, car parking, access roads and ancillary works - waiver of condition nos. 6, 8 and 9 attached to outline planning permission ref. R07/1918/MAJP, dated 08/02/2012, covering highway works and off-site junction improvements. – Approved 25/07/14

R14/1232 - Outline planning consent for the erection of up to 175 dwellings, open space, earthworks, balancing pond, site remediation, structural landscaping, car parking and other ancillary and enabling works, with means of access from Technology Drive (using the existing approved bellmouths) and all other matters reserved. – Approved 21/09/15

R15/2074 - Erection of 231 dwellings together with open space, earthworks, balancing pond, site remediation, structural landscaping, car parking, and other ancillary and enabling works – Approved 6/5/16

Technical Consultation Responses

Environmental Services – No objection subject to conditions

Parks and Gardens – No objections

RBC Work Services Unit (Refuse) – No objections

WCC Highways – No objection subject to conditions

WCC Ecology – No objection subject to conditions

WCC Archaeology – No objection

Severn Trent – No objection subject to condition

Police – No objections

Third Party Responses

Neighbours – No comments received

Relevant Planning Policy

Core Strategy

CS1 – Development Strategy

CS10 – Developer Contributions

CS11 – Transport and New Development

CS13 – Local Services and Community Facilities

CS14 – Enhancing the Strategy Green Infrastructure Network

CS16 – Sustainable Design

CS17 – Reducing Carbon Emissions

CS19 – Affordable Housing

Rugby Borough Local Plan 2006 – Saved policies

GP2	Complies	Landscaping
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E6	Complies	Biodiversity
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T5	Complies	Parking facilities
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H3	Complies	Housing proposals in the Rugby Urban Area
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H11	Complies	Open space provision in residential developments in the urban area
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LR1	Complies	Open Space Standards
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LR3	Complies	Quality and accessibility of open space
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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)

National Guidance

National Planning Policy Framework (NPPF) 2012

Assessment of Proposals

The determining issues to take into account in this case would be the whether the principle of the development upon this site is acceptable, the impact upon the character and appearance of the area, the impact upon the neighbouring amenities, the impact upon biodiversity and highway safety

Principle of Development

The Local Development Framework Core Strategy forms the basis of the Council's plan led approach to the delivery of residential and other development in the Borough over the period 2006 – 2026. The development strategy contained in policy CS1 sets out a settlement hierarchy comprising a sequential approach to sustainable site selection. The site is situated within the Rugby urban area which is highlighted as the primary focus for new residential and employment development so this proposal for residential development would comply with policy CS1.

There is currently a shortfall in housing land supply within Rugby with the Council failing to demonstrate a 5 year housing land supply. The contribution of these 231 dwellings would contribute to the housing supply which would be of a benefit.

Furthermore this site is allocated in saved policy H3 of the Local Plan 2006 for housing with approximately 540 dwellings highlighted for development. This site has already been approved in the past for residential development as part of the original master plan application R06/0064/MAJP. This part of the Leicester Road development site is the final piece of the jigsaw and this application is simply a detailed proposal to achieve completion of the whole Leicester Road development. It is important to note that this section of the site achieved full permission for 230 dwellings in May 2016 and this application is simply to allow for an alteration to the internal layout of the site and to allow 1 further dwelling to be added.

Taking the above into account it is considered that the proposed residential development in principle would be acceptable complying with policy CS1 of the Core Strategy 2011 and saved policy H3 of the Local Plan 2006.

Character and Appearance

Policy CS16 states that all development will demonstrate high quality, inclusive and sustainable design and 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.

As highlighted above the north section of the site is being developed out under the current approval R15/2074 and there are remediation works on the southern section of the site on going.

The majority of dwellings proposed on the site will be up to two storeys high however there are to be 3 and 4 storey buildings in the form of apartment blocks and dwellings strategically located upon the Technology Drive frontage, prominent corner locations and framing the open space.

The Technology Drive frontage will have a mix of apartments and dwellings with the apartments being located to the east of the site adjacent to the college and the dwellings to the west of the site providing some continuity from the Taylor Wimpey site which also have 3 storey dwellings fronting onto Technology Drive. The apartment blocks will provide an element of flow and again continuity to the street as they will follow on from phase 2 of the St Modwens development situated further along on the opposite side of Technology Drive.

Whilst the open space to the front of the site, which forms part of a drainage attenuation feature, butts the trend of tall buildings fronting the road providing that strong avenue of built form, it does continue the pockets of open space seen along Technology Drive such as the relocation of the War Memorial which sits opposite the site. The open space is framed by the apartments and 3 storey dwelling houses which provide an attractive feature to the road. The open space to the front and rear of the site has a good relationship with the black path which dissects site.

With regards to the black path it has been retained at 3 metres in width to allow both pedestrians and cyclists to use it without conflict. The path follows the same line that currently exists and will now be lined with landscaped verges and trees, and is fronted by houses albeit on the other side of an estate road providing that natural surveillance. The path will now be an inviting access through the site with the open space at either end.

The design of the dwellings and apartments has been an element which has been discussed and negotiated to obtain an appearance that is compatible with the design and appearance of the surrounding

developments. The details included in the architecture such as including brick cills and headers and difference of materials to break up the elevations lift the appearance of the dwellings to the next level so improving the character and appearance of the development.

There is a good mix of materials from brick to render to cladded sections on the dwellings and they are interspersed across the site giving a good variance to the street scenes. The Hunters Lane link street scene with the difference in dwelling types and materials with the railing frontages to the dwellings will provide an attractive street scene.

The appearance of the dwellings and apartments will be similar in design and appearance to the other St Modwens development to the east of Technology Drive which will again help to provide continuity to the street scene, however due to the differing constraints on the site it has resulted in a differing layout within the street scene avoiding a dull uniformity within the street.

Policy CS16 also states that new development should seek to complement, enhance and utilise where possible the historic environment and must not have a significant impact on existing designated and non-designated heritage assets and their settings. The proposed eastern section of the development would be sited opposite the war memorial a grade II listed structure.

The memorial has recently been relocated as part of the other development along Technology Drive so the setting of the listed structure has already been affected. The open space to which the memorial sits will now be framed by the apartments adjacent and opposite and also the large GE Power Conversion building, making this area more pronounced therefore providing the memorial with more presence.

The relevant part of policy CS16 is therefore complied with.

Impact on amenity

Policy CS16 continues to state that development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded

The proposed development has been assessed with residential amenities of existing and future occupiers in mind. The most sensitive boundary in relation to neighbouring amenities is that which borders the Taylor Wimpey site to the west of the development. There are certain dwellings which are situated side on to the neighbouring gardens and others which back on, however the distances which separate the dwellings would be sufficient to minimise the impact upon the amenities of the neighbouring properties.

The spacing between the houses within the site would be satisfactory to again minimise the impact upon each dwellings amenities whether it be overbearing, loss of light or loss of privacy.

As part of the application there have been several technical documents submitted including a land contamination report and noise report. These reports have been assessed by the Environmental Health department within the Council and have found to be acceptable subject to further information and reports post remediation which can be conditioned as part of any approval given.

A further noise assessment has been requested before the occupation of phase 8 of the development, which is the area opposite the war memorial and GE Power Conversion buildings, as a new noise source has been identified and Environmental Services want to ensure that sufficient mitigation measures/window specifications are provided to reduce the impact upon the amenities of the new apartments.

Subject to these conditions it is considered that there will not be an adverse impact on the amenity of nearby residents, in accordance with the relevant part of policy CS16.

Biodiversity

Saved Local Plan policy E6 seeks to safeguard biodiversity interests including protected species and supporting habitat such as ponds, hedgerows and trees. The NPPF similarly seeks to minimise impacts on biodiversity (para.109) and puts a responsibility on local planning authorities to conserve and enhance biodiversity and to encourage biodiversity in and around developments.

There are no significant existing landscape features of any note within this site with only a narrow band of trees located to the south of the site which adjoin the railway land, so therefore there is little or no habitats for wildlife in the surroundings area. The County Council ecologists have assessed the impact and are happy with the proposals and all the mitigation measures proposed such as the proposed bird boxes to be dotted on and around the new dwellings.

Taking the above into account it is considered that the proposed works subject to the recommended conditions would comply with saved policy E6 of the Local Plan 2006.

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 where practical and that developments should meet specified water conservation levels, this policy states that the viability of a development and site characteristics should be taken into account when assessing these requirements.

A Flood Risk Assessment (FRA) was submitted as part of the application to which further technical information has been added on request of the Flood Risk Management Team (FRM). This all been assessed by the FRM at the County Council to which they have no objections.

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 minimum, developments of 10 or more dwellings shall include equipment to reduce carbon dioxide emissions by at least 10%. These requirements can be controlled by conditions.

Taking into account the above it is considered that the development would comply with policy CS16 and CS17 of the Core Strategy 2011.

Access, highways and parking provision

The Highway Authority, Warwickshire County Council, commented on the proposals and advised they have no objection to the proposals.

The main link road which runs through the site from Technology Drive to Hunters Lane has already been approved, granted at the same time as the road now known as Technology Drive. This was also then confirmed again with the approval of the outline permission which had access down within the detail. Previous comments from the Highway Authority indicated the importance of this link with Hunters Lane which will provide an all-purpose two-way road to take pressure off the Leicester Road/Technology Drive junction to support committed large-scale housing and employment growth in the town.

The scheme to provide this link rests with the applicants and the County Council. The applicants are under obligation to provide the link road in their control before any occupation. The County Council need to acquire land to create the link in order to provide the sufficient road width required. The County Council are currently firming up the land requirements and looking to acquire the land if an agreement can be reached or using a compulsory purchase order.

The highway authority previously also highlighted that a further improvement scheme is proposed at the junction of A426 Newbold Road/Hunters Lane (provision of a new roundabout) in association with an enlarged Avon Mill roundabout and new River Avon bridge.

It is essential that the Hunters Lane scheme is in place before works start on site for the Avon Mill/Hunters Lane improvements, as the new link via Technology Drive and Hunters Lane will provide an alternative route for traffic during the Avon Mill construction period.

The proposed junction alterations at the junction of Junction One Retail Park previously proposed as part of this scheme is no longer to be delivered. The reasoning for this is that a further traffic modelling exercise was undertaken by the applicant and shared with the Highway Authority. The results of this modelling have shown that a signalisation of this junction would result in traffic backing up onto the Leicester Road creating unnecessary congestion and disruption to the highway network. The highway authority has agreed with the findings and no longer wishes for the junction to be altered.

Taking into account the above it is considered that the proposed development would have minimal impact upon highway safety and the surrounding road network.

With regards to the layout of the site each dwelling has sufficient parking off street either in the form of driveway, garage or parking court which meets the current parking standards with the Planning Obligations SPD so will therefore comply with saved policy T5.

Planning Obligations

Core Strategy policy CS10 and the Council's Planning Obligations SPD, state that contributions and other measures may be sought to mitigate the impact of development on infrastructure and services. In order for obligations to be taken into account they are required to meet the relevant tests of being necessary to make the development acceptable in planning terms; directly related to the development and, fairly and reasonably related in scale and kind to the development.

The applicants are proposing that this development follow the same as that previously approved for Leicester Road West and the outline permission granted on this site. This was to cross reference its Section 106 Agreement with the S106 Agreement for the original application R06/0064/MAJP. As there is no net increase in development from that previously approved and there has been no request from technical consultees for further contributions that what has already been accounted for through the original section 106 this is considered the most appropriate and logical approach.

It will therefore be contributions such as education costs and offsite highway improvements that would still be gained from the scheme.

Affordable Housing

Policy CS19 of the Core Strategy and the Housing Needs SPD sets out that 40% of new homes should be affordable homes on sites with an area greater than 1 hectare or capable of accommodating more than 30 dwellings. These affordable homes should be provided in a range of different sizes, types and tenures.

Policy CS19 however does state that in circumstances where the provision of the targets set out here are likely to threaten the financial viability of a development scheme, the Council will consider a reduced target. It would be for the applicant to demonstrate that the viability of the scheme would be vulnerable. This would normally be done through the submission of a comprehensive financial appraisal of the proposed scheme, together with details of the financial model used, which the Council would be able to have independently assessed.

Previous viability appraisals submitted for this development have indicated that only 5% affordable housing can be delivered. Through the last three applications on this site an updated appraisal has been submitted and it has remained consistent albeit the deficit at completion has reduced overtime due to the increase in selling prices.

The updated assessment indicated that even allowing for an increase in scheme numbers, improvements in anticipated net selling prices, and the reduction in risk profile, the scheme including just 5% of affordable housing and constructed to Building Regulations standard only it still shows £345,324 deficit at completion despite the significant increase in selling prices, particularly of the 2 and 3 bedroom properties. The scale of unviability is such that there is no case to suggest the affordable tariff should increase beyond 5% previously offered.

It is therefore considered that the application be recommended for approval with the affordable housing offer proposed being compliant with Policy CS19 of the Core Strategy because it has been demonstrated to

the satisfaction of RBC that this is the maximum level of provision this phase can achieve.

Other Considerations

As part of the consultation process the works services unit of the Council were consulted with regards to the refuse collection and they have found the proposals satisfactory and confirmed that development met their standards and that each property and apartment had sufficient room for storage of bins and were accessible for collection.

There have been no concerns raised by archaeology.

Recommendation

Grant Permission Subject to Conditions and completion of a deed of variation to the Section 106 agreement

DRAFT DECISION

APPLICATION NUMBER

R17/0036

DATE VALID

06/01/2017

ADDRESS OF DEVELOPMENT

LAND SOUTH OF TECHNOLOGY DRIVE
TECHNOLOGY DRIVE
RUGBY

APPLICANT/AGENT

Mrs Rachael Bibby
Planning Prospects Limited
4 Mill Pool
Nash Lane
Belbroughton
DY9 9AF
On behalf of , St Modwen Homes Ltd

APPLICATION DESCRIPTION

Erection of 231 dwellings together with open space, earthworks, balancing pond, site remediation, landscaping, car parking and other ancillary and enabling works. Re-plan of housing layout following planning approval reference R15/2074.

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:

- Housetype H4B1323 - drawing reference 7845 PL34a
- Finished Floor Level Plan - drawing reference P15-446 120 J
- Formation Contour and Level Plan - drawing reference P15-446 375 H
- Earthworks re-design final no split level plots - drawing reference P15-446-SK83 rev C
- Proposed Overall Development Plan - drawing reference PL15 rev E
- Proposed Overall Phasing Plan - drawing reference PL16 rev E

- Proposed Build Phase Plan - drawing reference PL17 rev E
- Proposed Site Plan - drawing reference PL102 rev C
- Proposed Boundaries Plan - drawing reference PL103 rev C
- Proposed Materials Plan - drawing reference PL104 rev C
- Proposed Heights Plan - drawing reference PL105 rev C
- Proposed Affordable Housing Plan - drawing reference PL106 rev C
- Proposed Garden Areas Plan - drawing reference PL107 rev C
- Proposed Adoptable Highways Plan - drawing reference PL108 rev C
- Proposed Tracking Plan - drawing reference PL109 rev C
- Street Elevations - drawing reference PL10 rev A
- Site Sections - drawing reference PL111 rev A

Received by the Local Planning Authority on the 28th February 2017

- Site Location Plan (drawing ref. PL100 A)
- Existing Site Plan (drawing ref. PL101 A)
- Housetype H2B830 (drawing ref. PL20 C)
- Housetype A2B825 (drawing ref. PL21 B)
- Housetype H2B637 (drawing ref. PL22 B)
- Housetype H2B706 (drawing ref. PL23 B)
- Housetype H3B791 (drawing ref. PL24 B)
- Housetype H3B839 (drawing ref. PL25 B)
- Housetype H3B938 Type 1 (drawing ref. PL26 B)
- Housetype H3B938 Type 2 (drawing ref. PL27 B)
- Housetype H3B965 (drawing ref. PL28 C)
- Housetype H4B1209 (drawing ref. PL29 B)
- Housetype H4B1348 (drawing ref. PL30 D)
- Detailed Planting Proposals 2 of 7 (drawing ref. 1415 A4 02D)
- Detailed Planting Proposals 4 of 7 (drawing ref. 1415 A4 04D)
- Detailed Planting Proposals 5 of 7 (drawing ref. 1415 A4 05F)
- Detailed Planting Proposals 6 of 7 (drawing ref. 1415 A4 06D)
- Detailed Planting Proposals 7 of 7 (drawing ref. 1415 A4 07D)
- Planting Detail and Specification (drawing ref. 1415 A4 08)
- Detailed LEAP/MUGA proposal (drawing ref. 1415 A4 09E)
- Flood Routing Plan (drawing ref. P15-446-121F)
- Visibility Splay Plan (drawing ref. P15-446-523C)
- Drainage Strategy (drawing ref. P15-446-110B)
- SW Drainage Strategy Calculations
- Noise Report prepared by Hoare Lea Acoustics;
- Ecology Working Method Statement prepared by Betts Ecology
- Flood Risk and Drainage Strategy prepared by CH2MHILL;
- Technical Note (and Addendum Note) - FRA and Surface Water Drainage Strategy Addendum prepared by Rodgers Leask
- Design & Access Statement prepared by Roberts Limbrick Architects

Received by the Local Planning Authority on the 6th January 2017

- Construction & Environmental Management Plan Ref: JR/St Modwen Homes/Rugby Phase 4/V1.0 dated March 2016
- Construction & Environmental Management Plan Ref: JR/St Modwen Homes/Rugby Phase 4/V1.0 dated March 2016
- Drawing no. 10305 400 Rev B

Received by the Local Planning Authority on the 10th May 2016

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 more than a total of 550 houses comprised in the development on the site the subject of this permission, the remainder of the Leicester Road site approved under outline planning permission ref. R06/0064/MAJP dated 17.09.2007 as varied by outline planning permission R14/1597 dated 25th July 2014 and the neighbouring Boughton Road site approved under outline planning permission ref. R06/0054/MAJP dated 03.09.2007, and the Warwickshire College, shall be occupied prior to the completion of the off-site highway improvements specified in condition 4 attached to outline planning permission ref. R06/0064/MAJP dated 17.09.2007 as varied as varied by outline planning permission R14/1597 dated 25th July 2014.

REASON:

In the interests of public and highway safety

CONDITION: 4

The following highway works and off-site junction improvements shall be constructed and completed to the satisfaction of the Local Planning Authority prior to occupation of the 401st dwelling on the site of the development approved under outline planning permission ref R06/0064/MAJP dated 17th September 2007 as varied by outline planning permission ref R13/1597 dated 25th July 2014 and the neighbouring Leicester Road West development approved under outline planning permission R07/1918/MAJP dated 8th February 2012 as varied by outline planning permission R13/1600 dated 25th July 2014 or the first occupation of any buildings in this permission, whichever is the sooner:

i. The access junction at Leicester Road and the improvements to the junction of Consul Road with Leicester Road in accordance with Drawing No. P1BLRR/070/001 Rev B (2) attached to outline planning permission R06/0064/MAJP dated 17th September 2007.

REASON:

In the interests of public and highway safety.

CONDITION: 5

Prior to the occupation of the 401st dwelling on the site of the development approved under outline planning permission ref R06/0064/MAJP dated 17th September 2007 as varied by outline planning permission R13/1597 dated 25th July 2014 and the neighbouring Leicester Road West development approved under outline planning permission RO7/1918/MAJP dated 8th February 2012 as varied by outline planning permission R13/1600 dated 25th July 2014 or the first occupation of any of the buildings on this permission, whichever is the sooner; a public highway between Technology Drive and Hunters Lane shall be provided in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority in conjunction with Warwickshire County Council as Highway Authority.

REASON

In the interests of public and highway safety.

CONDITION: 6

The proposed pedestrian/cycleway improvements indicated in the applicants letter dated 9 February 2007 and received by the Local Planning Authority on 13 February 2007 in relation to outline planning permission ref R06/0064/MAJP dated 17th September 2007, in conjunction with the other pedestrian/cycleway routes shown on the approved Framework Plan (under ref R06/0064/MAJP), shall be carried out in accordance with full details and a phased implementation programme to be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the 401st dwelling on the site of the development approved under outline planning permission ref R06/0064/MAJP dated 17th September 2014 as varied by outline

planning permission R13/1597 dated 25th July 2014 and the neighbouring Leicester Road West development approved under outline planning permission R07/1918/MAJP dated 8th February 2012 as varied by permission R13/1600 dated 25th July 2014 or the first occupation of any buildings on this site, whichever is the sooner.

REASON:

In the interests of public and highway safety

CONDITION: 7

Unless otherwise agreed in writing by the Local Planning Authority, no individual dwelling shall be occupied until the proposed estate roads, including footways, cycleways and individual means of access serving them have been constructed to the satisfaction of the Local Planning Authority.

REASON:

In the interest of public and highway safety.

CONDITION: 8

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

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

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

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

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

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

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

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

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

be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (c).

REASON:

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

CONDITION: 9

Prior to the occupation of the dwellings within the area identified as phase 8 of the development a further noise assessment must be prepared by a competent noise consultant and submitted, with any proposed works, to the local planning authority for approval. The assessment must take into account the noise generated from the metal pressers at GE Power Conversion.

REASON:

To safeguard the occupiers amenities

CONDITION: 10

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON:

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

CONDITION: 11

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON:

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

CONDITION: 12

The accommodation for car parking and cycle parking shown on the approved drawing shall be provided before the development to which it relates is occupied and shall be retained permanently for the accommodation of vehicles and cycles of persons residing in the residential properties and shall not be used for any other purpose..

REASON:

In the interests of highway and public safety.

CONDITION: 13

The landscaping scheme, as detailed on the approved plans, shall be phased as per the agreed build phase on drawing number . And for each phase implemented no later than the first planting season following first occupation of the development on that said 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: 14

The development shall not be first occupied unless and until details of the equipment and technology to be incorporated to achieve carbon emission reductions, including the submission of an Energy Performance Certificate, have been submitted to and approved in writing by the Local Planning Authority. 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 the approved details and shall be retained in working order in perpetuity.

REASON:

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

CONDITION: 15

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting that order, no wall, fence, gate or other means of enclosure shall be erected, constructed or placed in front of the dwellings without the prior written permission of the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION: 16

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes F of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority. Furthermore no new vehicular or pedestrian access can be formed within the curtilage of any dwelling.

REASON:

In the interest of residential amenity.

CONDITION: 17

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.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

The applicant/developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads. The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980. The construction of the estate roads serving the development including footways, cycleways, verges and footpaths should not be other than in accordance with the standard specification of the Highway Authority.

INFORMATIVE: 2

Particular care should be taken when clearing ground prior to development, and if evidence of badger, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badger, snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals 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. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.

INFORMATIVE: 3

Due to the nature of the shallow soils on site, the design of the pond should take every care to prevent water interacting with the Made Ground and shallow soils on site, which could have the adverse affect of flushing contaminants remaining in the soils to groundwater and onto other 'Controlled Waters' receptors.

INFORMATIVE: 4

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

- * Storage of pollutants and hazardous substances
- * Solid waste management
- * Management of groundwater resources
- * 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 Environment Agency's guidance 'PPG1 - General guide to the prevention of pollution', available from their website.

INFORMATIVE: 5

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

INFORMATIVE: 6

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

INFORMATIVE: 7

The applicant will require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of the Section 278 of the Highways Act 1980 for the purposes of completing the works. The application / developer should note that feasibility drawings for 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, and 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: 8

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

INFORMATIVE: 9

The applicant is advised to incorporate where possible hedgehog mitigation measures in to boundary treatments enclosing private amenity spaces.

AGENDA MANAGEMENT SHEET

<i>Name of Meeting</i>	Planning Committee
<i>Date of Meeting</i>	15 March 2017
<i>Report Title</i>	Diversion of part of footpath R125 Long Lawford
<i>Portfolio</i>	N/A
<i>Ward Relevance</i>	Long Lawford
<i>Prior Consultation</i>	
<i>Contact Officer</i>	Marian Allen Tel 3556
<i>Report Subject to Call-in</i>	N/A
<i>Report En-Bloc</i>	N/A
<i>Forward Plan</i>	N/A
<i>Corporate Priorities</i>	This report relates to the following priorities Environment
<i>Statutory/Policy Background</i>	Town and Country Planning Act 1990
<i>Summary</i>	Confirmation of public path order
<i>Risk Management Implications</i>	N/A
<i>Financial Implications</i>	N/A

Environmental Implications N/A

Legal Implications N/A

Equality and Diversity N/A

Options Confirm unopposed Diversion Order

Recommendation The Borough of Rugby (Part of Footpath R125 Long Lawford) Public Path Order 2017 be confirmed.

Reasons for Recommendation No objections

Planning Committee – 15th March 2017

Diversion of part of footpath R125 Long Lawford

Report of the Head of Growth and Investment

Recommendation

The Borough of Rugby (Part of Footpath R125 Long Lawford) Public Path Order 2017 be confirmed.

On 16 September 2016 the Council granted planning permission for the erection of 112 dwellings, associated infrastructure and landscaping, demolition of existing buildings. Part of the development requires the diversion of part of footpath R125,

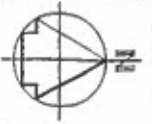
On 4 January 2017 an Order under the provisions of Section 257 of the Town and Country Planning Act 1990 was made and advertised. The effect of the Order is to stop up part of footpath R125 and create a replacement footpath as shown on the attached plan.

No objections were received. The Committee is therefore asked to confirm the Public Path Order unopposed.

Name of Meeting: Planning Committee
Date Of Meeting: 22 March 2017
Subject Matter: Diversion of Footpath R125 Long Lawford
Originating Department: Corporate Resources

* There are no background papers relating to this item.

(*Delete if not applicable)



ID	X	Y
A	447395	275731
B	447407	275728
C	447397	275712
D	447389	275707
E	447384	275701
F	447388	275694
G	447404	275687
H	447428	275681
I	447438	275676
J	447443	275667
K	447452	275658
L	447465	275656
M	447467	275647
N	447466	275624

NOTE
New boardwalk needed over water course between Points A & B
Existing sign to be re-located onto decorative fence of R125 at Point N

R125 PATH

R125 PATH

KEY
— line of Path R125
----- Proposed line of Path R125 points A-N

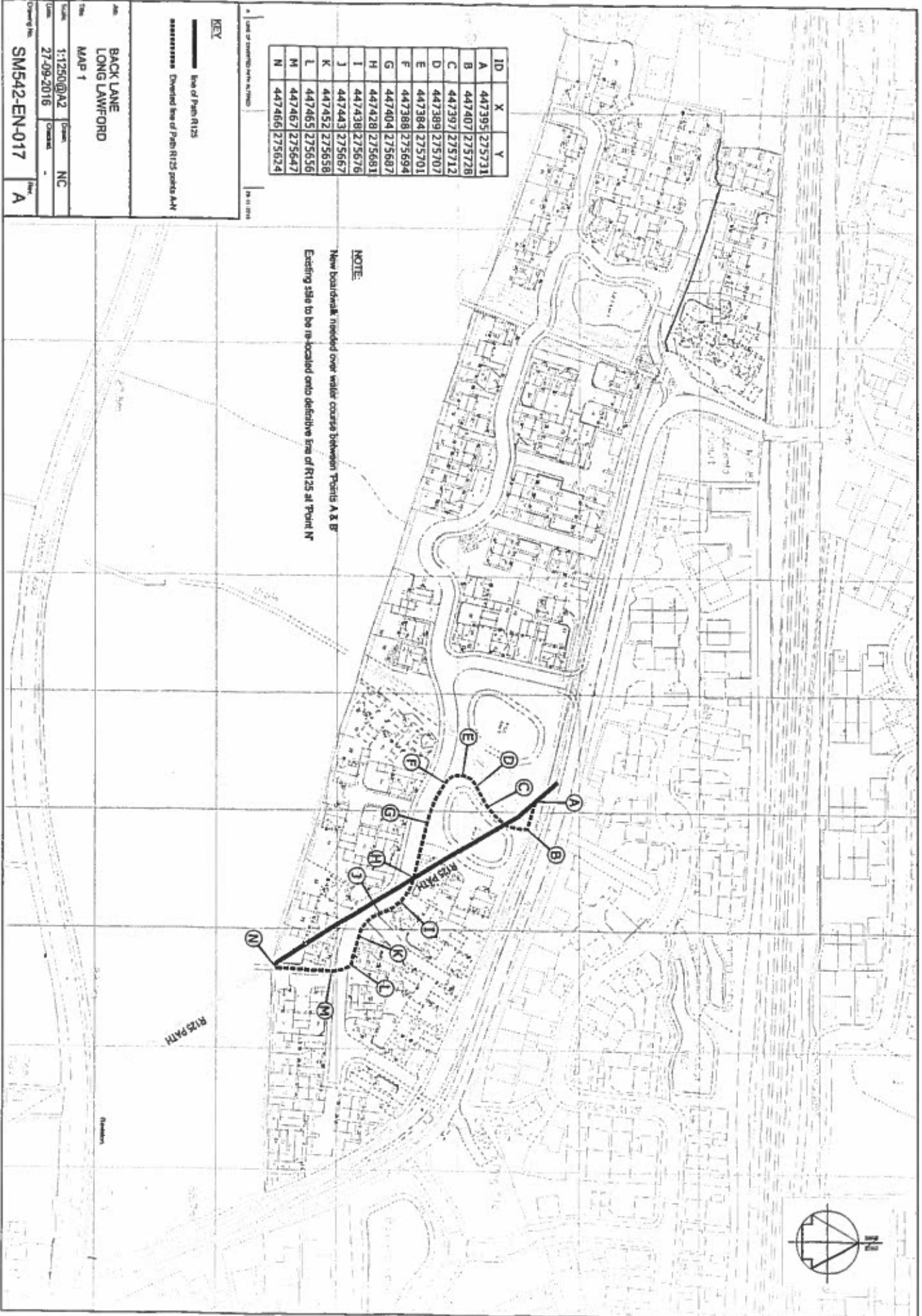
APP: BACK LANE
LONG LAW-FORD

MAP 1

DATE: 1-12-2010
TIME: 27-09-2016
PROJECT: NC

Drawing No: SMS42-EN-017

Sheet: A



AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions – 26 th January 2017 to 15 th February 2017
Name of Committee:	Planning Committee
Date:	15 th March 2017
Report Director:	Head of Growth and Investment
Portfolio:	
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Dan McGahey 3774
Public or Private:	Public
Report subject to Call-In:	Not applicable
Report En-Bloc:	Not applicable
Forward Plan:	Not applicable
Corporate Priorities:	
Statutory / Policy Background:	Planning and Local Government Legislation
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers
Financial Implications:	N/A
Risk Management 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

Planning Committee – 15th March 2017

Delegated Decisions – 26th January 2017 to 15th February 2017

Report of the Head of Growth and Investment

Recommendation

The report be noted.

1.1 BACKGROUND

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

Name of Meeting:
Planning Committee

Date of Meeting:
15th March 2017

Subject Matter:
Delegated Decisions – 26th January 2017 to 15th February 2017

Originating Department:

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 GROWTH AND INVESTMENT UNDER
DELEGATED POWERS FROM 26.01.2017 TO 15.02.2017

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R16/1821 Refused 31.01.2017</i>	Land to the rear of 99/101 Lentons Lane Aldermans Green	Demolition of an existing garage and erection of a dwelling with associated car parking and vehicular access [cross boundary application]
<i>R16/0418 Refused 14.02.2017</i>	Ye Olde Hall 40B Coventry Road Pailton Rugby	Provision of a dropped kerb, to include the removal of 10.86m length of kerb stones to create new vehicular access at the front of the property to provide off road parking.
<i>R16/2529 Refused 14.02.2017</i>	49 Charlesfield Road Rugby	Erection of a garden store (retrospective)
Applications Approved		
<i>R16/2483 Approved 10.01.2017</i>	256 Alwyn Road Rugby	Replacement of existing brick bunker with new garden room in rear garden
<i>R16/2468 Approved 10.01.2017</i>	Macbrae Farm 57 London Road Rugby	Conversion of existing outbuilding to form a 2no bed dwelling.
<i>R16/2523 Approved 13.01.2017</i>	58 Longrood Road Rugby	Erection of part two storey and part single storey rear extension and single storey side extension and porch
<i>R16/2257 Approved 25.01.2017</i>	14 Chapel Lane Barnacle	Erection of first floor side extension, installation of rear dormer window, single storey rear extension and double garage
<i>R16/2307 Approved 25.01.2017</i>	Stepnell Ltd Lawford Road Rugby	Outline planning application for the re-development of site for Use Classes B1, B2 and B8 with approval of access onto Lawford Road. All other matters reserved.
<i>R16/2020</i>	92 Cornwallis Road	Erection of a single storey side and rear

<i>Approved 27.01.2017</i>	Rugby	extension
<i>R16/2574 Approved 27.01.2017</i>	6 Somers Road Rugby	Changes to south and west elevations.
<i>R17/0012 Approved 27.01.2017</i>	The Clock Towers Shopping Centre Units 14, 27C and 27B Manning Walk	Change of use from Class A1 retail to A3/A5 Café
<i>R16/2448 Approved 30.01.2017</i>	28 Loverock Crescent Rugby	Demolition of existing garage and outbuilding and erection of a two storey front, two storey side and single storey rear extensions , porch extension with external staircase, decking and boundary treatments
<i>R16/1722 Approved 30.01.2017</i>	Land rear of 22 The Green Bilton Rugby	Erection of 5 dwellings (comprising of 1 no. 2 bedroom bungalow, 2 no. 3 bedroom semi- detached dwellings and 2 no. 2 bedroom semi- detached dwelling), together with alterations to existing accesses.
<i>R17/0030 Approved 31.01.2017</i>	StablesTwo Dunsmore Home Farm Watling Street Clifton Upon Dunsmore	Change of use from a redundant stable building to a dwelling, to include: 2 single storey front extensions, a single storey rear extension, a single storey side extension and the erection of a detached garage. Resubmission of previously approved applications R15/1355 and R16/0250
<i>R16/2482 Approved 01.02.2017</i>	7 The Locks Hillmorton Rugby	Erection of a single storey side extension.
<i>R16/2513 Approved 01.02.2017</i>	103 Hillmorton Road Rugby	Erection of a first floor side and rear extension (alteration to extensions approved under R14/1169 to reduce and set back side extension and omit single storey rear extension).
<i>R16/1760 Approved 02.02.2017</i>	Punch Taverns Blacksmith Arms 19 High Street Ryton on Dunsmore	Erection of external flue and extraction system, together with the retention of a mechanical unit.
<i>R14/1658 Approved</i>	Land East of Newton Lane Newton Lane	Outline planning permission for up to 40 dwelling house, together with the creation of a

02.02.2017		new vehicular access, and provision of play area and amenity space together with associated works (all matters with the exception of access reserved)
R16/2312 Approved 02.02.2017	83-85 Claremont Road Rugby	Demolition of existing building and erection of 6 flats.
R16/2542 Approved 02.02.2017	The Forge 4 Main Street Bourton-on-Dunsmore	Refurbishment and conversion of the Old Forge (previously approved under R15/1062 and R15/1061).
R16/2423 Approved 06.02.2017	The former Vault Nightclub and rear of 61, 64/65, 66 and 68 Church Street Rugby	Creation of 5 one-bedroom apartments as 3 storey buildings and extensions to existing, together with parking and access court.
R16/2425 Approved 06.02.2017	Land to the rear of 61, 64/65, 66 and 68 Church Street Rugby	Erection of a proposed 14 bedroom House of Multiple Occupation.
R16/2488 Approved 09.02.2017	21 Hawlands Rugby	Erection of a single storey side extension and a single storey side and rear extension
R16/2567 Approved 09.02.2017	Cairn House 1A Chamberlain Road Hillmorton Rugby	Erection of 1no. new dwelling and 2no. link attached garages (one to serve No.1 Chamberlain Road). Erection of a two storey side extension at No.1 Chamberlain Road (retrospective)
R17/0045 Approved 09.02.2017	31 Beech Drive Rugby	Erection of single storey side and rear extension
R16/2556 Approved 09.02.2017	MTC Ltd Pilot Way Ansty Business Park	Use of land for the temporary siting of a modular building to incorporate Goods inwards and minor store facility, constructed from 4 x Steel fabricated containers with multiple access steel doors and double glazed windows, together with erection of fencing to form a secure vehicle entrance area to the rear service yard.

R14/2166 Approved 10.02.2017	The Old Hall 24 Lilbourne Road Clifton upon Dunsmore Rugby	Conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit.
R16/2386 Approved 10.02.2017	107 Bilton Road Rugby	Erection of a two storey side and rear extension, a two storey rear extension and a single storey front and single storey rear extension.
R17/0016 Approved 13.02.2017	King Georges Field Pavilion School Street Long Lawford	Demolition of existing pavilion and erection of a new replacement pavilion
R17/0004 Approved 14.02.2017	28 Collingwood Avenue Rugby	Erection of a single storey side and rear extension
R17/0116 Approved 15.02.2017	27 Main Street Rugby	Erection of single storey front extension
R16/1367 Approved 15.02.2017	Elliotts Field Retail Park Leicester Road Rugby	Demolition of Unit D (Halfords), construction of a replacement Class A1 retail unit and associated reconfiguration of the car park.
Prior Approval Applications		
R16/2571 Prior Approval Not Required 31.01.2017	Land adjacent Merlin Field Farm Gibraltar Lane Rugby	Prior approval for the change of use of an agricultural building to one dwelling (Part Qb only)
R17/0032 Prior Approval Not Required 31.01.2017	32 Freemantle Road Rugby	Prior notification for the erection of a single storey rear extension projecting 6 metres from the rear elevation of the original dwelling, 2.5 metres in height to the eaves and 3.9 metres in height to the highest point of the extension
R17/0143 Prior Approval Not Required 08.02.2017	Millholme Farm Valley Lane Kites Hardwick Rugby	Application for prior approval under Schedule 2, Part 6 of the Town and Country Planning [General Permitted Development] [England] Order 2015 [As amended] for the erection of an agricultural building

R17/0025 Prior Approval Required and Granted 15.02.2016	1 Dunsmore Avenue Hillmorton Rugby	Prior approval for the change of use of hair salon to one residential dwelling.
Listed Building Consents		
R16/2543 Listed Building Consent 02.02.2017	The Forge 4 Main Street Bourton-on-Dunsmore	Listed Building Consent for the refurbishment and conversion of the Old Forge (previously approved under R15/1061 and R15/1062)
Certificate of Lawful Use or Development		
R17/0001 Certificate of Lawful Use or Development 27.01.2017	5 Home Farm Barns Birdingbury Road Bourton-on-Dunsmore	Certificate of Lawfulness of the erection of an outbuilding
R16/2381 Certificate of Lawful Use or Development 31.01.2017	114 Lower Street Hillmorton Rugby	Certificate of Lawful Development for the insertion of 7 velux roof lights and a side window
Approval of Details/ Materials		
R15/1881 Approval of Details 31.01.2017	Units 12 and 14 Tripontium Business Centre Newton Lane Rugby	Retention of leveling of land to front of building and laying of a 0.1M permeable surface comprising hardcore blinded by quarry dust. Erection of 2.35m high palisade fencing around the site and a 4m high acoustic fencing along site boundary with the site access road.
R16/1694 Approval of Details 02.02.2017	24 Regent Place Rugby	Change of use from office (A2) to 10 bedroom HMO (Sui Generis) including a two storey rear extension
R09/0035/MEIA Approval of Details 02.02.2017	Ansty Park Land East of the A46 (Coventry Eastern Bypass) And South of the M6 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.
R13/2000	Disused Railway Line	Erection of a detached 5-bed dwelling with

Approval of Details 02.02.2017	West of Nethercote Road Nethercote Road Flecknoe	ancillary, associated outbuildings comprising a detached garage and store building and a stable and tack building. Erection of gates. Provision of an agricultural barn, a 12 horse stable tack and feed building, a horse walker and a 30m by 40m polo arena / menage all for personal purposes. Associated landscaping and access works.
R13/2000 Approval of Details 03.02.2017	Disused Railway Line West of Nethercote Road Nethercote Road Flecknoe	Erection of a detached 5-bed dwelling with ancillary, associated outbuildings comprising a detached garage and store building and a stable and tack building. Erection of gates. Provision of an agricultural barn, a 12 horse stable tack and feed building, a horse walker and a 30m by 40m polo arena / menage all for personal purposes. Associated landscaping and access works.
R14/0970 Approval of Details 03.02.2017	Church Farm London Road Ryton-on-Dunsmore	Outline application for the demolition of the existing structures and erection of 6 new dwellings with all matters reserved
R13/0331 Approval of Details 07.02.2017	Land rear of 13 to 29 Crick Road Hillmorton Rugby	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.
R16/1721 Approval of Details 07.02.2017	(Northern part of) Cawston Extension Site Coventry Road Rugby	Erection of 184 dwellings and associated infrastructure: Approval of reserved matters related to R11/0114 {Outline application for residential development (up to 600 dwellings, use class C3), new accesses to Coventry Road and Trussell Way, open space, associated infrastructure and ancillary works (access not reserved).}
R16/0410 Approval of Details 08.02.2017	10 Bilton Lane Rugby	Erection of detached dwelling house, together with the creation of a new vehicular access.
R16/2317 Approval of Details 09.02.2017	Byways Church Walk Rugby	Erection of first floor and a single storey side extension
R15/2329	Rugby Gateway Phase	Erection of 132 dwellings with associated open

Approval of Details 10.02.2017	R4 Leicester Road	space, playing pitches, infrastructure and ancillary works, provision of spine road; (Approval of Reserved Matters in relation to outline planning permission R10/1272.)
Approval of non-Material Changes		
<i>R15/2044</i> <i>Approval of non-Material Changes</i> 30.01.2017	College Barn Priory Court Leamington Road Princethorpe	Erection of a ground floor and first floor extension, to include provision of a mezzanine.
<i>R16/1243</i> <i>Approval of non-Material Changes</i> 13.02.2017	Murco Petroleum Limited Coventry Eastern Bypass Rugby	Demolition of existing service station shop and erection of new shop with ATM machine and associated re-alignment of on-site car parking
Withdrawn/De-registered		
<i>R16/1194</i> <i>Withdrawn</i> 26.01.2017	Brownsover Hall Hotel Brownsover Lane Rugby	Installation of a biomass system
<i>R16/1196</i> <i>Withdrawn</i> 26.01.2017	Brownsover Hall Hotel Brownsover Lane Rugby	Biomass Heating system
<i>R16/2322</i> <i>Withdrawn</i> 26.01.2017	Yardleys Meadow Farm Yardleys Meadow Stretton Road Wolston	Erection of a detached dwelling with car port, tack store and farm office.
<i>R16/1756</i> <i>Withdrawn</i> 08.02.2017	154 Grosvenor Road Rugby	Change of use from ground floor store to take away (use class A5) to include ground floor extension.