

# Regulatory Committee

Date: Tuesday, 26 May 2020  
Time: 10.00 am  
Venue: Committee Room 2, Shire Hall

## Membership

Councillor Bill Olnier (Chair)  
Councillor Mark Cargill (Vice-Chair)  
Councillor John Cooke  
Councillor Bill Gifford  
Councillor Anne Parry  
Councillor Caroline Phillips  
Councillor David Reilly  
Councillor Clive Rickhards  
Councillor Kate Rolfe  
Councillor Jill Simpson-Vince  
Councillor Adrian Warwick  
Councillor Chris Williams

Items on the agenda: -

## 1. General

### (1) Apologies

To receive any apologies from Members of the Committee.

### (2) Disclosures of Pecuniary and Non-Pecuniary Interests.

Members are required to register their disclosable pecuniary interests within 28 days of their election or appointment to the Council. A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with (Standing Order 39).
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting Non-pecuniary interests must still be declared in accordance with the Code of Conduct. These should be declared at the commencement of the meeting.

### (3) Minutes of the Previous Meeting

**2. Delegated Decisions** 11 - 12

Members are asked to note the applications dealt with under delegated powers since the last meeting.

**Planning Applications**

**3. Planning Application WDC/20CC001 Provision of one temporary classroom for educational use whilst second phase of Heathcote School is completed.** 13 - 26

**4. Planning application for proposed use of land at Paynes Lane Rugby for WCC Highways Depot, Paynes Lane Highways Depot (Land and chipping store), Paynes Lane, Rugby, CV21 2UH.** 27 - 56

**5. Reports Containing Exempt or Confidential Information Resolved**

That members of the public be excluded from the meeting for the items below on the grounds that their presence would involve the disclosure of confidential or exempt information as defined in Paragraph 2, Schedule 12A of the Local Government Act 1972 as amended.

**6. Exempt Minutes of the Previous Meeting** 57 - 58

**Monica Fogarty**  
Chief Executive  
Warwickshire County Council

## Disclaimers

### Webcasting and permission to be filmed

Please note that this meeting will be filmed for live broadcast on the internet and can be viewed online at [warwickshire.public-i.tv](http://warwickshire.public-i.tv). Generally, the public gallery is not filmed, but by entering the meeting room and using the public seating area you are consenting to being filmed. All recording will be undertaken in accordance with the Council's Standing Orders.

### Disclosures of Pecuniary and Non-Pecuniary Interests

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Non-pecuniary interests must still be declared in accordance with the Code of Conduct.

These should be declared at the commencement of the meeting

The public reports referred to are available on the Warwickshire Web

<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

### Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

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# Regulatory Committee

Tuesday, 3 March 2020

## Minutes

### Attendance

#### Committee Members

Councillor Mark Cargill (Vice-Chair)  
Councillor John Cooke  
Councillor Bill Gifford  
Councillor Anne Parry  
Councillor David Reilly

Councillor Clive Rickhards  
Councillor Kate Rolfe  
Councillor Jill Simpson-Vince  
Councillor Adrian Warwick  
Councillor Chris Williams

#### Officers

Jasbir Kaur, Planning Manager  
Helen Barnsley, Democratic Services Officer  
Ian Marriott, Legal Service Manager

#### Others Present

Niall Kelly (applicant for Item 3)  
Sean Matty (applicant for Item 3)  
Martin Blaydon (applicant for Item 3)

### 1. General

#### (1) Apologies

Apologies were received from Councillor Caroline Phillips and Councillor Bill Olnier.

The Committee wished it to be recorded that they all send their best wishes to Councillor Olnier. It was agreed that Helen Barnsley will ensure that this message gets to Councillor Olnier.

#### (2) Disclosures of Pecuniary and Non-Pecuniary Interests.

None

#### (3) Minutes of the Previous Meeting

The Committee agreed that the minutes of the Regulatory Committee meeting held on Tuesday, 4 February 2020 be signed by the Chair as a true and accurate record. There were no matters arising.

### 2. Delegated Decisions

The Committee noted the delegated decisions made by officers since the last meeting as presented in the report.

### **3. Planning Application: NWB/19CM022**

At the start of the meeting the Chair confirmed that the applicants were present in order to answer any questions from the Committee.

Tom Evans, Senior Planner presented the report to the Committee confirming that the application is for a new road sweeping recycling facility within the current landfill site. The application is seeking ten-year consent; it was noted that the original request was for permanent consent.

Members of the Committee were asked to note the following points;

- The proposed route for HS2 and the Birmingham interchange were shown to the committee who noted the location in relation to the application site.
- Following the end of landfill activities on the site, progressive restoration of the wider site has been ongoing for a number of years. The application site itself has recently been restored.
- Photos were shown to the Committee with the recently completed restoration; any new development, if approved, would mean that some completed areas would need to be re-developed.
- The application proposes 38 vehicle movements per day. The Committee noted that this would create a visual impact on the rural landscape.
- The application includes the addition of lighting at night which would create light pollution and be visible from surrounding rural areas. It was noted by the Committee that lights from the nearby M6 would also create light pollution in the area.
- Planning Policy supports associated waste developments on landfill sites while a site is active. Packington is no longer receiving municipal waste and is therefore not considered to be 'active'.

Tom Evans advised that as the application is new and not an extension to an existing permission, it is a backward step in the restoration of the site. Areas on site that have been completed as part of the restoration would have to be redeveloped should the application be granted approval.

The following points were highlighted to the Committee;

- There have been no complaints or objections raised in relation to this application
- Alternative sites were identified, but only partially assessed, by the applicants.
- The Site is in the West Midlands Green Belt
- There is no end date for the final restoration of the wider landfill site specified by condition.

- The wood shredding and composting operations have permission to operate only until August 2023.

Following questions to the applicant's representatives from Councillor Adrian Warwick and the Chair, it was confirmed that, if the application was not approved, the applicant had an existing facility at a Severn Trent site in Coleshill that could take the waste material; although there was the option that companies outside Warwickshire could also pick up the business. The contract with Seven Trent has now ended but the applicant is currently in negotiations to extend this contract. However, an extension may be temporary and thus aged plant at the site would not be replaced.

Councillor Clive Rickhards asked the applicants to confirm their justification for the very special circumstances stated in the application in order to gain approval for development in the Green Belt. It was confirmed that the applicants had undertaken alternative site assessments within a ten-mile radius and that no suitable sites for a road sweeping facility were identified.

It was noted that the applicant says that they had followed NPPF guidance in the assessment of alternative sites.

The applicants asked the Committee to note that Packington has a long history of accepting waste and that organic material removed from the road sweepings can go directly to the composting pad currently on site.

Warwickshire County Council has previously granted a 25-year consent for an anaerobic digester with associated poly tunnels and allotments for community use. The consent was never implemented and has now lapsed.

Following a question from the Chair, it was confirmed that the consent for the current composting and wood shredding expires in 2023 and that the applicants were exploring options for beyond that date an extension to the consent may be sought.

Councillor Dave Reilly noted that no Biodiversity Impact Assessment (BIA) had been carried out. It was confirmed by Tom Evans that a BIA is something that ecologists ask for. However, the application has been recommended for refusal, so the applicant was not asked to complete a BIA. If Members were minded to approve the application a condition would be added that requires a BIA.

Councillor Anne Parry expressed concern that North Warwickshire Borough Council has indicated that they would support the application with temporary consent, but the report identifies that the application contravenes the Core Strategy of the Borough Council.

It was confirmed by Tom Evans that the Borough Council's consultation response will have been debated at a meeting of the Borough Council's Planning and Development Board and that their officers and Members may have come to a different opinion to that of Warwickshire County Council Officers.

Members noted that the Borough Council states that they will support the application until 2023 and not the ten-year period applied for.

Ian Marriott advised that the grant of permission for an anaerobic digester for 25 years in 2014 was a material consideration in that it was a matter that the Committee needed to recognize and address and in that consistency in decision-making is desirable. The Committee would need to be clear whether it regarded that application as similar to the current application and, in so far as it was similar, what its reasons were for taking a different approach. However, provided that the Committee could explain its reasons, the previous decision was not in any way binding.

## **Debate**

The Chair moved the meeting into debate and confirmed the following points;

- There are existing facilities on site that are scheduled to end in 2023
- The application site is in the Green Belt
- The site is currently being restored after landfill work ended.

Councillor Adrian Warwick stated that he believed the application would constitute inappropriate development in the Green Belt; however, the area has been used similarly before and it is in an area that is about to go through huge development (HS2). Councillor Warwick stated that he was minded to support temporary consent but would require strong conditions around lighting and visual impact.

Councillor John Cooke stated that the application is not as straightforward as it might first appear. He agreed with the comments by Councillor Warwick but also saw the argument against and was at this point undecided. Councillor Cooke noted that an agreement has been made to restore this site and that work has started. If this application is approved that restoration is set back.

Councillor Dave Reilly stated that he would support the recommendation of the officers to refuse the application, stating that the application is inappropriate development in the Green Belt. The very special circumstances highlighted by the applicant are not very special circumstances, but decisions made on a business case.

Councillor Chris Williams stated that he was in full agreement with Councillor Reilly, and that his overriding reason for supporting the refusal of the application was that Green Belt is protected from development.

Councillor Anne Parry confirmed that she would be supporting the officer's recommendation to refuse the application. Councillor Clive Rickhards confirmed that he agreed with comments made by colleagues, confirming that he believed very special circumstances are not made out by the applicant's assessment of alternative sites.

Councillor Jill Simpson-Vince added that she felt that consideration was only being given to the application because the site was previously landfill but the site is now being restored. If this was just an application for a site in the Green Belt there would be no debate.

The Chair made the point that the fact that transport development was going to take place in the locality made it more not less important that the application site be protected.



The recommendation was proposed by Councillor John Cooke and was seconded by Councillor Jill Simpson-Vince. A vote was held, and the Committee voted unanimously in favour of supporting the officer recommendation to refuse the application for the reasons laid out in the report.

#### **4. Reports Containing Exempt or Confidential Information**

##### **Resolved**

That members of the public be excluded from the meeting for the items below on the grounds that their presence would involve the disclosure of confidential or exempt information as defined in Paragraph 2, Schedule 12A of the Local Government Act 1972 as amended.

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## Regulatory Committee – 26 May 2020

### Applications Dealt with Under Delegated Powers between 24 February 2020 and 18<sup>th</sup> May 2020

#### Recommendation

That the Regulatory Committee notes the content of the report

#### Delegated Powers

<b>C. APPLICATIONS DEALT WITH UNDER DELEGATED POWERS BETWEEN 24 February 2020 and 18<sup>th</sup> May 2020</b>		
<b>Application reference &amp; valid date electoral division case officer</b>	<b>Site location &amp; proposal</b>	<b>Decision date</b>
<u><b>RBC/20CM003/MW</b></u> 28/01/2020  <b>Benn</b>	<b>Rugby Cement Works Lawford Road New Bilton Rugby</b> Deposit of excavated materials, emanating from foundation works for a new Climafuel building within the Rugby Cement Works, on land at the eastern side of the Cement Works site. The completed landform would have smooth flowing lines feathering into existing ground levels and would be seeded with a species rich landscaped mix.	<b>Approved 16/04/2020</b>
<u><b>RBC/19CM011</b></u> 04/07/2019  <b>Dunsmore &amp; Leam Valley</b>	<b>Foxley Farm Southam Road Kites Hardwick</b> <b>Change of use of land to allow the importation and storage of inert waste for onward transfer.</b>	<b>Approved 05/05/2020</b>

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**Regulatory Committee - 26 May 2020**

**Provision of one temporary classroom for educational use while the second phase of Heathcote School development is completed, Heathcote School, Vickers Way, Heathcote, Warwick, CV34 7AP.**

**WDC/20CC001**

Application No.: WDC/20CC001

Advertised date: 11 March 2020

Applicant Mr Craig Cusack,  
Warwickshire County Council  
Shire Hall  
Warwick  
CV34 4RL

Agent Mr Andrew Hardcastle  
Lungfish Architects Ltd  
2nd Floor, City Gate West  
Tollhouse Hill  
Nottingham  
NG1 5AT

Registered by: The Strategic Director for Communities on 05 March 2020

Proposal: Provision of one temporary classroom for educational use whilst second phase of Heathcote school is completed.

Site & location: Heathcote School, Vickers Way, Heathcote, Warwick, CV34 7AP. [Grid ref: 430696.263086].

**See plan in Appendix A**

**Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the provision of one temporary classroom for educational use while the second phase of Heathcote School development is completed at Heathcote School, Vickers Way, Heathcote, Warwick, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

## **1. Application details**

- 1.1 The planning application as originally submitted sought permission for the installation of the temporary classroom for a period of 9 months at Heathcote Primary School. During the course of dealing with the application, a National Emergency has been declared as a result of the Covid19 viral outbreak. At the time of report writing, the construction works for the Phase 2 element of the school have been halted as the country has been placed in lockdown. The lockdown situation will have an impact on the timetable for the completion of the extension works with the result that the temporary classroom may be installed on site at a date later than initially programmed and may be required on the school site for a longer, but as yet unknown period of time. The applicant has indicated in the amended Design and Access statement, that the temporary classroom may be required on site for a maximum period of 12 months.
- 1.2 The additional classroom would be required to accommodate one class of pupils from the start of the new academic year in September 2020 until the phase 2 extension to the school is completed.
- 1.3 The proposed temporary building would be 10.1 metres by 10.1 metres in floor area with a flat roof (with a shallow fall) to a maximum height of 3.6 metres. The building would provide a single classroom space; storage area and toilet facilities including one accessible toilet.
- 1.4 The proposed building would be constructed with external wall facing material of plastisol coated composite steel, coloured goosewing grey. Windows and rainwater goods would be dark grey uPVC.
- 1.5 The classroom would be located to the south-west of the existing Heathcote Primary School building, adjacent to Vickers Way. The site is currently an area of hardstanding composed of compacted stone chippings adjacent to the school's tarmac car park and is designated as the extended staff car parking area in the approved plans for the phase 2 expansion of the school.
- 1.6 The building would be situated on a tarmac hardstanding area, laid prior to the installation of the classroom, with spreader plates to act as foundations. The final tarmac wearing course for the car park would be applied after removal of the temporary classroom.
- 1.7 The main access to the temporary classroom would be from the eastern side of the building via a stepped entrance. Heras fencing would be erected between the classroom and the tarmac car park to secure the boundary between the two areas. A temporary path would be installed to the rear of the building to serve the emergency exit on the western side.

- 1.8 The temporary classroom would not be fully accessible for pupils or staff with disabilities and for this reason the application advises that the needs of such individuals would be met within the main school building.
- 1.9 It was originally anticipated that the classroom would be installed on the school site during June 2020 in order to be available before the school summer break begins to enable pupils to visit their new classrooms prior to the start of the new school year. However, in the current circumstances, the timing of the installation would be governed by the timing of the lifting of the national lockdown.

## **2. Consultation**

- 2.1 **Warwick District Council – Planning:** No comments received.
- 2.2 **Warwick District Council – Environmental Heath:** No comments received.
- 2.3 **Warwick Town Council:** No comments received.
- 2.4 **Councillor Les Caborn:** No comments received by 23 April 2020.
- 2.5 **WCC Equality Officer:** No Equality comments.
- 2.6 **WCC Chief Fire Officer:** No objection subject to an advisory note drawing the applicant’s attention to the need for the development to comply with Approved Document B, Volume 2, Section B5 - Access Facilities for the Fire Service.
- 2.7 **WCC Fire Water Supply Officer:** No comment as the existing water supply is sufficient.
- 2.8 **WCC Highways:** No objection subject to conditions requiring removal of the classroom within 12 months or on first occupation of the phase 2 development, whichever is sooner, and for the area on removal of the classroom to be surfaced and laid out as parking prior to the occupation of the phase 2 development.
- 2.9 1 site notice posted on 11 March 2020
- 2.10 14 nearest residential properties individually notified on 11 March 2020.

## **3. Representations**

- 3.1 No responses have been received from neighbouring residents.

#### **4. Previous Planning History**

- 4.1 Heathcote Primary School was granted planning permission in 2016 for the erection of a two-form entry (2FE) Primary School to be built in two phases (Ref: WDC/16CC005).
- 4.2 Phase 1 of the construction was completed, and the school opened in September 2017, initially as a one-form entry (1FE). The phase 1 building has a total of 8 classrooms in addition to a hall and office and other ancillary facilities.
- 4.3 The phase 2 element of the development provides an additional 8 classrooms and an extension of the onsite car parking provision.

#### **5. Assessment and Observations**

##### **Site and Surroundings**

- 5.1 The planning application relates to Heathcote Primary School, Vickers Lane, located south of Harbury Lane, Warwick. The school is some 3 kilometres to the south-west of Leamington Spa town centre and approximately 3 kilometres to the south-east of Warwick town centre.
- 5.2 The school site is within an area of new residential development to the south of Leamington Spa, a significant proportion of which is not yet completed. At the time of report writing, the dwellings immediately adjacent to the south and east of the school are completed and occupied, while areas further to the west, south and east are under construction. In addition to use by local residents and the school, Vickers Way and Garrett Drive are in use by construction traffic.
- 5.3 The school boundary is marked by 2.4-metre-high green security fence which surrounds the whole school site.
- 5.4 The north-eastern boundary with Harbury Lane is marked by the security fence and a length of hedgerow that runs alongside the public highway. The school playing field is located between the school buildings and Harbury Lane. The second phase of the school development has been under construction on the northern side of the school, however, at the time of writing the works are on hold.
- 5.5 The eastern boundary of the school is marked by Garrett Drive with green security fencing securing the school site. Three storey dwellings on the opposite side of Garrett Drive face towards the school site.



- 5.6 The southern boundary is marked by Vickers Way. Green security fencing runs along the back edge of the pavement, with two access points for pedestrians and vehicles from Vickers Way into the school grounds and car park. Opposite the school, on the southern side of Vickers Way, are modern, recently constructed two storey houses. These properties face towards the site of the proposed temporary classroom.
- 5.7 The existing school is a single storey building, with white rendered elevations, light grey windows, doors and rainwater goods with a shallow pitched Kingspan standing seam roof.
- 5.8 The site area for the temporary classroom is currently a hardstanding of stone chippings and grasscrete.

### **Planning Policy**

- 5.9 Paragraph 11 of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. Where proposals accord with an up to date development plan it means that development should be approved without delay.
- 5.10 In this case the up to date plan is the Warwick District Local Plan (2011 – 2020), adopted in September 2017. The application should therefore be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise.

### **National Planning Policy Framework**

- 5.11 The NPPF states that the planning system has three overarching objectives; economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.12 Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction; are safe and accessible, so that crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion.

5.13 Paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

5.14 Paragraph 109 states the development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.15 Paragraph 127 states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive, sympathetic to local character and create places that are safe, inclusive and accessible.

#### The Development Plan

#### Warwick District Adopted Local Plan (2011 – 2020)

5.16 **Policy BE1 Layout and Design:** New development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate a number of requirements including that they:

- reflect, respect and reinforce local architectural and historical distinctiveness;
- respect surrounding buildings in terms of scale, height, form and massing;
- adopt appropriate materials and details;
- meet the highest standards of accessibility and inclusion for potential users regardless of disability, age or gender.

5.17 **Policy BE3 Amenity:** Development will not be permitted that has an unacceptable adverse impact on the amenity of nearby users and residents.

- 5.18 **Policy TR3 Parking:** Development will only be permitted that makes provision for parking which does not result in on-street parking detrimental to highway safety and is expected to comply with the parking standards set out in the most recent Parking Supplementary Planning Document.
- 5.19 **Policy NE3 Biodiversity:** New development will be permitted provided that it protects, enhances and/or restores habitat biodiversity.
- 5.20 **Policy HS1 Healthy, Safe and Inclusive Communities:** The potential for creating healthy, safe and inclusive communities will be taken into account when considering all development proposals. Support will be given to proposals including those that i) provide good access to local shops, employment opportunities, services, schools and community facilities.

**Need for the temporary classroom.**

- 5.21 Heathcote Primary School opened following the construction of the first phase of development in September 2017. The building has 8 classrooms, a school hall and school offices.
- 5.22 In September 2017 the school opened as a 1FE with one class in each of the year groups Reception; Year 1 and Year 2. In addition, one classroom was occupied by Nursery age pupils, giving a total of 4 classrooms occupied.
- 5.23 In September 2018 the school accepted a single class intake of Reception pupils giving a total of 5 classrooms occupied.
- 5.24 In September 2019 the school increased to 2FE for Reception. As a result, 7 of the 8 classrooms are in use during the current academic year 2019/2020.
- 5.25 During the school year 2020/2021 starting in September 2020 the school will continue to expand as a 2FE with a need at that point for 9 classrooms. As a result of the phase 1 element of the school reaching capacity, the implementation of the phase 2 construction was triggered. However, as a result of delays in commencing the phase 2 construction works during 2019 it was clear that the new classrooms would not be available to accommodate the additional numbers of pupils at the school in September 2020. It is for this reason that the need for a temporary classroom has arisen. The classroom would provide accommodation for a single class of children until the phase 2 building is completed.
- 5.26 As a result of the further delays to the construction programme caused by the Covid 19 lockdown, the temporary classroom is likely to be required on the site for a longer time than originally anticipated. The applicant has indicated a maximum period of 12 months.

- 5.27 While it would appear logical for the temporary classroom to be occupied by the Year 5 pupils as the eldest pupils in the school, there are only 19 children in that class. For that reason, it is more likely that the 30 pupils of the Year 4 class would occupy the temporary building.

### **Amenity and Environmental Issues**

- 5.28 The school is located in a residential area, large areas of which are currently under construction. The two storey houses to the south of the school, closest to the site for the proposed temporary classroom are however completed and occupied.
- 5.29 The school is surrounded by 2.4-metre-high fine mesh security fencing which gives open views into the school grounds from the surrounding area.
- 5.30 The proposed site of the classroom is currently an area of additional/overspill parking which will be incorporated into the main car park area with a tarmac finish following removal of the temporary classroom and completion of the phase 2 works.
- 5.31 There would be a separation distance of some 27 metres between the flank/south-western elevation of the proposed classroom and the front/north-eastern elevation of the dwellings on the opposite side of Vickers Way. There would be no loss of light to these neighbouring dwellings as a result of the temporary classroom.
- 5.32 The classroom would be sited close to the boundary fence and therefore in a prominent position in the street scene. The choice of design and materials for the temporary building would be utilitarian in appearance and would not be appropriate for a permanent building. However, it is considered that the visual impact on the character and appearance of the area would be not be detrimental to a degree that would warrant a recommendation of refusal of the installation for a temporary period.
- 5.33 The classroom would be positioned with the windows of the front elevation facing southeast towards the school car park and with the windows on the rear elevation facing northwest overlooking the school playing field. No windows are proposed in the south-western elevation facing towards Vickers Way. Given the distance to the neighbouring dwellings and the aspect of the windows, there would be no unacceptable overlooking between the school and the residential premises.

- 5.34 The classroom internally is on one level and provides an accessible toilet facility. Access into the building however would require the use of a stepped entrance which would restrict access into the building for individuals with some disabilities. The applicant has advised that the needs of those children and staff would be met within the main building. It is considered that for the temporary period required for the classroom the stepped access would be acceptable.
- 5.35 The application site is not in the Green Belt.
- 5.36 The site for the proposed classroom is currently an area of hardstanding. There would be no impact on trees; protected species or on the net biodiversity of the area as a result of the installation of the building in this location.

### **Highway and Parking Issues**

- 5.37 The school currently has a tarmac car park with 32 spaces formally laid out and with 2 additional accessible parking spaces located adjacent to the entrance to the building. There is space for two additional cars at the eastern end of the car park. The approved details for the development on completion of phase 2 provides a total of 44 car spaces and the 2 accessible spaces. The additional parking spaces are approved to be located on the site of the proposed temporary classroom.
- 5.38 The parking standard for schools adopted by Warwick District Council require the provision of 2 car spaces per classroom for staff and visitors and for 5% of the provided spaces to be accessible spaces.
- 5.39 The school as it currently operates has 8 classrooms with a requirement for 16 car spaces. On completion of phase 2 there will be 16 classrooms with a requirement for 32 car spaces. The school therefore does comply with the adopted parking standard for the District.
- 5.40 Heras fencing would be erected between the temporary classroom and the existing tarmac car park area to ensure that pupils and staff have a secure separation from the car park. The applicant has advised that at break times children would be escorted through gated access points in the fencing to the playground area to the rear of the main school building. A temporary path would be provided to the rear of the classroom to provide an exit from the building in the case of emergency. The path would be removed and the area restored on removal of the classroom.
- 5.41 The Highway Authority raised no objection to the application subject to a condition requiring the temporary classroom be removed within 12 months of installation or on first occupation of the Phase 2 development; and a condition for the site area to be laid out as car park in accordance with previously approved plans.

## Heritage

- 5.42 The application site is not within a Conservation Area. There are no Listed buildings seen in the context of the existing school or the proposed classroom, the closest Listed building being a grade II listed barn at Newhouse Farmhouse which is over 1 kilometre to the south.

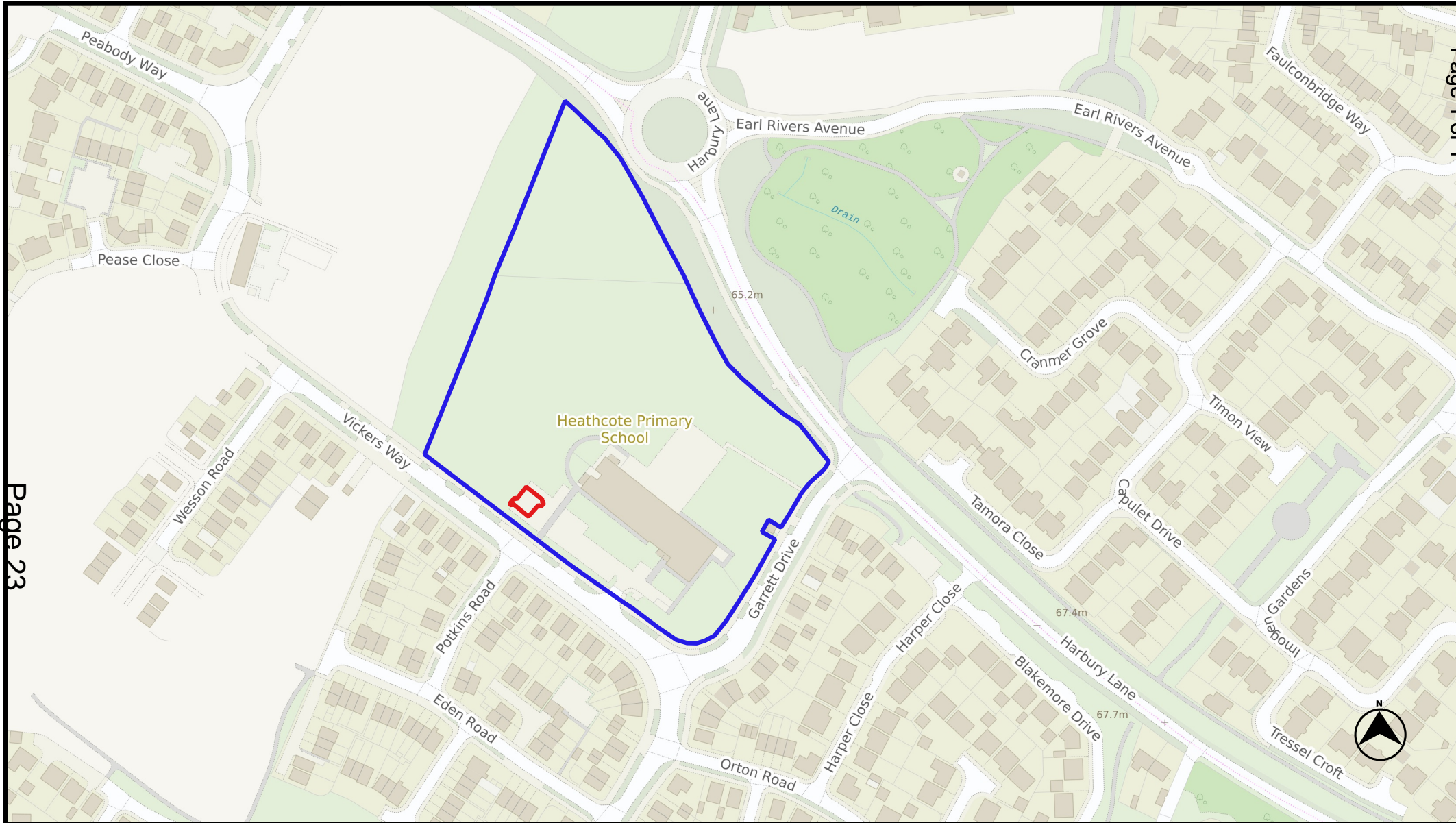
## 6. Conclusions

- 6.1 While the appearance and location of the proposed temporary building does not accord with Policy BE1 of the Local Plan, it is considered that the impact on the character and appearance of the area is not significantly adverse to a degree that would warrant a recommendation of refusal for this temporary use. The classroom would be in position for the period of time required to complete the construction of the phase 2 building, after that time and prior to the occupation of the building, the temporary classroom would be removed from the site and the area restored to the approved use as school car park.
- 6.2 There is considered to be no significant adverse impact on the amenities of local residents as a result of the development and the application is considered to accord with the NPPF and Policy BE3 of the Local Plan.
- 6.3 The Highway Authority raised no objection to the development subject to the recommended conditions to ensure the classroom is removed and the approved car park area for the Phase 2 element of the school development is provided prior to occupation of the permanent classrooms.
- 6.4 The proposed installation of the temporary classroom for the period of time required to complete the construction of the phase 2 extension to the school is recommended for approval subject to the proposed conditions and is considered to be in accordance with the development plan overall.

## 7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference WDC/20CC001
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

	<b>Name</b>	<b>Contact Information</b>
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Portfolio Holder	Cllr Jeff Clarke	



**Application No: WDC/20CC001**  
**Heathcote School, Vickers Way, Heathcote, Warwick**  
**Provision of temporary classroom while second phase of**  
**Heathcote School is completed.**

Regulatory Committee 26 May 2020  
 Scale 1:2500 Drawn by: SP Dept: Communities

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## Appendix B

### **Provision of one temporary classroom for educational use while the second phase of Heathcote School development is completed, Heathcote School, Vickers Way, Heathcote, Warwick, CV34 7AP. WDC/20CC001**

#### **Planning Conditions.**

1. The development hereby approved shall be carried out in accordance with the drawings numbered:
  - HP2-LFA-XX-ZZ-DR-A-140 Rev S1 - Proposed site plan
  - H\_Single-MCA-ZZ-GF-DR-A-0001- Classroom floor plan General Arrangement,
  - H\_SINGLE-MCA-ZZ-XX-DR-A-0002 - Classroom Elevations,
  - HPT-LFA-ZZ-XX-DR-A-2000 Rev S2 – Location Plan,

and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

**Reason:** In order to ensure a satisfactory standard of development.

2. This permission shall be for a temporary period and the temporary classroom shall be removed upon:
  - The expiry of the period of 12 months from the date of its installation or
  - completion of the Phase 2 development of Heathcote School whichever is the sooner.

**Reason:** The development hereby approved is not considered suitable for permanent retention by reason of the design, external appearance and type of construction.

3. The temporary classroom shall be removed from the site and the site shall be laid out as additional car parking area to serve the extended school in accordance with plan 080/HEATH/002P approved by planning permission WDC/16CC005 prior to the occupation of the Phase 2 development of Heathcote Primary School.

**Reason:** To ensure the necessary car parking provision is made prior to the use of the extended school building.

## **Notes**

**Warwickshire Fire and Rescue Authority** draws the applicant's attention to the need for the development to comply with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service (as amended). Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at;

[www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning](http://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning).

## **Development Plan Policies Relevant to the Decision.**

Warwick District Adopted Local Plan (2011 – 2020)

**Policy BE1 Layout and Design**

**Policy BE3 Amenity**

**Policy TR3 Parking**

**Policy NE3 Biodiversity**

**Policy HS1 Healthy, Safe and Inclusive Communities**

## **Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015**

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019

**Regulatory Committee – 26 May 2020****Proposed use of land at Paynes Lane, Rugby  
for WCC Highways Depot,  
Paynes Lane, Highways Depot, Paynes Lane, Rugby,  
CV21 2UH.****RBC/19CC009**

Application No.: RBC/19CC009

Advertised date: 15 August 2019

Applicant Mr Craig Cusack  
Warwickshire County Council  
Assistant Director for Enabling Services  
Shire Hall  
Warwick  
CV34 4RL

Agent Mr Steve Buckley  
Warwickshire County Council  
Shire Hall  
Warwick  
CV34 4RL

Registered by: The Strategic Director for Communities on 01 August  
2019

Proposal: Proposed use of land at Paynes Lane, Rugby for WCC  
Highways Depot.

Site & location: Paynes Lane Highways Depot (Land and chipping  
store), Paynes lane, Rugby, CV21 2UH. [Grid ref:  
448794.275463].

**See plan in Appendix A**

**Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the proposed use of land at Paynes Lane, Rugby for WCC Highways Depot subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

## **1. Application details**

- 1.1 This application seeks planning permission for the use of land at Paynes Lane, Rugby as a Highways depot. The application proposes the erection of a salt dome, a nine bay gritter and plough store, storage areas, office and welfare building in addition to the provision of an HGV turning area and wash down facilities. Improvements to the access into the site from Paynes Lane are proposed together with the provision of parking for 11 vehicles including one accessible parking space.
- 1.2 The site would be used for all activities under the Highway Maintenance contract which would include winter service and emergency attendance to highway incidents which are on standby to operate 24 hours per day, seven days a week, 365 days per year.
- 1.3 The proposed salt dome would be located in the north-eastern corner of the application site positioned close to the junction of the A4071 Rugby Western Relief Road and the A428 Lawford Road. The domed structure would be 21 metres in diameter and 10 metres in height. The walls of the structure would be 3-metre-high precast concrete panels. The roof of the dome would be a timber frame cassette roofing structure clad in IKO Armourshield felt shingles coloured Forest Green. The building would have no windows or doors but with a large opening on the west facing side of the structure.
- 1.4 The proposed Gritter and Plough Store would be located at the north-western area of the site with the rear elevation of the building facing north towards the A428 Lawford Road. The building would be approximately 37 metres in length, 12 metres in width and 5.7 metres in height to the ridge and 4.7 metres to eaves. The building would house 9 gritter vehicles. The building would be constructed with composite insulated metal, coated with 'Plastisol' profile sheeting coloured Juniper Green for the walls and roof, with translucent roof lights. The front elevation would have 9 roller shutter doors coloured Juniper Green.
- 1.5 The proposed office and welfare building would be located in the southern area of the application site, with the rear elevation positioned along the south-eastern boundary with the A4071 Rugby Western Relief Road. The building would be 24.5 metres in length, 8.8 metres in width and 3.8 metres in height. The building would have a grey coloured standing seam low pitched roof; elevations with contrasting brickwork, the details of which are to be confirmed; window and door frames and cladding panels above windows and doors Anthracite Grey powder coated aluminium. The building would provide an office area; mess room; locker room and toilet facilities in addition to a dry storage area intended for the storage of specialist equipment and materials requiring protection from moisture (e.g. cement bags).

- 1.6 A power wash gantry is proposed for washing the gritter vehicles. The gantry would be a 'U' shaped steel frame structure with a handrail and stairs constructed in steel powder coated yellow and the gantry walkways constructed of heavy-duty galvanised mesh panels. The platform landing of the structure would be to a height of approximately 2.6 m to allow for jet-washing gritter vehicles from a height. The guard rail surrounding the platform would be some 1.0 m in height giving the structure an overall height of approximately 3.6 m. The wash facility would be located on the eastern side of the application site, to the south of the salt dome.
- 1.7 A four-bay concrete storage area is proposed for the bulk storage of materials required for highway maintenance; sand, gravel and hardcore. The structure would be 2.4 m in height and located on the eastern side of the site between the salt dome and the welfare building.
- 1.8 Parking bays for 11 cars are proposed to be provided within the depot site; 7 of the spaces would be located along the western boundary and 4 spaces adjacent to the Welfare Building. One of the car spaces is a disabled space and two are Electric Vehicle (EV) spaces with charging points.
- 1.9 On the western boundary, adjacent to the car park bays is an area for the storage of large skips for waste; a concrete storage bay and a fuel store.
- 1.10 The entire area of the site is proposed to be surfaced with a mixture of tarmac and reinforced concrete to highway roads specification in order that it can withstand Heavy Goods Vehicle (HGV) loads.
- 1.11 The application proposes lighting for the site to meet the acceptable standard of lighting for workplaces and outdoor workplaces.

## **2. Consultation**

- 2.1 **Rugby Borough Council Planning:** No objection. The Local Authority does however have concerns in terms of the impact on the character and appearance of the surrounding area in terms of the scale and massing of the dome at a total height of 9.8 metres. Whilst it is appreciated that the site is read in conjunction with Cemex, there would be a significant impact from the Lawford Road lights and when turning onto the A4071, should it not be possible to amend the height I would recommend that a condition is applied to any permission to significantly enhance the landscaping in this location.

- 2.2 **Rugby Borough Council – Environmental Health:** No objection, subject to the development being implemented in accordance with the Air Quality Assessment; Noise Impact Assessment; Environmental Lighting Survey and the Luminaire Specification submitted with the application. In addition, no objection, subject to conditions relating to noise from air source heat pumps; reversing alarms and the height of materials stored in external storage bays.
- 2.3 **Councillor Peter Butlin:** No comments received by 23 April 2020
- 2.4 **Coventry Airport:** No comment.
- 2.5 **WCC Flood Risk and Water Management:** No objection. The information submitted is sufficient subject to the attachment of the recommended conditions; a pre-commencement condition for a detailed surface water drainage scheme and a detailed maintenance plan to be approved prior to occupation.
- 2.6 **WCC Highways:** No objection - based on the revised Transport Assessment.  
The initial Highways response was an objection requiring an assessment of the impact of the development on the Paynes Lane/Lawford Road junction and consideration of any interaction effects with traffic queuing back from the A4071 RWRR/Lawford Road signalised junction which was subsequently provided.
- 2.7 **WCC Ecology:** No objection - recommended a condition for protection of root protection zone and that a note relating to nesting birds as protected species be added to any consent granted.
- 2.8 **WCC Archaeology:** No objection. Recommend a condition requiring an archaeological evaluation prior to commencement of development.
- 2.9 **WCC Rights of Way:** No objection. Public footpath RB15 runs along the section of Paynes Lane adjacent to the western boundary of the application site and must remain open and unobstructed at all times.
- 2.10 **WCC Fire Officer:** No objection subject to the inclusion of an advisory note drawing the applicant's attention to the need for development to comply with the requirements for access and facilities for the Fire Service.

2.11 **Environment Agency:** No objection subject to the following:

Pollution Prevention:

The EA raised concern that the drainage strategy for the proposed development should adequately protect surface and groundwaters from pollution, particularly resulting from gritting activities and the cleaning of HGVs. A pre-commencement condition is recommended requiring the submission and approval of a scheme to dispose of foul and surface water whilst minimising the risk of pollution to the Sow Brook.

Contaminated Land:

The EA noted that site surfaces are to be tarmacadam and reinforced concrete hardstanding to road specification which would reduce surface water infiltration into the application site. However, as the site is located on a Secondary A aquifer, a condition is recommended relating to contamination to ensure that in the event that significant contamination is found during development it is dealt with appropriately.

2.12 **Severn Trent Water:** No response received.

2.13 3 site notices posted – 14 August 2019

2.14 Press notice posted on - 15 August 2019

2.15 6 nearest commercial properties notified by letters sent in post 15 August 2019

**3. Representations**

3.1 No comments have been received.

**4. Previous Planning History**

4.1 There is no planning history for the application site. The land was used as the contractor's welfare and office accommodation during the construction of the Rugby Western Relief Road which was constructed and opened for use in 2010.

4.2 Satellite images since 2010 show the temporary buildings associated with the Relief Road construction removed; the hardstanding areas retained on the site and the whole application area used for the storage of road chippings. While there is no approved use for the land in the planning record, there appears to be an established use as a chipping store for over 10 years which would fall within a B8 storage use.

## 5. Assessment and Observations

### Site and Surroundings

- 5.1 The application site is approximately 0.36 hectares in area, located some 1.2 km to the west of Rugby town centre. The northern boundary of the site is marked by the A428 Lawford Road and the Rugby Cement Works to the north. The signalised junction of the A4071 Rugby Western Relief Road / A428 Lawford Road is to the northeast of the application site. Residential properties are within 170 metres of the application site; the closest being the four storey flats northeast of the junction of Lawford Road and A4071 and the two storey terrace houses further east along Lawford Road.
- 5.2 Land to the east and south of the application site and south of the A428/A4071 junction is occupied by commercial units, while the area to the west of the site is predominantly occupied by light industrial and commercial buildings and a sewage pumping station operated by Severn Trent Water Ltd.
- 5.3 The application site is enclosed by a steel palisade fence approximately 2 metres in height, with access gates on the southern boundary adjacent to the Severn Trent pumping station. The access drive rises steeply from Paynes Lane into the site. Within the application site the ground levels rise only slightly from the southern entrance increasing towards the northern side of the site. The area is hardsurfaced with large areas of tarmac and areas of loose stone chippings. Along the internal boundaries of the site are areas of scrub vegetation including buddleia and a willow tree close to the entrance to the site.
- 5.4 To the north of the boundary fence and beyond the fence along the south-eastern boundary is an area of landscaping some 6 metres in width. The strip of land is planted with young / semi-mature trees which provide a screen of views into the site from the surrounding area. This landscaped area is not within the application area.

### Planning Policy

#### National Planning Policy

- 5.5 **Paragraph 11** of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:
- (a) proposals which accord with an up-to-date development plan should be approved without delay; and



- (b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 5.6 **Paragraph 12** goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.7 **Paragraph 48** explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.

In this case, there is a development plan in place which has relevant policies that are considered to be up-to-date so far as they relate to this proposal. Therefore, the application should be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise. The Development Plan relevant to the proposal consists of the Rugby Borough Council Local Plan 2011 – 2031 (Adopted June 2019).

The courts have made it clear that for the purposes of section 38(6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy in the plan. It is a matter of judgement for your Committee whether the proposal accords with the plan, considered as a whole, bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach.

National Planning Policy Framework

- 5.8 **Paragraph 82** of the NPPF states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 5.9 **Paragraph 109** of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 **Paragraph 155** of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
- 5.11 **Paragraph 163** of the NPPF advises that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 5.12 **Chapter 15** of the NPPF relates to conserving and enhancing the natural environment, requiring that planning decisions should contribute to and enhance the natural and local environment by means including ensuring they minimise impacts on and provide net gains for biodiversity and prevent new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.13 **Paragraph 183** of the NPPF states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

Rugby Borough Council Local Plan 2011 – 2031 (Adopted June 2019)

- 5.14 **Policy GP2 – Settlement Hierarchy:** states that development will be allocated and supported in accordance with the following Settlement Hierarchy, as defined on the Policies Map: Rugby Town – Main focus for all development in the Borough.

- 5.15 **Policy ED2: Employment Development Within Rugby Urban Area:** New employment development within use classes B1(b), B1(c), B2 and B8 will be permitted within the urban area boundary, including new land within an amended urban area boundary following new allocations made in this Local Plan. Any such developments will be subject to compliance with all other relevant policies in the Local Plan and national policy. Applicants will be required to demonstrate that any potential impacts on neighbouring land uses, particularly those especially sensitive to noise, visual amenity or air quality impacts arising from industrial uses are avoided, or where this is not possible, mitigated to an acceptable level.
- 5.16 **Policy HS5: Traffic Generation and Air Quality, Noise and Vibration:** Requires development proposals to minimise the impact on air quality, noise and vibration caused by traffic generation.
- 5.17 **Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets:** The Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity as set out below.  
Development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy below. Planning permission will be refused if significant harm resulting from development affecting biodiversity cannot be:
- Avoided, and where this is not possible;
  - Mitigated, and if it cannot be fully mitigated, as a last resort;
  - Compensated for.
- 5.18 **Policy SDC1: Sustainable Design:**  
All development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are located.  
Factors including the massing, height, landscape, layout, materials and access should also be a key consideration in the determination of planning applications.  
Proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 5.19 **Policy SDC3: Protecting and Enhancing the Historic Environment:** Requires that development affecting the significance of a designated or non-designated heritage asset and its setting will be expected to preserve or enhance its significance.

- 5.20 **Policy SDC4: Sustainable Buildings:**  
Non-residential buildings All non-residential development over 1000 sqm should aim to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) unless it can be demonstrated that it is financially unviable.
- 5.21 **Policy SDC6: Sustainable Drainage:** Sustainable Drainage Systems (SuDS) are required in all major developments and all development in flood zones 2 and 3. An acceptable means of surface water disposal should be provided preferably on-site or, where this is not possible, close to the site, which does not increase the risk of flooding or give rise to environmental problems and improves on the current situation.
- 5.22 **Policy SDC7: Protection of the Water Environment and Water Supply:** Developers will be expected to ensure that there is adequate water supply to serve existing and proposed development by means including ensuring development is in accordance with the Water Framework Directive Objectives and does not adversely affect the waterbodies' ability to reach good status or potential as set out in the River Severn 'River Basin Management Plan' (RBMP). Development will not be permitted where proposals have a negative impact on water quality, either directly through pollution of surface or ground water, or directly through the overloading of Wastewater Treatment Works.
- 5.23 **Policy D1: Transport:** requires that all large scale developments which result in significant traffic movements, should be supported by a Transport Assessment and where necessary a Travel Plan, to demonstrate practical and effective measures be taken to mitigate the adverse impacts of traffic.
- 5.24 **Policy D2: Parking Facilities:** Planning permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motorcycles and for people with disabilities based on the Rugby Borough Council's Parking Standards.
- 5.25 **Car Parking Standards (Appendix 5 of Local Plan):**  
The parking standards are applied in accordance with a proposed development's location within either a Zone of High Access or Low Access. The Paynes Lane location is defined by Rugby Borough Council as a Low Access Zone. The standard for B8 storage and warehousing requires 1 car space per 60 m<sup>2</sup>. In addition, there is a requirement for 1 cycle stand per 500m<sup>2</sup> for staff (long-stay) and 1 cycle stand per 1000m<sup>2</sup> for visitors (short-stay).

### **Amenity Issues**

- 5.26 The application site is within the Urban Edge of Rugby as defined by the Rugby Borough Local Plan Urban Policies' Map 2019, and adjacent to, but not included within an Employment Site (ED1).
- 5.27 The application site is currently an open area used for the storage of road chippings, surrounded by a landscape area planted with trees. The character of the wider area on this western edge of Rugby is largely industrial, dissected by the road network and the wide expanse of highway at the intersection of the A428 and the A4071 Rugby Relief Road. The tall structures of the Cemex cement plant are located to the north of the application site.
- 5.28 The proposed development, with the erection of the salt-dome at 10 metres in height; the Gritter lorry at 5.7 metres in height and the office building at 3.8 metres in height would have an impact on the open appearance of the site and the character of the area surrounding the application site, introducing not insubstantial built structures to the southern side of Lawford Road (A428), opposite the Cemex plant.
- 5.29 The positioning and layout of the proposed buildings, with the rear elevations of each facing towards the perimeter of the site has the benefit of containing and screening any views of the proposed highway depot activities from beyond the site and so reducing the impact of the development on the wider area.
- 5.30 Views of the site are largely seen from the neighbouring road network or from the nearby industrial and commercial properties. The residential dwellings, particularly the flats some 160 metres to the east would have a limited view of the salt-dome and would not be impacted by any overlooking or overshadowing as a result of the development.
- 5.31 Rugby Borough Council (RBC) planners stated that they have some concern about the impact of the salt dome on the character and appearance of the area given the scale and massing of the structure. They acknowledge that the site is read in conjunction with Cemex, but consider that if the dome is not reduced in height, then landscaping in this location should be significantly enhanced in order to reduce the impact of the development when viewed from the Lawford Road lights and when turning onto the A4071. While the height of the salt dome has not been reduced, it is not however considered that there is a need to provide additional landscaping in the area. The 6 m wide landscaped area surrounding the site is well planted with young trees which have yet to reach maturity and which will increase in height and girth over time, with the benefit of providing a greater screening effect. In addition, the planting of additional trees within the landscaped area could negatively impact the existing trees.

- 5.32 Policy SDC1 of the Local Plan relates to sustainable design, requiring that new development responds to the character of the area in terms of the scale, design and density. In addition, the policy requires that proposals for new development ensure that the living conditions of existing and future neighbouring occupiers are safeguarded. It is considered that while the development would have some impact on the appearance of the area, when seen in the context of the nearby industrial buildings the appearance would not be out of character or detrimental to a degree that would warrant a recommendation of refusal. In addition, there would be no adverse impact on the amenity of the closest residential dwellings. For these reasons the development is considered to accord with policy SDC1 and the NPPF.

### **Environmental Issues**

#### Ecology:

- 5.33 The Preliminary Ecological Appraisal (PEA) submitted with the planning application outlined the desk study exercise which identified one UK statutory site (Newbold Quarry Park) within 2 km and 16 non-statutory sites within 1 km of the application site. The closest Non-Statutory Site would be the dismantled railway Rugby to Leamington section of the Local Wildlife Site, located 45 m to the east of the application site. The PEA concludes that providing the proposed works are contained within the development boundary and appropriate pollution measures are implemented, the proposed development would not adversely affect this nature conservation site. The UK statutory site and the other Non-Statutory sites are over 125 m from the application site and would not be adversely impacted as a result of the proposed development.
- 5.34 The application site area is comprised almost entirely of hardstanding with a coppiced willow tree growing close to the gated access to the site. There is also vegetation, predominantly buddleia, growing close to the boundaries of the site. The PEA concludes that the potential impact of the development would be on the habitats present on the site that could support nesting birds.
- 5.35 The PEA recommends that biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site, which could be the provision of nesting/roosting habitat such as the installation of nest boxes or the planting of native or wildlife attracting trees. In addition, it is recommended that vegetation clearance on the site should be undertaken outside the bird nesting season.

- 5.36 In commenting on the proposed development, the County Ecologist, raised no objection but recommended that if the willow tree is to be removed, the loss should be compensated by the planting of 2 native trees on the application site, or 3 bird boxes could be installed on the proposed buildings. The planning application does not propose any landscaping within the site area. The landscaped area that borders the northern and south-eastern boundaries of the site is well planted with trees, however, it does not form part of the application site. There would be no suitable location within the red line area of the application site for the planting of two replacement trees. For this reason, it is recommended that a condition be imposed requiring the provision of three bird boxes within or in the close vicinity of the application site to compensate for the loss of the existing habitat for nesting birds (Condition 4).
- 5.37 The young trees in the neighbouring landscaped area that surrounds the application site are important in the street scene, softening the industrial/commercial appearance of the area, and significantly screen views into the application site from the neighbouring area. While the steel palisade fence which marks the boundary between the application site and the landscaped area boundary would provide some protection to the neighbouring vegetation during construction of the highway depot; a condition is recommended for a root protection zone to ensure that the landscape trees are not compromised by the proposed development (Condition 3).
- 5.38 It is considered that the development, subject to the recommended conditions for protection of the surrounding trees and the provision of bird nesting boxes, accords with the NPPF and policy NE1 of the Local Plan to ensure there are adequate mitigation measures and no net loss of biodiversity as a result of the development.

Highways Issues:

- 5.39 The Transport Statement submitted with the application advises that the site would be used for all activities required under the County Council Highway Maintenance contract. It would include winter service and emergency attendance to highway incidents which are on standby for operation 24 hours per day, 7 days per week, over 365 days of the year. The busiest time in terms of vehicular trips would be during the winter, between mid-October to April due to the winter gritting service.

- 5.40 The existing access to the site would be widened in order to accommodate the movement of an articulated vehicle into and out of the site. The largest vehicle to visit the site would be 44 tonne articulated lorries to deliver the salt during September. The access and the manoeuvring area within the application site is designed to enable to largest vehicle to both enter and leave the site in a forward gear. The site would also be used to house a range of vehicles including 26 tonne gritter vehicles, 18 tonne tippers, drainage vehicles, road sweepers and smaller pickups and light vans.
- 5.41 Access for pedestrians and cyclists into the site would be served by a 2.0 metre wide footway which links from the site to the footway along the eastern side of Paynes Lane.
- 5.42 The proposed development has parking for 11 cars, including one disabled space, in addition to the garaging facility for the gritter vehicles and the operational yard area for the parking and manoeuvring of commercial vehicles. To determine which of the Rugby Borough Council car parking standards to apply to the development is not clear cut; the most appropriate would appear to be the standard for B8 (storage and distribution), however, the use of the site as Highway Depot is sui generis and should be considered on its merits and the information submitted with the application.
- 5.43 The application site is designated as being within a Low Accessibility area as defined in the RBC car parking standards and 175 metres beyond the High Access Zone boundary (the zones are defined by their relative accessibility to public transport links). The floor area of the proposed development amounts to over 900 m<sup>2</sup> which would have a car parking requirement if a B8 standard were to be applied of 17 spaces. As stated above, a total of 11 car spaces are proposed on the site including one disabled space. The Transport Statement explains that the Highway depot would have a maximum of 30 employees on site at one time. 'Plough mates' are sub-contracted staff that would usually be dropped off at site by minibus. In addition, the report highlighted that many existing staff walk, cycle or lift share to work. Given this information and the proximity of the site to public transport services, cycle routes and walking routes into Rugby, the provision of 11 spaces is considered to be acceptable to meet the parking needs for this sui generis development.
- 5.44 Three covered Sheffield cycle stands are proposed to provide space for 6 bicycles, which complies with the Rugby Borough Council standard requiring two long stay spaces and one short stay space.



- 5.45 The Transport Statement states that the operational hours of the Highway Depot would be 07:30 – 17:30 Monday to Friday, however, gritting and out of hours emergency call outs would occur at any time. On an operational day in winter, the Depot could be expected to generate an additional 98, 2-way trips per day on the local highway network, which would be spread over the hours of the working day, 07:30 to 17:30. However, during times of a snow event, the depot would be likely to operate 24/7 with a 12 hour shift pattern. The trips generated by the gritter lorries would be likely to increase from 64, 2-way trips over 10 hours (07:30 to 17:30), to 144 return trips over 24 hours. During a snow event the traffic levels on the highway network are significantly lower, negating the impact of possible additional trips generated by the gritter vehicles. The statement informs that the frequency of snow events is low with only 39 events occurring in the last 5 years, which averages as 8 snow days per year.
- 5.46 An amended version of the Transport Statement provided additional detail on how the Paynes Lane/Lawford Road junction would operate in terms of capacity and safety as a result of the proposed development. This amended report changed the initial objection from the Highway Authority to 'no objection'.

Air Quality:

- 5.47 An Air Quality Assessment was submitted with the application to assess the impact on local air quality of dust and fine particulate matter (PM<sub>10</sub>) a result of construction activities and the additional traffic generated by the proposed highway depot.
- 5.48 The report concluded that works undertaken during the construction phase of the development the application site would have the potential to create dust. Appendix 5 of the report sets out the measures to be incorporated into the specification for works to mitigate against air quality and dust issues. The measures include ensuring an adequate water supply on site to suppress dust, the use of covered skips and the use of electric or battery powered rather than diesel or petrol fuelled equipment where possible.
- 5.49 Operation of the highway depot would be a potential source of dust, but the report concludes that the risk of dust effects due to the proposed development are negligible and the effects insignificant. The impact of emissions from the traffic associated with the development were also concluded to be insignificant. The report's overall conclusion is that the proposed development is consistent with the NPPF and Policy SDC1 (Sustainable Design) of the Rugby Local Plan as there should be no constraints of the site for use as a highways depot with regards to air quality.

- 5.50 Rugby Borough Council Environmental Health Officer stated that there was no objection to the proposed development and commented that the details of the final version of the Air Quality Assessment be accepted and that the details of the controls in Appendix 5 of the report, setting out the construction mitigation measures be implemented.

#### Noise Issues

- 5.51 The application site is located adjacent to the junction of the A4071 (Rugby Western Relief Road) and the A428 (Lawford Road) in close proximity to neighbouring industrial sites. The nearest residential properties are located some 170 metres east of the site. The overall noise environment is determined by traffic noise and HGV and plant noise associated with the neighbouring industrial and commercial premises.
- 5.52 The Noise Impact Assessment submitted with the application was made in accordance with BS4142 and looked at the potential noise impact of the proposed development on the nearest residential dwellings. The sources of noise from the Highway Depot development would be the extract fan for the salt dome and noise resulting from the gritter/HGV movements within the application site. The report states that in both cases there would be a 'low impact' which in practice would be likely to be inaudible due to the low level of noise from the two sources and the masking by similar sounds in the vicinity. The report concludes that the impact of the noise impact on the nearest noise sensitive dwellings due to new noise sources generated by the Highways Depot would be negligible.
- 5.53 Rugby Borough Council's (RBC) Environmental Health Officer (EHO) in response to the Noise Impact Assessment, commented that there should be no distinct tonal characteristics to the noise generated by the salt dome extractor fan, and the fan and HGV movements should operate within the parameters used in the assessment in order to be acceptable. On this basis the EHO accepted the submitted Noise Assessment in addition to recommending a condition relating to the specification of air source heat pumps (condition 9).

Flood Risk and Drainage Issues:

- 5.54 The application site is located within Flood Zone 1 of the Environment Agency flood maps where there is a low probability of river flooding. Given the size of the application site being less than 1ha (0.36ha) and located entirely within Flood Zone 1 there is not a requirement for a flood risk assessment. The site is considered to be at a low risk of pluvial flooding. However, there is a history of flooding in the area, particularly just downstream of the site, where water is discharged into the Sow Brook, some 500 m to the west. For this reason, an outline drainage report was submitted with the planning application to assess the risk of flooding both into and from of the site to determine any mitigation measures necessary to protect the development, and the immediate surrounding area from the potential risk of flooding.
- 5.55 The application site is currently largely hardsurfaced. The site naturally slopes west and south-west with a drop of under 1 metre across the site and any overland surface water flows generated would fall naturally in that direction. The access drive slopes up relatively steeply from Paynes Lane into the application site with a ground level difference of over 1 metre.
- 5.56 The drainage report states the sustainable drainage system (SuDS) for the site has been designed to comply with policy requirements. At the time of preparation of the application, the Rugby Borough Council's Core Strategy, Policy CS16 Sustainable Design was relevant in the development plan. Subsequently, the Rugby Borough Council's Local Plan has been adopted. Policy SDC6 of the Local Plan relates to sustainable drainage and similarly requires that SuDS are to be provided, preferably on-site.
- 5.57 The site has been divided into catchment areas, draining into Geocellular modular crates located around the site in order to store surface water on site and discharge it from the site at an acceptable rate. Measures for pollution control are included in the drainage design including sediment traps and fuel/effluent interceptors. Water from washing the vehicles on the site would be required to be collected and discharged to the municipal sewer system or some other acceptable method. The outline drainage strategy states that the exact volume and size of attenuation storage would be confirmed at the detailed stage of design.

- 5.58 The Local Lead Flood Authority (LLFA) in response to consultation stated that the proposed maximum peak surface water discharge rate, calculated to be 18.19l/s would provide a 50% betterment on the existing discharge rates from the site (currently 36.38l/s). In addition, the LLFA acknowledged the confirmation from Severn Trent Water of acceptance for the connection of the development to their existing Surface Water Drainage network. The LLFA confirmed that the information submitted with the planning application is sufficient subject to a recommendation for a pre-commencement planning condition requiring a detailed Surface Water Drainage Scheme for the site (condition 6).
- 5.59 The Environment Agency (EA) in their consultation response stated that they had no objection to the development proposals. They did however raise concerns relating to pollution prevention and contaminated land.
- 5.60 The EA noted that certain areas of the site which would pose a particularly high risk of pollution would drain to the public main foul sewer as trade waste which they welcomed. Other areas of the site including those associated with the salt dome, gritter and plough store and some areas of the operational yard are proposed to be discharged to the surface water drain which would discharge directly to the Sow Brook. In order to prevent the discharge of pollutants into the surrounding area as a result of drainage from the site, a pre-commencement condition is recommended requiring a detailed scheme to dispose of surface and foul water whilst minimising the risk of pollution (condition 6).
- 5.61 In relation to contaminated land, the EA noted from the outline drainage strategy report that with reference to the 1:50,000 geological map, the application site is directly located on the Rugby Limestone Member which is designated as a Secondary A aquifer. These are permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases form an important source of base flow to rivers. The EA stated that while the surfaces of the Highway depot would be tarmac and reinforced concrete hardstanding which would reduce surface water infiltration into the application site, given that the underlying geology is the Secondary A aquifer, it is important that in the event that significant contamination is found during development, it is dealt with appropriately. A condition is recommended to deal with this issue should contamination not previously identified be found on site (condition 5).

Sustainability:

- 5.62 The proposed development would be constructed to meet the current Building Regulations and would incorporate efficient renewable energy technology where possible. The floor area of the proposed buildings amounts to 1000 square metres and would therefore be subject to the requirements of Policy SDC4 of the Local Plan relating to sustainable buildings.
- 5.63 The Design and Access statement outlines that the Depot office/welfare building would include air source heat pumps for the heating and cooling. In addition, the main depot building would be designed with a high thermal standard in order to reduce heat loss during winter and minimise heat gains during the summer. The design is considered to accord with the Policy SDC4.

Heritage:

- 5.64 There are no listed buildings and no Conservation Area within 1 kilometre of the application site and no impact on those heritage sites as a result of the proposed development.
- 5.65 Warwickshire County Archaeology advised that the application site lies within an area with archaeological potential. There are known archaeological sites in the wider vicinity including complex enclosures which have been visible as a crop mark on historic aerial photos to the north-north-west of the application site. There is no objection to the proposed development, but a recommendation for some archaeological work to be carried out prior to commencement of the development (Condition 7).

**6. Conclusions**

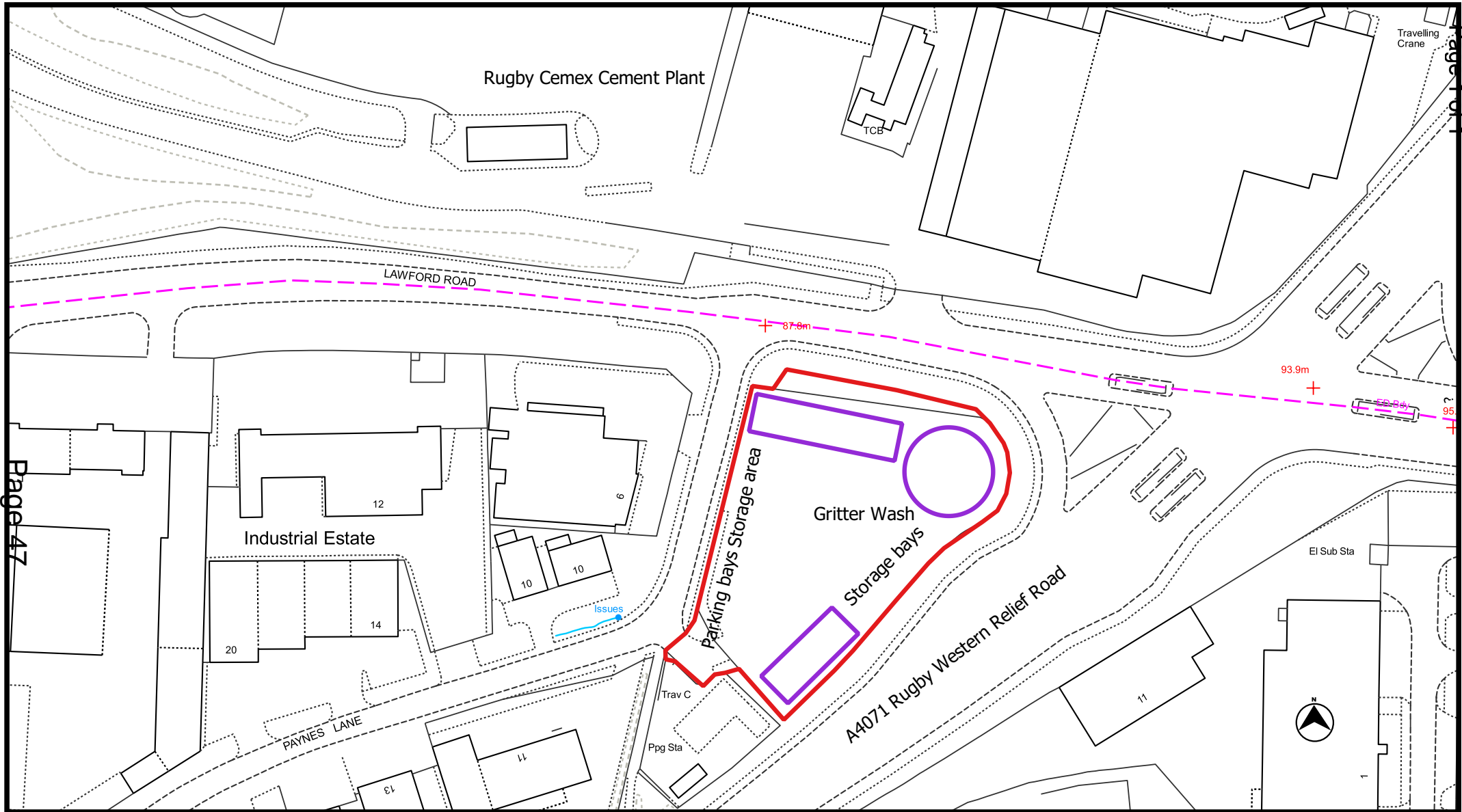
- 6.1 The planning application proposes the use of the site at Paynes Lane as a Highway Depot, on land that has been in use for the storage of road surfacing materials for a period exceeding 10 years and as the depot for works during the construction of the Rugby Relief Road. The site is surrounded by the industrial and commercial development and is well connected to the highway network on the western edge of the built-up area of Rugby. The Highway Authority has no objection to the proposed development.
- 6.2 The nearest residential dwellings are over 170 metres to the east of the application site. The proposed development and use of the site as a Highway Depot would not have a detrimental impact on the amenities of neighbouring residents and is considered to accord with the NPPF and the development plan.

- 6.3 Policy ED2 of the Local Plan supports new employment development within the urban area boundary. While the use of the site as a Highway Depot is a Sui Generis rather than a B1, B2 or B8 use, the depot would however generate employment and the buildings on site would provide storage facilities and ancillary office accommodation. The development is therefore supported by Policy ED2 and considered to be an appropriate development in this location.
- 6.4 The imposition of the planning conditions relating to contamination and surface and foul water drainage on site as recommended by the Environment Agency accords with paragraph 183 of the NPPF which requires planning decisions to focus on the acceptable use of land rather than the control of emissions which would be dealt with by pollution control authorities.
- 6.5 In conclusion, the application is acceptable in terms of highway safety and amenity and is considered to accord with the provisions of both the NPPF and the development plan. The application is therefore recommended for approval subject to the proposed conditions.

**7. Background Papers**

- 7.1 Submitted Planning Application – Planning reference RBC/19CC009
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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Portfolio Holder	Cllr Jeff Clarke	



**Application No: RBC/19CC009**  
**Paynes Lane, Rugby**  
**Proposed use of land at Paynes Lane for WCC Highways Depot**

Regulatory Committee 26 May 2020  
 Scale 1:1250 Drawn by: SP Dept: Communities

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## Appendix B

### Proposed use of land at Paynes Lane, Rugby for WCC Highways Depot, Paynes Lane, Highways Depot, Paynes Lane, Rugby, CV21 2 UH.

#### RBC/19CC009

#### Planning Conditions.

1. The development hereby approved shall be commenced no later than 3 years from the date of this permission.

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

2. The development hereby approved shall be carried out in accordance with the following plans and documents:

- 1250 Location plan - Land and chipping store at Paynes Lane, Rugby
- 120093/pl/01 Existing site topographic and underground trace survey
- 120093/pl/02 Proposed site – Block Plan
- 120093/pl/03 Office and Welfare Building - Proposed floor plan and elevations
- 120093/pl/04 Salt Dome – Proposed floor plan and elevations
- 120093/pl/05 Gritter and snow plough store – Proposed floor plans and elevations,
- 16-16320-HL-XX-XX-DR-630-E P00 – Luminaire Specification,
- The Hoare Lea Environmental Lighting Document 16-16320 Paynes Lane DBLS-OLS dated 28 February 2019.
- The Hoare Lea Noise Impact Assessment Revision 1 – dated 17 July 2018
- The Hoare Lea Paynes Lane Air Quality Assessment rev 02 – 06 April 2020, Project number: 10/10096, Document reference: REP-1010096-5A-20200406-Paynes Lane Rugby-R2.
- Transport Statement Curtins Ref: TPNO69903 Rev P02 - dated 26 February 2020

and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

**Reason:** To define the permission and to ensure that the permission is implemented in all respects in accordance with the submitted details.

3. The development hereby approved shall not be commenced and no equipment, machinery or materials shall be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the County Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to Design, Demolition and Construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered, or any excavation take place without the prior consent in writing of the County Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

**Reason:** To protect trees and other features on site and adjacent to the site during construction.

4. Within 3 months of the commencement of works details of a scheme for the installation of three bird boxes attached to the approved buildings or located within the grounds or the vicinity of the site, shall be submitted to and approved in writing by the County Planning Authority. The scheme shall be carried out in accordance with the approved details.

**Reason:** To provide appropriate bird nesting opportunities for species that may be displaced as a result of the development.

5. 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 County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

**Reason:** To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

6. The development hereby approved shall not be commenced until a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall minimise the risk of pollution to the Sow Brook and the underlying Secondary A aquifer and shall include, but not be limited to, measures for the management of grit, moving and washing of HGV vehicles, and spillages. The scheme shall include detailed surface water drainage arrangements based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and shall:
- a. Include the results of infiltration testing, in accordance with BRE Digest 365 Soakaway Design Guidance, to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS).
  - b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
  - c. Show that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rainstorm has been limited to provide a 50% betterment on existing runoff rates for all return periods.
  - d. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
  - e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

The scheme shall be implemented in accordance with the approved details before the development is brought into use and shall thereafter be maintained in good working order at all times.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity. In particular, the Severn river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could prevent the recovery of, or cause deterioration of the Sow Brook waterbody currently classified as only achieving a status of Moderate Potential.

7. The development hereby approved shall not be commenced until:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the County Planning Authority.
  - b) The programme of archaeological evaluative work and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted in writing to the County Planning Authority.
  - c) An Archaeological Mitigation Strategy document informed by the archaeological evaluation and including a Written Scheme of Investigation for any archaeological fieldwork proposed has been submitted to and approved in writing by the County Planning Authority.

The development and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents shall be undertaken in accordance with those documents.

**Reason:** To ensure adequate opportunity is provided for archaeological research is provided on this site and to comply with the requirements of the NPPF and Policy SDC3 of the Rugby Borough Local Plan.

8. No occupation or use of the development shall take place until a detailed maintenance plan has been submitted to and approved in writing by the County Planning Authority giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible at the time of first occupation or use, including contact name and details, shall be included in the plan.

**Reason:** To ensure the future maintenance of the sustainable drainage structures.

9. A scheme for mitigating noise from the proposed air source heat pumps shall be submitted to and approved in writing by the County Planning Authority prior to such plant being installed. The approved scheme shall be implemented on site prior to the pumps being brought into use and shall be retained thereafter.

**Reason:** in the interests of residential amenity, to prevent the emission of fumes which would be detrimental to the amenity of the area and to ensure the details are acceptable to the Local Planning Authority.

10. Material stored in the three-sided bays shall not exceed the height of the side or rear walls.

**Reason:** in the interests of residential amenity.

11. A scheme of works to enclose the gritter wash down bay shall be submitted to and approved in writing by the County Planning Authority and implemented before gritters are washed on the site.

**Reason:** in the interests of residential amenity to control water spray and mist blowing off the site.

12. If audible reversing alarms are fitted to any vehicle operated on site, these shall only be of the broadband (white noise) alarm type. This shall include any delivery vehicles or plant operated on site.

**Reason:** in the interests of residential amenity and to ensure the details are acceptable to the County Planning Authority.

## NOTES

### Ecology Notes

#### Nesting Bird note:

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

#### Public Rights of Way Note

Public footpath RB15 must remain open and available for public use at all times, unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.

#### Advice from Environment Agency:

Paragraph 179 of the National Planning Policy Framework states “Where a site is affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/or landowner.”

We recommend that developers and /or Landowner should:

1. Follow the advice in Land Contamination: risk management <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> when dealing with land affected by contamination.

2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at www.gov.uk for more information.

The Environment Agency request that the following informatives are attached to any planning permission that may be issued:

- The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works are waste or have ceased to be waste. Under the Code of Practice:
  - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
  - treated materials can be transferred between sites as part of a hub and cluster project
  - some naturally occurring clean material can be transferred directly between sites
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to:
  - the position statement on the Definition of Waste: Development Industry Code of Practice
  - The waste management page on GOV.UK
- Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:
  - Duty of Care Regulations 1991
  - Hazardous Waste (England and Wales) Regulations 2005
  - Environmental Permitting (England and Wales) Regulations 2016
  - The Waste (England and Wales) Regulations 2011
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If

in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

- If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Fire Officer Notes:

1. The applicant's attention is drawn to the need for the development to comply with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at;  
[www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning](http://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning)

Where compliance cannot be met, please provide details of alternative measures you intend to put in place.

2. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18; Access for Emergency Vehicles.
3. Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845: 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.
4. Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, are maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

Rugby Borough Council Environmental Health Officer Notes:

**Air quality neutral/mitigation**

The applicant is recommended to incorporate measures to assist in reducing their impact upon the Air Quality as part of this development. In order to achieve air quality neutral standards, it is suggested that the approved scheme could include the installation of ultra-low emission boilers (<40mg/kWh if gas is used for any space/water heating, green walls / roofs. Such measures contribute as mitigation for air quality purposes.

**Development Plan Policies Relevant to the Decision.**

Rugby Borough Council Local Plan 2011 – 2031 (Adopted June 2019)

Policy GP2 – Settlement Hierarchy  
Policy ED1: Protection of Rugby's Employment Land  
Policy ED2: Employment Development Within Rugby Urban Area  
Policy HS5: Traffic Generation and Air Quality, Noise and Vibration:  
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets  
Policy SDC1: Sustainable Design  
Policy SDC3: Protecting and Enhancing the Historic Environment  
Policy SDC4: Sustainable Buildings  
Policy SDC6: Sustainable Drainage  
Policy SDC7: Protection of the Water Environment and Water Supply  
Policy D1: Transport  
Policy D2: Parking Facilities  
Car Parking Standards (Appendix 5 of Local Plan):

**Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015**

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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