

## 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

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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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