



7 August 2020

PLANNING COMMITTEE - 19 AUGUST 2020

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 19 August 2020 via Microsoft Teams.

Members of the public may view the meeting via the livestream from the Council's website.

Mannie Ketley
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 22 July 2020.
2. Apologies.
To receive apologies for absence from the meeting.
3. Declarations of Interest.
To receive declarations of –
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration.
5. Planning Appeals Update.
6. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
7. Delegated Decisions – 3 July 2020 – 29 July 2020.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

Membership of the Committee:

Councillors Miss Lawrence (Chairman), Mrs Brown, Brown, Butlin, Cranham, Eccleson, Mrs Garcia, Gillias, Picker, Roodhouse, Sandison and Srivastava.

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

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

Planning Committee – 19 August 2020

Report of the Head of Growth and Investment

Applications for Consideration

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

- Applications recommended for refusal with the reason(s) for refusal (pink pages on the printed version of the agenda)
- Applications recommended for approval with suggested conditions (yellow pages on the printed version of the agenda)

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R19/0972	1, Caldecott Street, Rugby, CV21 3TH Erection of a new dwelling house (resubmission of previously refused planning permission ref: R18/1060 dated 03/06/2019).	4
2	R19/0283	Broomfield Farm, Colehurst Lane, Coombe Fields, Rugby Certificate of Lawful Existing Use or Development to park lorries, vans and plant machinery and storage of building materials.	12

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
3	R19/0976	Phase 3 - R3, Rugby Gateway, Leicester Road, Rugby Erection of 146 dwellings with associated infrastructure, play area and landscaping; (approval of reserved matters: access, appearance, landscaping, layout and scale in relation to outline planning permission R10/1272.)	19
4	R20/0443	Toft Edge, Southam Road, Dunchurch, Rugby, CV22 6NW Proposed annexe	39
5	R19/1391	Rugby Radio Station, Watling Street, Clifton-Upon-Dunsmore, Rugby, CV23 0AS Erection of health, fitness and racquets club, including 3 no weather protected tennis courts within an air-dome enclosure, 3 no outdoor tennis courts, indoor and outdoor swimming pools, gym and studio facilities, spa facilities, child activity area, lounge and food and drink uses, together with ancillary facilities, car parking, servicing, landscaping and associated works.	47
6	R19/1496	117 Newbold Road, Rugby, Warwickshire, CV21 2NG	76

		The extension of the approved scheme at 117 Newbold Road, Rugby from 98 apartments to 122 apartments including the provision of 73 parking spaces, secure cycle and refuse storage and new planting and landscaping.	
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Reference: R19/0972

Site Address: 1, CALDECOTT STREET, RUGBY, RUGBY, CV21 3TH

Description: Erection of a new dwelling house (resubmission of previously refused planning permission ref: R18/1060 dated 03/06/2019)

Case Officer Name & Number: Nathan Lowde, 01788 533725

Recommendation

Refusal, due to conflict with policy SDC1 and guidance contained within the NPPF

Background

1. This application was brought to committee on the 4th March where it was considered by members that the application should be deferred to allow further discussions with the applicant about the distance to the southern boundary. At the meeting the applicant disputed the distance of 2.755m from the boundary, contrary to what was annotated on the plans submitted. Over a period of 3 months the applicant has failed to engage positively with the Local Planning Authority, despite repeated emails, voicemail messages and a site visit. As such the Local Planning Authority have been unable to assess the site to undertake accurate measures to confirm the distance to this boundary. The application is brought back to committee based on the plans that members considered on the 4th March.

Description of Site

2. The application site is situated within the Rugby Urban Area approximately 800 metres to the southeast of the Rugby Town Centre. Caldecott Street itself is predominately a residential area. Whilst no property currently exists on site, historically a mixed-use end of terraced property, with A1 use at ground floor and residential above, once stood on the site. The site now comprises of an extensive evacuated area and unauthorised structures. The application site has existing access from the public highways via Temple Street and Caldecott Street. At present the access off Caldecott Street is prohibited by hoardings which have been erected on the site boundary. Part of the application site falls within the Hillmorton, Clifton and Whitehall Conservation Area.
3. To the north of the site is no. 3 Caldecott Street which now forms an end of terrace, two storey property, which is set forward to its neighbouring attached property. To the south and west of the application site are modern housing developments.

Description of Proposal

4. This is a full planning application for the erection of a new 2-bedroom dwelling house, which forms a resubmission of a previous planning application (ref: R18/1060) which was refused for reasons relating to impact upon visual and residential amenities.

5. As proposed, the dwelling would comprise of a basement with a maximum depth of 8.4m (3 storey) and length of 31.2m. The first two lower basement levels would be for services with the upper basement level forming a kitchen and dining room area. Above ground, the proposal comprises of a 2 storey dwelling (7.8m) in height for a distance of 11.9m from the frontage of the application site with Caldecott Street and then reduces to a single storey flat roof rear extension for a length of approximately 5.7m. The dwelling would be served by a garden area of 10m in length with a detached 2 storey outbuilding with car parking and bin storage at ground level and a bedroom and bathroom at first floor, the height of which would be 5.4m.
6. The application has been submitted retrospectively as the basement has already been excavated and reinforced with concrete to the full extent to that being proposed. Other retrospective works includes the kerbing of the side access and installation of drainage pipework.
7. The materials of the building could be conditioned, but the plans show it would be a mixture of brickwork, glazing and PV Façade.

Relevant Planning History (Application Site)

R02/0358/3652/P

Use of ground floor of existing property for purposes within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987
 Approved 10th July 2002

R18/1060

Erection of a new dwelling house
 Refusal 03/06/2019

Technical consultation responses

WCC Ecology	no objection subject to informatives
WCC Highways	no objection
RBC Environmental Services	no objection subject to conditions
Fire and Safety Team	Sprinkler system would be required
Building Control	comments
	- The extent of glazing facing the sharded alleyway would result in limited protected (non-combustible walls) areas

Third Party Consultation Responses

Objection: Neighbours (6 households).

- Issues with right of access and land ownership for No. 3 Caldecott
- Impact of privacy for the neighbouring terrace houses of Jardinière Court and Rose Lane
- The frontage of the dwelling resembles a shop which is out of keeping with the area
- The provision of solar panels is out of keeping with neighbouring properties
- Concerns about the safety of the excavation works undertaken to date
- No objection to the principle of a dwelling but this needs to be in keeping with the area and retain privacy of neighbouring properties
- Impact of construction activity outside of normal working hours
- Building is out of character with the surround properties with are brick built with pitched roofs
- Concerns about the proposal to process organic waste.
- Looks like a business/cafeteria with basement
- No need for a double cellar

- Overbearing size
- Impact upon the visual amenities of the Conservation Area
- Existing Enforcement Notice has not been complied with
- The narrowing of the access would prohibit emergency vehicles accessing No. 1 Caldecott Street and No 1-5 Jardinière Close
- A large proportion of the site would be underground
- Blocking and narrowing of access road
- Lack of parking
- Lack of outdoor space

8. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
9. The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Council Local Plan 2019. The relevant policies are outlined below.

Development Plan and Material Considerations:

Rugby Borough Local Plan 2011-2031, June 2019

GP2	Settlement Hierarchy	complies
SDC1	Sustainable Design	complies/conflict
SDC3	Protecting and Enhancing the Historic Environment	complies
SDC6	Sustainable Design	complies
HS5	Traffic Generation and Air Quality	complies
D2	Parking Facilities	complies

Supplementary Planning Documents (SPDs)
Sustainable Design and Construction SPD (2012)

Material Considerations
National Planning Policy Framework (NPPF or “the Framework”) (2019)
National Planning Practice Guidance (NPPG)

Assessment of proposals

Settlement Hierarchy

10. Policy GP2 of the Local Plan outlines a sequential settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within Rugby Town which is classified as being the most sequentially preferable location for development, and the primary focus for new residential development. The proposed development therefore complies with this policy.

Design and Visual Impact.

11. Policy SDC1 of the Local Plan and section 12 of the National Planning Policy Framework set out the importance of good design in new developments.
12. The site borders the Conservation Area with the side access being within it. As a result, the proposed dwelling would be visible within the Conservation Area which brings about the need to have a more sensitive approach to the design and appearance of a proposed building.

13. The proposed building incorporates a pitched roof with an overall height of 7.8m. Consequently, it would not rise above the ridge height of the neighbouring property and would not appear out of scale to this neighbouring property when viewed within the street scene. Whilst the eaves are higher than that of the neighbouring property, it is noted that along the street scene eaves levels are fairly inconsistent and therefore the differing heights would not appear out of character within the street scene.
14. When viewed within the street scene the overall design of the dwelling is more akin to properties within it, and the window at first floor level within the front elevation mirrors that of the neighbouring property in terms of design and proportion.
15. The character and appearance of the ground floor frontage is reflective of the original building that previously stood on the application site, and as such would not appear as an alien feature within the street scene or appear at odds within it. When compared against the refused scheme, the frontage of this building is a significant improvement and more characteristic to the locality.
16. The design and appearance of the side elevation is more traditional for an end of terrace property with its hipped gable end and rear projecting 2 storey addition. The amount of glazing at ground floor level, whilst significant, seeks to maximise the amount of natural light at ground floor level, and it is not considered that this would adversely impact upon the visual amenities of the area. Building Control have expressed concerns about the amount of glazing at ground floor level, however, this is not a material planning consideration, and if the amount of glazing has to be reduced as a result of the building regulation process, this amendment could be dealt with as a non-material variation.
17. The proposed built form, above ground level, has been scaled back and now incorporates a private amenity area which is 10m in length. The inclusion of this garden area ensures that the application site, above ground, is not overdeveloped.
18. It is not uncharacteristic of terrace properties to have outbuildings and indeed there are examples within the wider conservation area of coach houses to the rear of properties. As such the scale of the proposed outbuilding is not out of character with the surrounding area.
19. Parts of the building would be covered by a photovoltaic façade which comprises of a coloured photovoltaic glass to give the appearance of a rendered finish. This forms an important part of the building in terms of its energy efficiency ethos. Within the street scene there is a mixture of rendered properties, rendered in different colours and textured finishes including pebble-dashed properties. As such the provision of photovoltaic glass would not appear wholly uncharacteristic within the street scene. Samples of the material would be conditioned.
20. The proposal seeks to incorporate a three storey basement, which whilst significant, would not be visible above ground and therefore not have an adverse impact upon the character and appearance of the area.
21. Overall, it is considered that the proposed character and appearance of the dwelling wouldn't have an adverse impact upon visual amenities of the area and would also preserve the character and appearance of the Conservation Area in accordance with policy SDC1 of the Local Plan and guidance contained within the NPPF.

Residential Amenity

22. Policy SDC1 of the Local Plan and paragraph 127 of the NPPF sets out that proposals for new development should ensure the living conditions of existing and future neighbouring occupiers are safeguarded.
23. The previous application was refused as it was considered, by virtue of the scale of the development, that it would have an overbearing impact upon the amenities of neighbouring properties, specifically no. 1 and 2 Rose Lane.
24. The dwelling now proposed has been significantly scaled back when assessed against the previously refused scheme in terms of scale, bulk and massing.
25. The proposed dwelling would be positioned 2.7m from the boundary to these neighbouring properties, no. 1 and 2 Rose Lane both have a private amenity space of 5.5m. The building which once stood on the application site was positioned approximately 4 metres from this boundary and therefore it is noted that the proposal would encroach further towards this boundary.
26. When planning permission was granted (R12/1882) for both no. 1 and 2 Rose Lane, the case officer had regard to any further dwelling that maybe forthcoming at no. 1 Caldecott Street.
27. Within the officers report it states:
'The dwelling to the north of the site has been demolished over the last few years and there is no time scale as when it will be built. However, any future dwelling that may proposed will likely to have no side facing windows in it and thereby reducing any chance of overlooking and considering there will be at least 9.5 metres between the rear elevation and any future new build at No.1 Caldecott Street it is considered that the proposal will not lead to a sense of enclosure will not lead to loss of privacy or cause a sense of enclosure'.
28. Given the orientation of the application site to these neighbouring properties it is considered that the proposed building wouldn't overshadow or reduce light into the gardens or rear windows serving these properties. The main consideration is therefore the impact in terms of overbearing and sense of enclosure.
29. This further encroachment towards the boundary with these neighbouring properties would have a greater overbearing impact upon the outlook from the rear gardens and rear facing habitable windows of these neighbouring properties, to what was previously considered acceptable contrary to policy SDC1.
30. Proposed side facing windows at first floor level would be obscured glazed to prevent overlooking.
31. The proposed outbuilding would not include first-floor windows and as such wouldn't overlook neighbouring properties. Whilst this would provide a gloomy outlook for the proposed bedroom accommodation at first-floor level, it would be possible to insert rooflights to provide natural light at first floor level that wouldn't overlook neighbouring properties, and which details relating to design and location of the rooflights could be matters reserved via a planning condition. The proposed outbuilding would be setback 3.6m to the boundary with neighbouring properties along Jasmine Court (circa 13m from rear elevations) ensuring it would not have an overbearing impact upon the amenities of these neighbouring properties.

32. As part of the assessment of the previous application it was considered that the proposal wouldn't impact upon the neighbouring property of no. 3 Caldecott Street, in terms of overbearing impact, loss of light and overlooking, subject to appropriate planning conditions. This is still considered the case as part of this revised proposal.
33. Overall, it is considered that the proposal would have an overbearing impact upon the amenities of neighbouring properties, namely no 1 and 2 Rose Lane, contrary to Local Plan policy SDC1.

Access, Parking Provision and Highway Safety

34. The proposal seeks to provide car parking accommodation within the application site. These include 2 no car parking spaces which would serve the proposed dwelling and the neighbouring property no. 3. These car parking spaces would be accessed off Temple Street. The proposal also seeks the installation of a bollard within the centre of the access off Caldecott Street to prevent vehicular use of this access. A planning condition could be imposed to ensure that the bollards are demountable to allow emergency service vehicles access.
35. Several objections received relate to the proposed restriction of vehicles using the Caldecott Street access, which residents stipulate that they have a right of access over within their deeds. Any breach of deeds/covenants is a civil matter. WCC Highways has raised no objection to this element of the application and therefore the provision of a bollard at the location proposed would not have an adverse impact upon highway safety.
36. Overall, WCC Highways have raised no objection to the proposal.
37. Local Plan policy D2 state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within appendix 5 of the Local Plan. For the purposes of assessing car parking standards the site is located within an area of low access. For a 2-bedroom property, as proposed, this SPD stipulates a minimum of 1.5 car parking spaces. Given that one space is being provided, and the site is within walking distance to the town centre, on balance the provision of car parking within the site is acceptable.

Sustainable Buildings and Air Quality

38. The proposed dwelling would incorporate several sustainable design features including; 1) solar panels, 2) solar glass, 3) rainwater collection, 4) micro anaerobic digester and 5) ground source heat pumps. The incorporation of these features representations, if not exceeds, best practice in sustainable design as well as minimising the impact of the proposed dwelling upon air quality in accordance with policies SDC6 and HS5.

Other Matters

39. The proposal seeks the installation of an anaerobic digester in the basement. Environmental Health Officers have raised no objection to the principle of an anaerobic digester subject to conditions requiring full details of the proposal including full noise specification/mitigation and odour mitigation.
40. With regards to land stability, this has not been raised as a matter of concern by technical consultees as part of the planning application process. The proposal would bring the land into a productive use which would assist with any land stability issues. Furthermore, paragraph 179 of the NPPF states that land stability issues the responsibility for securing a safe development rests with the developer and/or landowner.

Planning Balance and Conclusion.

41. The proposed dwelling is a significant improvement to the previous scheme, and as a result the previous reason for refusal regarding impact upon visual amenities has been addressed.
42. It is recognised that a dwelling on this application site could be advanced that wouldn't have an overbearing impact upon the amenities of the neighbouring property. Indeed, the case officers report for the R12/1882 application, recognised that a proposed dwelling at a distance of 9.5m from the rear elevation of these neighbouring properties wouldn't cause an overbearing impact. The proposed dwelling would be circa 8.2m from the rear elevation to these neighbouring properties. This distance is considered to create an unneighbourly form of development contrary to policy SDC1 and guidance contained within the NPPF.

Recommendation

43. Refusal, due to conflict with policy SDC1 and guidance contained within the NPPF.

DRAFT DECISION

REFERENCE NO:

R19/0972

DATE APPLICATION VALID:

27-Jun-2019

APPLICANT:

Mr Roderick Cotton 1, CALDECOTT PLACE, RUGBY, RUGBY, CV21 3TT

ADDRESS OF DEVELOPMENT:

1, CALDECOTT STREET, RUGBY, RUGBY, CV21 3TH

APPLICATION DESCRIPTION:

Erection of a new dwelling house (resubmission of previously refused planning permission ref: R18/1060 dated 03/06/2019)

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Council Local Plan 2011-2031 (June 2019)

SDC1: Sustainable Design

National Planning Policy Framework

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk or at the Council Offices.

REASONS:

REASON FOR REFUSAL 1:

It is the opinion of the Local Planning Authority that the proposed development, by virtue of its scale, would have an overbearing impact upon neighbouring properties, specifically no.1 and 2 Rose Lane, to the detriment of the amenities of these neighbouring properties, contrary to Local Plan policy SDC1 and guidance contained within the NPPF.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant and agent in a positive and proactive manner, in accordance with paragraph 38 of the

NPPF. Unfortunately, it has not been possible to reach a positive conclusion in this instance due to conflict with local and national planning policies.

Reference: R19/0283

Site Address: Broomfield Farm, Colehurst Lane, Coombe Fields, Rugby, CV23 0PT

Description: Certificate of Lawful Existing Use or Development to park lorries, vans and plant machinery and storage of building materials.

Case Officer Name & Number: Chris Davies, 01788 533627

Recommendation

Refusal due to the lack of sufficient evidence to support an argument that, on the balance of probabilities, the activities as set out on the application form have occurred for a continuous period of 10 years or more.

1. This application for a Certificate of Existing Lawful Use or Development has been called to the Planning Committee for consideration at the direction of the Head of Growth and Investment.

2. Planning History

R02/1043/19771/P	Erection of stables yard, menage and fencing. NB – This is the stables building that is part of the current application. This permission was for a temporary period expiring on 07/01/10, after which the land was to be reinstated to its former use unless further permission was granted. Condition 4 limited the use to the stabling and schooling of horses for private purposes only. Permission for the menage and fencing was renewed under R10/0555.	Approved 07/01/03
R04/0594/19771/P	Erection of field shelter for horses/livestock NB – This was for a structure to be located well away from the current application site, beyond the menage.	Approved 16/07/04
R07/1052/PLN	Erection of a timber barn for mixed uses as a livestock shelter and for storage of feed, tractors and plant machinery. NB – This building would have been located on the land where the outside storage is currently located, to the immediate West of the existing stables. Condition 3 of the approval limited the use to being ancillary to the residential use of Broomfield Farm only, and specified there should be no business use.	Approved 18/07/07
R10/0555	Retention of existing stable yard, menage and fencing. Erection of a general purpose timber building incorporating stabling, livestock shelter and storage of feed, tractors and plant machinery. NB – No building reflecting the approved design was erected in the approved location	Approved 18/10/10

(it would have straddled the area now used for outside storage and part of the footprint of the previously approved stable building included within the current application, which would have been demolished as part of this scheme). Condition 4 of the approval limited the use to being ancillary to the residential use of Broomfield Farm only, and specified there should be no business use.

3. Relevant Planning Policies

None

4. Technical consultation responses

4.1 RBC Legal Services - TBC – No evidential evidence to support a continuous operational use. Without sufficient factual evidence, on the balance of probability the application is likely to be refused.

5. Third party comments

5.1 Parish - Objections and comments (ongoing history of planning problems and disregarding enforcement notices, resident of Colehurst Cottage objects to “retro” applications, Brinklow Skip Hire shares the same postcode, the Parish don’t have sufficient knowledge of planning law to be able to comment objectively as to the legal rights and wrongs of a “retro” application even if construction and plant have been stored for some time). Also stated that they were aware it was not within the Parish Council’s or Ward Councillors’ remit to call the application in to Planning Committee, however they were aware that it was within the powers of “*the Chief Planning Officer*” (sic) to insist that the case be “*fully investigated and discussed at an open public Planning Committee Meeting*”. They suggest that “*Rugby Borough Council’s Chief Planning Officer does indeed order this Planning Consultation to be fully investigated and discussed at an open public Planning Committee meeting*”.

5.2 Councillors

5.2.1 Councillor Heather Timms - **Objection** (applicant has not used land continuously for parking construction vehicles, skips only arrived when he was given permission by VoSA, applicant sold off some of his land in 2012/2013, activities ceased when the applicant moved out of the property and then recommenced when he returned in 2013, “there needs to be a thorough investigation of this and the dates of enforcement and environmental action taken”.

5.2.2 Councillor Derek Poole - **Objection** (wished the case to be referred to Planning Committee due to being over-development in the Green Belt)

5.2.3 Councillor Anthony Gillias - **Comments** (agrees with the Parish that transparency is required for this case).

5.2.4 Councillor Belinda Garcia - **Comments** (agrees with the Parish that transparency is of the “*utmost importance*” in this case).

6. Assessment

6.1 Assessment and Scope for Consideration

6.1.1 Unlike planning applications, Certificate of Lawfulness applications are purely based on evidence for or against the undertaking of a stated development. The scope for consideration is therefore strictly limited and must focus solely on whether, on the balance of probability, the applicant has provided sufficient evidence to prove their case. A Certificate application for an existing lawful use could only be refused if either a) the applicant failed to provide sufficient evidence to support their case, and/or b) the LPA has sufficient evidence to disprove or bring into question the validity of the evidence provided by the applicant.

6.1.2 The applicant for this case seeks a Certificate of Lawful Existing Use or Development for the parking of lorries and vans, the siting of plant machinery and the storage of building materials on a parcel of land located between the house at Broomfield Farm and the canal embankment. The Certificate application covers both the land and a timber stable building that lies within it. The reason given is that the applicant has operated on the site in this manner for a period in excess of 10 years, and that the activities and uses are therefore immune to formal enforcement action.

6.1.3 The relevant considerations upon which this application can be determined must be limited to whether or not the applicant has put forward sufficient evidence to support their case that the uses and operations set out in the development description have been occurring continuously for a period in excess of 10 years (and would therefore be immune to formal enforcement action by the Local Planning Authority), and whether there or not is sufficient evidence to counter this claim. Matters such as the suitability of the operations for the location, Green Belt considerations, aesthetics and residential amenity are not material planning considerations in a Certificate of Lawful Development case, and cannot therefore become the grounds on which a decision can be made (irrespective of whether that decision would be to approve or refuse to grant the Certificate applied for).

6.2 Other Relevant Information

6.2.1 Broomfield Farm encompasses a house and garden as well as some surrounding land and outbuildings. It is located on Colehurst Lane, a narrow cul-de-sac that leads up to and over a section of the Brinklow arm of the Oxford Canal. Whilst not forming part of the linear settlement that runs along Smeaton Lane, Colehurst Lane directly relate to this area, forming a satellite settlement nestled between the nearby villages of Stretton under Fosse and Brinklow. The Smeaton Lane area has no designated settlement boundary, meaning that all the Colehurst Lane properties are in the Green Belt.

6.2.2 The applicant resides on site and also operates his businesses from there, meaning that the site as a whole is both residential and commercial in character and appearance. There are two main vehicular access directly off Colehurst Lane; one serves the dwelling, whilst the other is immediately adjacent to the application site and appears to be primarily used in association with the business activities.

6.2.3 On the day of the LPA site visit, the Case Officer observed the following were located within the open areas of the application site:-

- Two commercial vehicles (a van and a lorry, the latter bearing the insignia of Brinklow Skip Hire and having a covered skip on the back of it – it is unknown whether or not the skip was empty at the time)
- A small JCB articulated excavator/backhoe and another small plant vehicle (it was not possible to see what type)
- A large blue shipping container
- Several comparatively large blue plastic crates and some similarly sized yellow plastic containers that appeared to be intended for use when mixing cement or similar products (all were empty)
- Several small stacks/piles of construction materials (such as block pavements and bags of sharp sand)
- Several sections of metal safety fencing of a type typically used to encircle development or demolition sites
- Wheelbarrows, ladders and assorted hand tools (shovels etc)
- Plastic barriers
- Several domestic style wheelie bins (they did not appear to relate to the adjacent dwelling, which also had bins located within the front garden area)
- Plastic piping
- Metal poles
- Traffic cones
- A power assisted pallet loader (not a vehicle, more like a powered sack truck)
- One or more gas cannisters (contents unknown)

The stable building was only partly filled, and within or immediately adjacent to it the following were observed:-

- 2 small piles of what appeared to be hay
- A pushbike
- A small workbench and hand tools
- Wheelbarrows
- Steel girders
- Several small petrol engines/motors
- More ladders
- Assorted interior fitting items (such as large panels/boards, uPVC plumbing pipes)
- Tubes of filler and similar products.

There was no storage observed to the right or front of the stable building (as viewed from the roadside).

6.3 Considerations

6.3.1 The Certificate sought would be to confirm that the use of the land and stable building, located within the red edge shown on the submitted site location plan, have been continuous for a period in excess of ten years and as such no formal enforcement action could be taken against the applicant in relation to them.

6.3.2 In order to support the case that the activities had been continuous through the required 10 year period, the applicant would need to provide adequate evidence of the continuous use. However, the submitted documents, whilst indicating events occurring within the qualifying timescale, do not support the *continuous* use of the site *exclusively* for the purposes stated on the application form.

- 6.3.3 There is also some indication that skip hire formed part of these qualifying operations, including direct reference to skips within some of the submitted supporting evidence. A vehicle with “Brinklow Skip Hire” insignia and a covered skip loaded on the back of it was observed on the Planning site visit (see paragraph 6.2.3), although no other skips were observed. The applicant was advised prior to submitting the application that the skip hire business, as well as the storage and processing of skips within the site, could not form part of a Certificate of Lawful Existing Use or Development application, as such uses had been the subject of previous actions by the Local Planning Authority which culminated in the applicant being required to cease all use of skips and skip related vehicle activities and storage within the site. The applicant confirmed in writing to the LPA that he had ceased these uses, and LPA site confirmation at the time contributed to the avoidance of further formal action.
- 6.3.4 As part of the submitted documents the applicant has submitted two emails from third parties, one from Laura White (on behalf of Warwickshire County Council’s Waste Management Service) and one from a neighbouring landowner (Don Powers), as well as one from himself dated 27 January 2019.
- 6.3.5 Ms White’s email only confirms that on one singular occasion (Monday 21 January 2019) she went to site and noted that there were no skips present aside from one on a skip lorry and one being used by the applicant for personal purposes unrelated to his business. It makes no specific mention of any other activities nor specify whether the area Ms White checked included the application site or the stable building covered by this application. As Ms White’s email exclusively relates to the presence or otherwise of skips within the site, it does not cover the matters applied for in this application and cannot therefore be taken as evidence to support the continuous use of the site or stables for non-skip related activities.
- 6.3.6 Mr Powers’ email does appear to cover the land in question, as it states that the applicant *“has always stored vehicles and plant next to his stables”*. The email also states that in Mr Powers’ opinion the use has been continuous, but he makes no mention of either the operational use or contents of stable building and gives no specific evidence of events or activities to support a continuous use. Whilst some weight can be given to this as supporting evidence, it does not support the use of the stable building for the purposes outlined in the development description used on the application form and does not provide specific datable evidence to support the continuous use.
- 6.3.7 The applicant’s own email (dated 27 January 2019) followed a site meeting with the Case Officer and a colleague in relation to the applicant’s request for pre-application advice on his intention to apply for a retrospective planning application to regularise all commercial activities on his land at Broomfield Farm. He was advised at the time that it was highly unlikely that retrospective planning permission would be granted, given that the uses and activities would be considered to be inappropriate development of a Green Belt site. During the meeting the applicant stated that he considered he had sufficient evidence to prove continuous use and, on that basis, he was advised that a Certificate of Lawful Existing Use or Development would be a more appropriate course of action. It was made clear to him at the time that he would need to provide evidence to *support* the continuous use, and that evidence relating to skips or his skip hire business could not be taken into account. The email itself does not give any evidence to prove that the non-skip related aspects of his business have

operated continuously from either the land or the stables. Whilst he did submit docketts relating to waste management prior to validation, this only covered the skip related aspects of his commercial enterprise and he was therefore advised that these would not support the aspects that he was applying for in his Certificate application. These docketts did not therefore form part of the validated supporting evidence for the application. Again, this email carries only limited weight in favour of the applicant's stated development with regards to this Certificate application, and provides no dateable evidence that could be considered to show that, on the balance of probability, the activities had either been continuous for a period of 10 years or encompassed all of the activities and uses declared on the application form.

6.3.8 As set out above, the LPA do not consider that the evidence submitted sufficiently supports the development activities specified in the application form, and that on the balance of probability the case has not been proven for continuous use of the land and stables for the purposes or duration specified.

7. Planning Balance and Conclusions

7.1 This application is for a Certificate of Lawful Existing Use or Development. Unlike planning applications, the scope of consideration in this case is strictly limited and must focus solely on whether, on the balance of probability, the applicant has provided sufficient evidence to prove their case.

7.2 Matters such as the suitability of the operations for the location, Green Belt considerations, aesthetics and residential amenity are not material planning considerations in a Certificate of Lawful Development case and cannot therefore become the grounds on which a decision can be made.

7.3 Whilst several consultees have raised comments relating to skip hire and use associated with the site, and the applicant has also referred to it in his email (submitted as part of the supporting evidence), the development covered by the application specifically *excludes* skip use and storage. Matters relating to the skips cannot therefore form part of the considerations.

7.4 In the LPA's opinion, the evidence submitted is not sufficient to prove that the development as stated on the application form has occurred continuously for a period of 10 years or more. The Certificate application cannot not therefore be approved.

8. Recommendation

8.1 Refusal due to the lack of sufficient evidence to support an argument that, on the balance of probabilities, the activities as set out on the application form have occurred for a continuous period of 10 years or more.

DRAFT DECISION

REFERENCE NO:

R19/0283

DATE APPLICATION VALID:

17-Jun-2020

APPLICANT:

Mr Dennis Pargetter Broomfield Farm Colehurst Lane Coombe Fields Rugby CV23 0PT

AGENT:

Mr Michael Smiton A Plan Architectural Design Limited, The Hall, Priory Hill, Rugby Road, Wolston, Coventry, Warwickshire, CV8 3FZ

ADDRESS OF DEVELOPMENT:

Broomfield Farm, Colehurst Lane, Coombe Fields, Rugby, CV23 0PT

APPLICATION DESCRIPTION:

Certificate of Lawful Existing Use or Development to park lorries, vans and plant machinery and storage of building materials.

REASON:

In pursuance of their powers under the above-mentioned Act and Order, the Rugby Borough Council ("the Council") as local planning authority HEREBY REFUSE your application for a certificate of lawful use or development under section 191 of the Act, dated as per the application date above, in respect of the development described above.

REASON FOR REFUSAL:

There is insufficient evidence to prove that, on the balance of probability, the uses identified in the development description have occurred continuously for a period of at least 10 years.

Reference: R19/0976

Site Address: PHASE 3 - R3, RUGBY GATEWAY, LEICESTER ROAD, RUGBY

Description: Erection of 146 dwellings with associated infrastructure, play area and landscaping; (Approval of Reserved Matters: Access, Appearance, Landscaping, Layout and Scale in relation to outline planning permission R10/1272.)

Case Officer Name & Number: Karen McCulloch, 01788 533623

Recommendation

Approval – subject to conditions and informatives

This application is being reported to Committee at the request of Councillor Simpson-Vince.

Description of site

This application relates to part of the Rugby Gateway site which is located to the west of Leicester Road, Rugby. This is a large site where outline planning permission was granted for employment and housing development and a community hub including a school.

Housing development is on-going to the south of the application site and housing has been provided to the south east of the site. There is also further housing development and employment buildings some distance to the north.

The application site was previously agricultural land but has not been cultivated recently. The site slopes down from north to south and from east to west.

There are areas of existing woodland containing mature trees to the north and west of the proposed development area. The southern boundary with the adjacent R2 residential development comprises and existing hedgerow with mature trees.

The eastern boundary comprises a hedgerow, this includes 4 ash trees. Land to the east of the site is where the Gateway north-south spine road will be provided and there is currently a site haul road used in association with earth moving operations. A primary school has been approved to the other side of the spine road close to the application site.

Description of proposals

This is an approval of reserved matters application for the fourth phase of residential development comprising 146 dwellings. (This part of the site is known as phase R3 – R1 and R4 have been built and R2 is under construction.) Approval is sought for the access, appearance, landscaping, layout and scale. The application as originally submitted proposed 148 dwellings however this was amended during the application.

This part of the development will be accessed from the main spine road through the development which was approved by R18/1360. This is currently accessed from Leicester Road from a roundabout at the southern end of the Gateway site through R1 and will eventually link to the

northern part of the site which is also accessed from Leicester Road by a roundabout close to the employment buildings.

The proposals are for properties ranging in size from 1 bedroom apartments to 4 bedroom houses with 8, approximately 5.48%, of properties being proposed as affordable housing.

The houses include two and two and a half storey properties, which have rooms within the roof space with apartments being provided in a three storey block. Properties mostly have gabled roofs although some hipped roofs and features such as dual aspect properties, bay windows, chimneys and changes in materials such as render and cladding have been used to add interest to the scheme. Properties that are in key locations, such as corner properties, facing the spine road or the main road within the site are to have a more contemporary design to the elevations.

The proposals include areas of amenity open space close to the site boundaries. In addition paths and a play area are to be provided within the woodland area to the north of the site.

Planning History

There are numerous applications related to the development of employment and housing on the overall Gateway site. The applications most relevant to this proposal are detailed below.

R10/1272 Outline application for residential development (up to 1300 units); employment development (up to 36ha in total, B2 – General Industrial & B8 – Storage & Distribution); community facilities (D1 – Non-residential Institutions) including primary school, nursery and health facility, retail premises (A1 – Retail, A3 – Food & Drink, A4 – Drinking Establishments & A5 - Hot Food Takeaway); open space; associated infrastructure and works including details of access into site (including alterations to highway and existing roundabouts). Demolition of existing buildings. Approved 20/08/2013

R18/1360 Provision of spine road between phase R1 and phase R4 – Approval of reserved matters in relation to outline planning permission R10/1272. Approved 03/07/2019

R19/1115 Erection of single storey, 1 Form of Entry primary school, stand-alone nursery building with associated works including vehicular and pedestrian access, car and cycle parking facilities and playing fields. Approval of reserved matters in relation to outline application R10/1272. Approved 30/04/2020

R20/0162 Formation of temporary construction access, including alteration to existing access from Leicester Road. Approved 27/05/2020

Technical consultation responses

Original Plans

RBC Works Services	No objection	
Inland Waterways	No objection	
Canal River Trust	No objection	Subject to informative re: surface water
Fire Service	No objection	Development should comply with Building Regulations
WCC Flood Risk	Comment	Information is sufficient for application, however additional information is required for the drainage condition
Environment Agency	No objection	Condition requires details of drainage infrastructure
RBC Housing	Comment	Does not provide correct amount of affordable housing,

WCC Ecology	Comment	should provide suitable levels of parking and groupings across site, dwellings should meet size guidelines
RBC Parks	Comment	Request updated bat survey, amendments to management plan and hedgehog friendly fencing
WCC Highways	Objection	Request changes to proposed play area and open space equipment, hedgehog friendly fencing should be used
WCC Highways	Objection	Request road adoption plan, vehicle tracking and Safety Audit, request changes to alignment, gradients, visibility splays, detailed road design, position of trees and parking arrangements
Environmental Services	No objection	Request condition and informative, delivery hours should reflect construction hours
Tree & Landscape Officer	No objection	Recommend use of native species

Amended Plans

RBC Works Services	No objection	
Inland Waterways	No objection	
WCC Flood Risk	No objection	To application, information required for condition 20
RBC Environmental Services	No objection	Construction management plan acceptable
RBC Housing	Comment	Does not provide correct amount of affordable housing, should provide suitable levels of parking and groupings across site, dwellings should meet size guidelines
Fire Service	No objection	Development should comply with Building Regulations
WCC Ecology	Comment	Request updated bat survey, amendments to management plan and hedgehog friendly fencing
Tree & Landscape Officer	Comment	Need further clarification of impact on woodland, suggest birch replaced with other species
WCC Highways	No objection	Should ensure suitable parking provided, some changes may be needed at technical approval stage

Additional information

WCC Ecology	Comment	Request changes to management plan
WCC Highways	No objection	Subject to conditions

Further revised information

WCC Ecology	No objection
Tree & Landscape Officer	No objection

Third party comments

Original plans

- Councillor Simpson-Vince Comment
- Application should be determined by Committee;
 - Proposal is for around 10% affordable housing previous phases have not achieved 40%;
 - This is not an acceptable level;
 - Concerned will put all affordable housing in one phase;
 - Developers should have been aware of landscape and slopes when calculating costs;
 - Residents do not feel developers are considerate and hours conditions are a source of contention.

Neighbours (12) Objection

- Application proposes increased operating hours from 7am until 6.30pm and 8am until 1pm on Saturdays;
- Currently suffer noise and disturbance with vehicles arriving at 6.30am, there is noise from vehicles, talking, moving equipment etc;
- Development should not be approved unless alternative access provided;
- Current hours are not complied with;
- Hours should be reduced from current arrangements as there are more people living on the site;
- Traffic and noise management plan has not been provided;
- Carried out a survey, in 1 day there were 87 builders vehicles and 35 HGVs travelling to the site, a total of 244 movements in a day;
- Lower Lodge Avenue is a residential road and cannot cope with increased traffic;
- Lower Lodge Avenue being used for unregistered construction vehicles and unloading;
- Access should be direct from A426 not along Lower Lodge Avenue for safety of pedestrians and drivers;
- Vehicles often speed, park on surrounding roads and damage kerbs, verges and footpaths;
- Vehicles currently park directly opposite junctions, there are no road markings to prevent this;
- Vehicles have to wait to pass, this will cause accidents;
- Cypress Road junction is too narrow for vehicles to pass;
- There is currently dust and mud on the roads, road sweeper is not effective;
- Suffer dust within houses, cannot open windows;
- Have to collect rubbish from garden and roads, bins should be provided for workers;
- Site compound left open this is a safety and security risk;
- Spine road should be completed to access the development;
- No improvements to A426 footway/cycleway are proposed, this does not meet current standards;
- Cycleway improvements are required by a condition and are necessary to access nearby shopping facilities;
- Developers do not respect existing residents;

Eden Park Community Association Comments

- Aware proposed times have been amended, however these are not adhered to with existing phase;
- Workers and deliveries arrive before correct time, used to be a person stopping this but they are no longer employed;
- Speed limits are not adhered to through development or on site;
- Fast moving traffic within the site causes dust and mud, this is also a safety issue;
- Dust dampening and road sweeping is inadequate;
- Nearby houses are covered with orange dust and cannot open the windows;
- Lorries delivering hardcore remove covers as they enter Eden Park dropping hardcore throughout the estate;
- Security is poor, fencing is poor, gates are left unlocked and contractors have camped on the site;
- Inconsiderate parking blocking drives and HGV access;
- Workers drop litter out of cars and bins are not emptied;
- Entire spine road should be completed to address traffic situation.

Churchover Parish Council No comment

Relevant polices and guidance

Rugby Borough Local Plan 2011-2031, June 2019

GP1:	Complies	Securing Sustainable Development
GP2:	Complies	Settlement Hierarchy
GP4:	Complies	Safeguarding Development Potential
DS3:	Complies	Residential Allocations
DS5:	Complies	Comprehensive Development of Strategic Sites
H1:	Complies	Informing Housing Mix
H2:	Complies	Affordable Housing Provision
HS1:	Complies	Healthy, Safe and Inclusive Communities
HS4:	Complies	Open Space, Sports Facilities and Recreation
HS5:	Complies	Traffic Generation and Air Quality, Noise and Vibration
NE1:	Complies	Protecting Designated Biodiversity and Geodiversity Assets
NE2:	Complies	Strategic Green and Blue Infrastructure
NE3:	Complies	Landscape Protection and Enhancement
SDC1:	Complies	Sustainable Design
SDC2:	Complies	Landscaping
SDC3:	Complies	Protecting and Enhancing the Historic Environment
SDC4:	Complies	Sustainable Buildings
SDC5:	Complies	Flood Risk Management
SDC6:	Complies	Sustainable Drainage
SDC9:	Complies	Broadband and Mobile Internet
D1:	Complies	Transport
D2:	Complies	Parking Facilities
D3:	Complies	Infrastructure and Implementation
D4:	Complies	Planning Obligations

National Planning Policy Framework, 2019 (NPPF)

1.0 Assessment of proposals

- 1.1 This is an approval of reserved matters application which relates to the outline planning permission for the overall site. This outline planning application granted permission for the principle of the development and two overall site accesses from Leicester Road. Conditions and a s106 Legal Agreement attached to the outline permission also set out specific requirements for the development.
- 1.2 This current application seeks approval for the access, appearance, landscaping, layout and scale for residential phase R3, proposing 146 dwellings.
- 1.3 The key issues to assess in relation to this application are whether the proposals are acceptable in relation to the impact on visual and neighbouring amenity, highway safety, parking facilities and protected species.

2.0 Principle of development

- 2.1 As detailed above the principle of the development of the site has been established by the outline permission and cannot be considered at this stage. However, the site is within the Rugby Gateway allocation detailed within policy DS3 of the Local Plan where policy GP2 states development will be permitted.

2.2 Policy DS5 sets out how strategic sites must be developed in a comprehensive manner, including the provision of public transport links, cycle links, community facilities and Green Infrastructure.

2.3 Although the principle of the Gateway development was established by the outline permission the proposed development in in general accordance with the requirements of DS5.

3.0 Housing Mix

3.1 Policy HS1 states that a mix of market houses and types should be provided consistent with the latest Strategic Housing Market Assessment, although an alternative mix will be considered where market factors demonstrate this would better meet market demand.

3.2 The table below shows the mix recommended in the current Strategic Housing Market Assessment and the mix proposed.

Market	1-bed	2-bed	3-bed	4-bed
Policy H1	5-10%	25-30%	40-45%	20-25%
Proposed	4.35%	24.64%	45.65%	25.36%

3.3 As can be seen from the table the market housing mix is generally in accordance with the recommended mix with variations of less than 1% for all dwelling sizes. It is therefore considered that the proposed housing mix is acceptable in accordance with policy H1.

4.0 Affordable Housing

4.1 Policy H2 states that on housing developments of this size on green fields sites a target of 30% affordable housing will be sought. This goes on to state that if this level of affordable housing is not to be provided robust evidence must be provided to show the development would not be financially viable if the target level of provision was sought. The NPPF also sets out that in order to it is for the developers to demonstrate that policy requirements would make a development unviable.

4.2 This policy also sets out that the proposed mix of dwellings sizes and tenures should accord with the latest Strategic Housing Market Assessment. This recommends 1-bed 30-35%; 2-bed 30-35%; 3-bed 20-25% and 4-bed 5-10%.

4.3 The supporting text to the policy sets out the recommended size mix and states that the starting point for discussions will be 84% social or affordable rent and 16% intermediate products.

4.4 However, this is an approval of reserved matters application and the s106 attached to the outline consent set out the affordable housing requirements. This included a target provision of 40% with the tenure split to be agreed. The s106 also stated that if the target of 40% is not to be met viability information must be provided.

4.5 The application as originally submitted proposed 16 of 148 dwellings, 10.8%, as affordable housing, however the level of provision was reduced when amended plans were provided and a viability assessment carried out.

4.6 The proposals include 8 affordable units, this is around 5.48% of the dwellings proposed. These include 4 properties for affordable rent, two 2-bed and two 3-bed, and 4 shared ownership properties, two 2-bed and two 3-bed.

- 4.7 As required by the s106, NPPF and policy H2 the applicants submitted a viability assessment to support the proposed shortfall in affordable housing provision.
- 4.8 The submitted viability information was independently assessed on behalf of the Council. The assessors considered the applicants development costs and suggested sales prices and compared this against other local and national benchmark information. The viability information detailed that the site had high abnormal costs due to foundation and retaining wall requirements linked to the sloping nature of the site. The assessor sought additional information from the applicants regarding these requirements and ground reports were provided. The assessors concluded the groundwork costs were high, but not unreasonable given the ground conditions of the site.
- 4.9 The assessors concluded that the provision of 40% affordable housing would render the development unviable, they also advised that the submitted information showed that the proposal to provide around 5.48% affordable housing would also be on the limits of viability. It is therefore considered that the submitted information has justified the proposed level of affordable housing in accordance with policy H2.
- 4.10 The steeply sloping nature of the Gateway site has led to increased abnormal costs and viability issues on other phases of the development with affordable housing provision to date of R1 – 19.7%, R2 – 5% and R4 – 1.5%.
- 4.11 Colleagues from Housing commented that the properties should be of a suitable size to accommodate 4 people in a 2-bed, and 5 people in a 3-bed and recommended that the Government’s technical space standards be used.
- 4.12 The applicant has confirmed that the proposed dwellings will comply with the full occupancy rate requested by Housing and they have a proposed provider who is interested in the affordable housing as proposed. Planning policies do not specify required dwelling sizes and it is considered the submitted information addresses the comments made by Housing.
- 4.13 Comments received from Councillor Simpson-Vince express concern that this, and other phases, of the Gateway development have not achieved the target of 40% affordable housing and that large amounts of affordable housing may be proposed on future phases. However, as detailed above the viability of the development has been assessed as required by local and national policy. Regarding the affordable provision of future phases of development this will be assessed in relation to viability and other issues at the relevant application stage.
- 4.14 The proposals are therefore in accordance with policy H2.
- 5.0 Design and Layout
- 5.1 The application is located to the north of the existing R2 development. It is accessed along the main spine road which passes through phase R1 and will eventually connect to phase R4 at the north.
- 5.2 The proposed development comprises a range of housetypes which include traditional design elements. However, properties with contemporary features have been used in key locations such as facing the spine road, along the main road within the site and at key focal points. This reflects the approach taken on phases R1 and R4 where contemporary elements have been added to key properties and those along the spine road.

- 5.3 The proposals are generally two storey properties with two and a half storey buildings throughout the site. Flats will be provided in a three storey building facing the spine road. This will reflect the design approach taken elsewhere on the Gateway site where two and a half and three storey buildings are located on the spine road and key locations.
- 5.4 Properties mostly have gabled roofs although some hipped roofs and features such as dual aspect properties, bay windows, chimneys and changes in materials such as render and cladding have been used to add interest to the scheme. Dual aspect properties or those with additional side windows have been used where side elevations are prominent within the street scene.
- 5.5 Car parking is provided in a mix of garages and spaces to the front and sides of houses, this reduces the prominence of parked cars within the street scene.
- 5.6 A materials plan has been provided which shows three types of red brick and grey and brown roof tiles to be used across the site in addition to chalk/off-white render and dark grey cladding. Properties will have a mix of door colours, with contemporary properties having dark grey.
- 5.7 It is considered that the proposed materials are acceptable and will reflect those used elsewhere on the Gateway site.
- 5.8 The site is currently agricultural land with woodland, trees and hedgerows to the boundaries. It is therefore inevitable that a housing development will alter the character and appearance of the area. However, the development will be seen in association with existing and future phases of the Gateway development and the retained woodland will reduce views from the north and west.
- 5.9 A boundary treatment plan has been provided. Brick walls and more substantial board and batten fences are proposed at prominent locations within the street scene with close boarded fences to other boundaries. Timber knee rails are proposed adjacent to open space areas. It is considered the proposed boundary treatments are acceptable.
- 5.10 It is considered that the proposals are acceptable in relation to the design and impact on the character of the area in accordance with policy SDC1.
- 5.11 Given the steeply sloping nature of the site alterations or extensions to the roofs of properties would be highly visible and could have an adverse impact on visual amenity. In addition the erection of porches could have an impact on the overall design and pattern of the development. A condition (2) is suggested removing these permitted development rights as well as those for extension and outbuildings in prominent locations (3) and walls, fences (5) or hard surfaces (4) to the front of properties. This will reflect restrictions elsewhere on the site and will allow any alterations to be assessed to ensure they do not have an adverse impact on visual amenity.
- 5.12 Policy SDC4 requires new dwellings to meet the Building Regulations requirement of 110 litres of water usage per person per day. Although this policy had not been adopted at the outline stage condition 19 of the outline permission required the development to comply with the water usage requirements of level 4 of the now superseded Code for Sustainable Homes.

The applicant has confirmed they intend to meet the requirement of policy SDC4 and this can be controlled by condition (8).

6.0 Impact on amenity

6.1 Policy SDC1 states that the living conditions of existing or future occupiers should be protected.

6.2 The closest existing properties to the application site are recently constructed dwellings on phase R2 to the south of the site and phase R1 to the south east.

6.3 The proposed dwellings are set away from the boundary by private drives and turning heads. The existing hedge between the phases will be retained and an area of open space on R2 is to the south of this. There will therefore be over 35m separation from the closest neighbouring properties and it is considered that the impact on the existing dwellings and gardens in terms of loss of privacy is acceptable.

6.4 It is also considered that suitable separation is provided between properties proposed within the site and there will not be an adverse on the living conditions of future occupiers.

6.5 The impact on the living conditions of occupiers is therefore considered acceptable in accordance with policy SDC1.

7.0 Construction Issues

7.1 Comments received from local residents have not raised objection to the principle of the development but raise concerns regarding construction traffic, noise, disturbance and working hours.

7.2 Condition 21 of the outline permission requires a Construction Method Statement to be agreed for each phase including aspects such as working and delivery hours, construction traffic routing and noise and dust mitigation.

7.3 A plan including these details was originally submitted showing working hours of 07:00-18:00 Monday to Friday. The applicants were advised that this was not acceptable and the proposed hours were amended to 7:30-18:00 Monday to Friday and 8:30-13:00 Saturdays with deliveries restricted to 8:00-17:00 Monday to Friday and 08:30-13:00 Saturdays. This reflects the hours permitted elsewhere on the Gateway site and is considered acceptable.

7.4 Residents were also concerned that construction traffic had to travel along the spine road, Lower Lodge Avenue, to reach the site. A temporary construction access from Leicester Road has recently been permitted and the Construction Method Statement has been amended to show traffic accessing the site along this temporary route.

7.5 Environmental Services raised no objection to the Method Statement and this is considered acceptable.

8.0 Transport, highways & parking facilities

8.1 The Highway Authority, Warwickshire County Council, initially objected to the application and requested changes to the detailed road design, alignments, gradients and visibility splays.

- 8.2 Additional information such as an adoption plan, tracking details and a Road Safety Audit were also requested to demonstrate the development would meet the necessary standards. Additional plans and information were provided to address these comments.
- 8.3 The Highway Authority commented on these amended plans and raised no objection to the proposal. They advised that some issues identified by the Road Safety Audit, such as manhole positions would be addressed through the highways Section 38 technical approval process.
- 8.4 They also requested conditions relating to the construction of estate roads etc. being provided in accordance with their standard specification and requiring the submission of a Construction Management Plan. These conditions are attached to the outline planning permission and are therefore relevant to this phase of development.
- 8.5 As the Highway Authority raise no objection the impact on highway safety is considered acceptable.
- 8.6 Policy D1 refers to development being permitted where sustainable transport methods are prioritised and measures to mitigate the transport impacts are provided.
- 8.7 The outline planning permission for the Gateway site included a s106 agreement which required contributions towards bus services through the site and to provide cycle links to the town centre and station. In addition, the main spine road through the site was approved by application R18/1360 and included a footpath/cycleway which will provide links to the overall Gateway site and wider area.
- 8.8 A local resident has expressed concerns regarding the cycleway on Leicester Road and commented that improvements to this should be sought as part of this application. No works have been requested by the Highway Authority as part of this reserved matters application. In relation to the delivery of cycle links Warwickshire County Council advised they initially sought to develop a shared footway /cycleway along the A426 but this proved unfeasible due to the constrained highway width and lack of scope for widening. An alternative option has been developed which utilises Brownsover Lane and a new Toucan crossing over the A426 at the Brownsover Rd / Boughton Rd roundabout as an alternative to using the A426. They are seeking to deliver this as soon as possible.
- 8.9 Footpaths will be provided in the woodland to the north of the site and mown paths will be provided in open space areas to the west. These will connect to other routes within the site and the wider area.
- 8.10 These proposals allow access to the site by sustainable transport methods in accordance with policies D1 and DS5.
- 8.11 The proposals include a total of 355 car parking spaces, this includes 53 parking spaces within garages. Based on the sizes of dwellings proposed the Council's standards would require 305 car parking spaces and the development in in accordance with this.
- 8.12 The Highway Authority commented that although the proposed garages were of the required size people may choose not to use these and that this could lead to additional on street parking and potential conflicts with large vehicles. However, the parking standards within the Local Plan are clear that a garage will be designated as a car space. Notwithstanding this as

more parking is provided than required this is considered acceptable. A condition (6) is suggested preventing the conversion of garages without consent.

8.13 Cycle parking can be accommodated within the garages and rear gardens for houses. Cycle parking for the proposed flats will be provided in a bin and cycle store to the side of the building. It is therefore considered that suitable parking facilities can be provided in accordance with policy D2.

9.0 Drainage

9.1 Policy SDC5 requires the submission of a Flood Risk Assessment for sites over 1 hectare in Flood Zone 1. An assessment was provided as part of the outline application and it was considered that a suitable drainage scheme could be provided.

9.2 Policy SDC6 requires Sustainable Drainage Systems to be used on major developments.

9.3 Surface water drainage for the overall Gateway site will run to drainage basins in the open space areas and will eventually discharge to the canal arm to the west.

9.4 A drainage plan was submitted with the application and the Lead Local Flood Authority, Warwickshire County Council, advised they did not object to the application. They however, explained that more detailed information would be required for condition 20 of the outline planning permission.

9.5 As the Lead Local Flood Authority have no objection to the application the proposals therefore comply with policy SDC6.

10.0 Landscaping

10.1 The landscaping and open space requirements for the overall Gateway development were considered at the outline stage and the approved masterplan detailed where these would be located.

10.2 As detailed above this application includes the existing woodland areas to the north and west of the development area. Works are proposed to the wooded areas to provide pedestrian routes and an equipped play area is proposed within the woodland to the north. This is in accordance with the open space required at the outline stage.

10.3 There is currently a hedgerow containing 4 ash trees to the eastern boundary, these trees are to be removed and replacement landscaping provided. These trees are category C and U and are in a poor condition. Two further trees, category B and C are to be removed to provide the access into the site and a category C is to be removed to provide a private drive. The Council's Tree and Landscape Officer has no objection to the removal of these trees.

10.4 The hedge will be retained to the eastern boundary and new sections of native hedge planted adjacent to the proposed properties. Five oak trees with bulb planting below will be planted between the existing hedge and the spine road.

10.5 As detailed above works are proposed within the existing woodland areas and a Landscape and Woodland Management Plan was received detailing these works. This explained that the play area would be provided in an area of young ash and willow which would be cleared. This also detailed works that would be carried out within the woodland, including understorey planting, thinning and maintenance of existing trees and the felling of an area of hybrid black

poplar which are in a poor condition to the west of the site and their replacement with native species. Where planting is proposed within the woodland native species such as oak, birch, hazel and hawthorn will be used.

- 10.6 Both the Council's Tree and Landscape Officer and County Ecologist commented on the management plan and made comments and suggestions regarding the contents. The Tree and Landscape Officer did not object to the clearance of young trees to provide the play area and other tree works but requested further information regarding the trees within the woodland and the proximity to the proposed development.
- 10.7 The management plan was amended to address these comments and further information provided as requested. The County Ecologist raised no objection to the revised management plan. The Tree and Landscape Officer requested further clarification regarding the works to some trees and the proximity of the development to the woodland. This was provided and the Tree and Landscape Officer raised no objection, subject to the tree protection measures being implemented, this is controlled by a condition attached to the outline planning permission (28). The works within the woodland area therefore considered acceptable.
- 10.8 The proposals also include areas of amenity planting and planting to the proposed plots. The Council's Tree and Landscape Officer commented on the original plans and requested that some of the ornamental hedging be replaced with native species.
- 10.9 Amended plans were received and the only concern raised by the Tree and Landscape Officer related to the use of native birch within gardens as this is fast growing and releases seeds. However, only 16 birch are proposed out of 110 new trees and homeowners can choose how to maintain their gardens in the future if these trees become problematic.
- 10.10 The proposed landscaping is therefore considered acceptable in accordance with policies NE3 and SDC2.
- 10.11 Policy NE2 refers to the Strategic Green Infrastructure Network and states that this must be retained and that new developments must provide corridors through the development to link into this network.
- 10.12 The existing network runs along the western boundary of the overall Gateway site and the existing woodland and proposed landscaping will link into this network in accordance with this policy.
- 11.0 Open Space & Play Provision
- 11.1 As detailed above the open space requirements for the overall Gateway site were set out at the outline stage.
- 11.2 This phase of development includes the woodland area which is to be enhanced and managed in order to provide open space within the natural/semi-natural open space typology for the site. A play area is to be provided within the woodland as well as areas of amenity space to the edges of the site.
- 11.3 Colleagues in Parks made comments on the originally proposed play area and amended plans were received to address these making changes to take the recommendations made into account.

- 11.4 Unfortunately, due to the additional duties and changes to working taken on by Parks during the Coronavirus pandemic comments have not been received regarding the amended play area proposals. However, the s106 agreement attached to the outline permission requires an Open Space Works specification to be agreed before the commencement of development and for the play area to be provided prior to the occupation of 70% of the dwellings within the phase. Therefore, if any further changes to the play area are required these can be agreed by Parks at this stage.
- 11.5 It is therefore considered that the proposed open space complies with the requirements of policy HS4 relating to the provision of accessible and high quality open space.
- 12.0 Biodiversity
- 12.1 The impact of the application on biodiversity must be considered in accordance with policy NE1.
- 12.2 A bat survey was submitted with the application. This detailed that bat boxes on the Ash trees to be removed would be relocated within the woodland. The Landscape and Woodland Management Plan also refers to the provision of 12 bat boxes and 16 bird boxes at suitable locations which will be agreed with an ecologist. This plan also details how the impact on existing habitats will be monitored and that wood piles and unmown areas will provide enhanced habitats.
- 12.3 The County Ecologist commented on the submitted documents and requested some changes to the Management Plan. They also requested that hedgehog holes be provided within rear garden fences in order to provide connectivity for hedgehogs.
- 12.4 An amended Management Plan was received to address the comments made and an updated boundary treatment plan refers to all runs of fencing having hedgehog holes with the number and position to be advised by an ecologist.
- 12.5 The County Ecologist advised that the amended documents addressed their comments and the impact on biodiversity is considered acceptable in accordance with policy NE1.
- 13.0 Other issues
- 13.1 Archaeological reports were submitted with the outline application for the site and conditions were attached to the outline planning permission requiring further work to be carried out. Condition 38 relates to this part of the site and required trial trenching to be carried out. These works have previously been carried out and the necessary information provided to the County Archaeologist. No comments from the County Archaeologist were received in relation to this application. It is therefore considered that this is in accordance with policy SDC3 which refers to the protection of non-designated heritage assets including archaeology.
- 13.2 Environmental Services raised no objection to the application. They initially requested an additional condition requiring the development to meet the air quality neutral standards contained within policy HS5. However, guidance contained within the Planning Practice Guidance is clear that the only conditions that can be imposed at the reserved matters stage are those which relate directly to the reserved matters. It is therefore not possible to add a new condition to reflect the changes in local policy. An informative can however be attached to bring this matter to the applicants' attention.

- 13.3 Notwithstanding this, the outline conditions and s106 included requirements to promote cycling and walking and the use of public transport. The applicant has also advised that 25% of properties will be provided with passive electric vehicle charging points to enable retro fitting of charging points in the future. These measures will reduce the air quality impact and this is considered to accord with policy HS5.
- 13.4 The applicant has confirmed that broadband infrastructure will be provided on site by BT Openreach this accords with policy SDC9.
- 13.5 Policy GP4 states that development will not be approved if it would prejudice the development potential of other land. This application will be accessed from the main spine road and will not affect the delivery of other parts of the site in accordance with this policy.
- 13.6 Warwickshire Fire and Rescue have requested an informative relating to compliance with Building Regulations. In addition condition 30 of the outline permission requires details of fire fighting equipment to be agreed.
- 14.0 Conditions
- 14.1 As this is an approval of reserved matters application the conditions attached to the outline planning permission will be applicable to these proposals. Information submitted as part of this application will also be applicable in relation to some of these conditions.
- 15.0 Planning Obligations
- 15.1 A s106 legal agreement was attached to the outline planning permission in order to provide new and improved infrastructure to mitigate the impacts of the development.
- 15.2 This includes contributions towards the maintenance of on-site open space and the provision and maintenance of off-site open space, bus services, cycleway improvements, highway works, libraries, education, and indoor sports.
- 15.3 These obligations will mitigate the impact of the development in accordance with policies D3 and D4.
- 16.0 Conclusion and Planning Balance
- 16.1 As detailed earlier in the report this is an approval of reserved matters application related to the outline planning permission for the overall Gateway site. The proposals will provide the fourth phase of residential development of 146 dwellings.
- 16.2 It is considered that the scale and design of the development are in keeping with the character of the area and that the proposed development will not have an adverse impact on residents in accordance with policy SDC1.
- 16.3 The proposals will not have an adverse impact on highway safety. Pedestrian linkages will be provided within the woodland areas and connecting to the wider site and surrounding area.
- 16.4 The development is also in accordance with policy HS1 which requires development to contribute to a high quality, safe convenient walking and cycling network, and provide a high quality and attractive public realm.
- 16.5 These factors carry weight in favour of the proposals.

16.6 It is therefore considered that the development is acceptable in accordance with the outline planning permission, the NPPF and Local Plan policies including policy GP1.

17.0 Recommendation

17.1 Approval – subject to conditions and informatives

DRAFT DECISION

REFERENCE NO:

R19/0976

DATE APPLICATION VALID:

24-Jun-2019

APPLICANT:

Bloor Homes Ltd c/o Agent

AGENT:

Kirstie Clifton Define Planning & Design Ltd, Unit 6, 133-137, Newhall Street, Birmingham, B3 1SF

ADDRESS OF DEVELOPMENT:

PHASE 3 - R3, RUGBY GATEWAY, LEICESTER ROAD, RUGBY

APPLICATION DESCRIPTION:

Erection of 146 dwellings with associated infrastructure, play area and landscaping; (Approval of Reserved Matters: Access, Appearance, Landscaping, Layout and Scale in relation to outline planning permission R10/1272.)

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION: 1

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Arboricultural Method Statement – Rev C
Landscape & Woodland Management Plan – Rev F
Received 27/07/2020

Site layout – MI136-SL-001V
Construction Management Plan – MI136-SL-010H
Means of Enclosure – MI136-SL-004L
Boundary Details – MI136-PD-006A
Materials Layout – MI136-SL-002L
Surface Materials Layout – MI136-SL-003G
Received 17/07/2020

Archaeological Evaluation – 660195/13718
Received 14/07/2020

Location plan – MI136-PD-001A
Received 07/07/2020

Plot R3 s38 Internal Roads Stage 1/2 Safety Audit – A117303
Road Safety Audit Stage 2 – Designers Response
Received 16/06/2020

Tree Protection & Retention Plan
Received 26/05/2020

Misc Engineering Finished Floor Levels – MI136-EN-130
Planning Sections – MI136-PD-060A
Landscape Proposals – General Layout – 8107-L-01/E
Spine Road Verge/Open Space General Layout – 8107-L-03/A
Site Landscaping – MI136-LS-002a
Site Landscaping – MI136-LS-003b
Site Landscaping Specification & Schedule – MI136-LS-004a
Proposed Street Lighting Layout – SE-HL-01591-01/B
Fire Appliance Tracking– MI136-EN-030A
Refuse Tracking – MI136-EN-010E

Adair elevations

Adair ground floor plan – 977.PL02
Adair first floor plan – 977.PL03
Adair second floor plan – 977.PL04
Byron brick – CL372_372-1.PL01
Lyttelton render – CL375.PL-03
Lyttelton render – CL375-1.PL-03
Lyttelton brick – CL375-1.PL-01
Makenzie render elevations – CL384_384-1.PL-02
Makenzie plans – CL384_384-1.PL-05
Morris render – CL477.PL-03
Morris brick – CL477-1.PL-01
Morris boarded– CL477-1.PL-02
Douglas brick elevations – CL488-1.PL-01
Douglas render elevations – CL488-1.PL-02
Douglas render elevations – CLRV101_488.PL-02
Douglas plans – CL488-1.PL-03
Douglas plans – CLRV101_488.PL-03

Lyttelton brick – 375.PL-05
Makenzie brick elevations – 384_384-1.PL-06
Hallam brick - 470.PL-06
Hallam – 470-1.PL-07
Brooke render elevations – 472.PL-06
Wyatt render elevations – 476-1.PL-02
Harwood render elevations – 481.PL-07
Harwood render elevations – 481.PL-02
Harwood plans – 481-1.PL-06

Chesterton brick – 272-1.PL-01
Chesterton render – 272-1.PL-02
Drake brick – 277_277-1.PL-01
Byron brick – 372-1.PL-01

Lyttelton Byron brick elevations – 807.PL-01
Lyttelton Byron plans – 807.PL-03
Lyttelton Byron brick elevations – 807-1.PL-01
Lyttelton Byron plans – 807-1.PL-03
Lyttelton brick – 305.PL-01
Lyttelton brick – 305-1.PL-01
Makenzie brick elevations – 384.384-1.PL-01
Makenzie render elevations – 384.384-1.PL-02
Makenzie plans – 384.384-1.PL-05
Sorley brick – 3B5P.PL-01
Hallam brick – 470.PL-01
Hallam brick – 470-1.PL-01
Brooke brick elevations – 472.PL-01
Brooke plans – 472.PL-05
Wotton brick – 475.PL-01
Wyatt brick elevations – 476.PL-01
Wyatt render elevations – 476.PL-02
Wyatt plans – 476.PL-06
Wyatt render elevations – 476-1.PL-02
Wyatt plans – 476-1.PL-06
Morris brick – 477.PL-01
Morris render – 477.PL-02
Morris brick – 477-1.PL-01
Harwood brick elevations – 481-1.PL-01
Harwood plans – 481-1.PL-06
Douglas brick elevations – 488.PL-01
Douglas plans – 488.PL-05
Douglas render elevations – RV.CL488.PL-02
Dryden brick – BSP304.PL-01
Dryden render – BSP304.PL-02
Dryden brick – BSP304-1.PL-01
Dryden render – BSP304-1.PL-02
Sinclair brick – 2B4P.PL-01
Sinclair Sorley elevations – 864.PL-01
Sinclair Sorley plans – 864.PL-03
Sinclair brick elevations – 2B4P(3)PL-01
Sinclair plans – 2B4P(3)PL-02

Single garage – SL01.PL-01
Single garage – SL02.PL-01
Sales garage – SL02.PL-01
Cycle and bin store – CBS01.PL-01

Received 06/04/2020

Bat Survey Report – 8107E
Section 104 Layout – MI136-EN-100
Development Brief - 308
Received 17/07/2019

REASON:

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

CONDITION: 2

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting those orders, no development shall be carried out to any plot which comes within Classes B (roof extensions), C (roof alterations) and D (porches) of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION: 3

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or reenacting those orders, no development shall be carried out to plots 1, 8, 13, 26, 30, 33, 40, 47, 54, 57, 64, 67, 73, 79, 91, 95, 98, 104, 107, 114, 119, 122, 126, 137 or 142 which comes within Classes A (extensions and alterations) or E (outbuildings) of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION: 4

Notwithstanding the provisions of Class F, Part 1 of the Schedule to The Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 and Class B, Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting those Orders, no hard surface shall be constructed in front of, or to the side of the dwelling houses and no new means of vehicular or pedestrian access constructed to the adjoining public highway without the prior permission of the Local Planning Authority.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority and in the interests of the visual amenities of the locality.

CONDITION: 5

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

REASON:

In the interest of visual amenity.

CONDITION: 6

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, the garages hereby approved shall not be converted to living accommodation.

REASON:

In the interest of highway safety.

CONDITION: 7

The upper floor windows to be formed in the side elevations of plots 9, 14, 27, 29, 34, 39, 48, 53, 58, 63, 69, 72, 78, 89, 92, 99, 105, 108, 110, 111, 115, 120, 121, 127, 130, 138 and 141 shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION: 8

The dwellings hereby approved shall incorporate measures to limit water use to no more than 110 litres per person per day within the home in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations 2010 (as amended).

REASON:

In the interests of sustainability and water efficiency.

INFORMATIVE: 1

This development is subject to a s106 legal agreement.

INFORMATIVE: 2

This permission does not convey any approval for the submitted play area plans. The s106 agreement requires these details to be agreed prior to the commencement of development as part of the Open Space Specification.

INFORMATIVE: 3

It is a legal requirement that all new properties are numbered and roads named and in this respect you must apply for Street Naming and Numbering at the earliest opportunity for both new or changes to existing properties, including development revisions. Failure to do this in good time can delay the installation of services and/or prevent the sale of properties.

To register the properties on a development and receive correct addressing or to amend an existing address please complete an application form for Street Naming and Numbering. The form can be accessed at:

https://www.rugby.gov.uk/info/20084/planning_control/76/street_naming_and_numbering .

INFORMATIVE: 4

The applicant/developer is advised that the development will need 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 Where compliance cannot be met, the applicant/developer will need to provide details of alternative measures intended to be put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18,

Access for Emergency Vehicles. In addition, 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.

INFORMATIVE: 5

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh), increased tree planting/landscaping, solar thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf Such measures contribute towards improving air quality. Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk

INFORMATIVE: 6

Any discharge of surface water from the site to the Brownsover Arm of the Oxford Canal will require the prior consent of the Canal and River trust. The applicant is recommended to contact the Canal and River Trust's Utilities Team to discuss any proposed discharges from the development to the Brownsover Arm. Please be advised that the trust is not a land drainage authority, and discharges to their waterways are not granted as of right; where they are granted they will usually be subject to completion of a commercial agreement. Please contact Joanna Bryan, Senior Utilities Surveyor, at joanna.bryan@canalrivertrust.org or 07825 975550 for advice in the first instance.

Reference: R20/0443

Site Address: TOFT EDGE, SOUTHAM ROAD, DUNCHURCH, RUGBY, CV22 6NW

Description: Proposed annex

Case Officer Name & Number: Paul Varnish 01788 533771

Recommendation

Planning application R20/0443 be granted permission subject to the conditions and informatives set out in the draft decision notice appended to this report

This application has been brought before the Planning Committee as the applicant is a member of staff at the Council.

Site Description:

The application site is a three-storey detached property that is located within the village and parish of Dunchurch and the Dunsmore Ward.

The immediate area is predominately residential with houses benefiting from generous plots. To the immediate south is the M45 Motorway, which is several metres below the ground level of the site.

The property is of a distinctive modern and contemporary design and due to the location, being the first property to be viewed when entering the village of Dunchurch, it has now become a focal point.

To the front of the property is a low brick wall with a mixture of mature shrubs and trees on the boundary. Towards the boundary shared with the adjacent neighbour, Toft Monks, is a circa 1.6-metre-high rendered wall. Towards the boundary to the south is a close boarded fence and a variety of semi-mature and mature trees. The property is built on land of differing heights, with the rear of the property being on a lower land level to the front.

To the front of the property is an area of hardstanding, for the provision of parking at least three vehicles.

Planning History:

R08/1269/PLN - Erection of a dwelling and alterations to access – approved - 15.10.2008

E2E 813 - Erection of new dwelling and alterations to access – approved - 09.03.2010

R13/0614 - Retrospective application for the erection of a shed, boundary fence, decking and associated landscaping – approved - 29.05.2014

Summary of the proposal:

The proposal consists of a planning application for the erection of an annexe.

The annexe will be single storey and will incorporate similar characteristics and design features to the main dwelling. It will be located towards the front of the property, to the west side of the plot.

The annexe will measure (approximately) 9 metres in width, 7 metres in depth, 3.15 metres in height (at the highest point of the mono pitch roof) and 2.4 metres in height (at the lowest point).

The annexe will provide a kitchen/lounge, bedroom and bathroom.

Technical Consultations:

RBC Environmental Health – No objection, subject to informatives

WCC Ecology – No objection, subject to informatives

WCC Highways – No objection

Third Party Consultations:

Neighbours – None

Parish Council – Response of ‘no representation’.

Relevant Planning Policies:

Rugby Borough Council Local Plan 2011-2031

GP1 - Securing Sustainable Development

GP2 - Settlement Hierarchy

SDC1 - Sustainable Design

NE1 - Protecting Designated Biodiversity and Geodiversity Assets

D1 - Transport

D2 - Parking Facilities

HS5 – Traffic Generation and Air Quality

Guidance

National Planning Policy Framework

SPD Sustainable Design and Construction, including Residential Design Guide

SPD Planning Obligations

Determining Considerations:

The main issues concerning this application are the principle of the proposal, the design and appearance of the proposal; the impact of the proposal upon the amenities of the

neighbouring properties; the impact on the visual and residential amenities of the area; air quality, ecology and highway safety.

Following the adoption of the Local Plan on 4th June 2019 the Borough Council has a five-year housing land supply.

1. Principle of development:

- 1.1 The Local Plan Policy GP1 states that the LPA, when considering development proposals, will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions, which mean that proposals can be approved whether possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 1.2 The Local Plan Policy GP2 states that development will be allocated and supported in accordance with a settlement hierarchy, with new development within the existing boundaries of Main Rural Settlements being permitted.
- 1.3 Section 2 of the NPPF states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 1.4 The application site is located within Dunchurch, a Main Rural Settlement, as defined in the Local Plan Policy GP2. Therefore, as such development will be permitted, providing all planning matters have being appropriately addressed.

2. Proposed Annexe

- 2.1 In respect of the above it is necessary to establish whether the proposal would provide an annexe, ancillary to the main dwelling house, or whether the proposal would result in the creation of a new dwelling (a new separate planning unit).
- 2.2 There are several matters which need to be considered in relation to this which include the overall size of the proposed building, the nature of rooms and facilities within the proposed building, the intended occupants of the building at this time, the degree of separateness, and the potential and risk of subdivision and/or independent occupation.
- 2.3 It is recognised that the volume of the annexe (approximately 63 square metres) and proposed facilities to include primary living accommodation of a kitchen/lounge, bedroom and bathroom could provide enough living space and facilities for a self-contained unit.
- 2.4 However, the proposed annexe will be positioned to the western corner of the plot, within close proximity to the host dwelling. The annexe will share the existing

access and parking area, with the occupiers of the annexe also sharing a garden space to the side of the host dwelling. Additionally, the applicant has stated within their design and access statement, that the annexe will provide accommodation for close family members, as the host dwelling does not have suitable access or accommodation or facilities.

2.5 Although the annexe has the potential to provide a self-contained unit in terms of volume, it must be recognised that the physical size of the building is not the only factor. The factors in support of the application, include, the location of the annexe; and the annexe being within close proximity to the host dwelling; the reliance on shared facilities, to include the car parking and garden area and the occupiers being dependant family members. It is therefore considered on balance that the annexe will be used as accommodation, ancillary to the host dwelling.

2.6 It is considered appropriate to include a condition to ensure the annexe remains ancillary to the main dwelling (Condition 4).

2.7 The Environmental Health Team have been consulted and raised no objection to the proposed annexe, subject to informatives regarding air quality and noise insulation.

3. Protecting Amenity and Design and Appearance:

3.1 Policy SDC1 states that 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 situated.

3.2 Policy SDC1 will be supported by the Council's 'Sustainable Design and Construction SPD'.

3.3 The NPPF within Section 12 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4. Protecting amenity

4.1 The nearest neighbour to the east is Toft Monks, to the north (across the Southam Road) are Ellesmere and Langdale. To the south and east is the M45 Motorway.

4.2 The proposed annexe is single storey and will be positioned to the west of the application site, behind the host dwelling. It is therefore considered that it will have a negligible impact on the neighbouring property Toft Monks, in terms of loss of sunlight/daylight and in terms of overlooking and loss of privacy.

- 4.3 The separation distance between the proposed annexe and the properties Ellesmore and Langdale are (approximately) 16 metres, boundary to boundary and (approximately) 30 metres from elevation to elevation, it is therefore considered that there will be a negligible impact on these properties in terms of potential overlooking.
- 4.4 Due to the M45 motorway running from east/west, there are no other neighbours within close proximity.
- 4.5 It is therefore concluded that the development will not have an adverse impact upon neighbouring amenity, complying with the relevant section of Policy SDC1 which seeks to safeguard neighbouring amenity.

5. Design and Appearance

- 5.1 The proposed annexe is of an appropriate size and scale and will appear subservient to the host dwelling.
- 5.2 The '*Sustainable Design and Construction*' supplementary planning document states that ancillary buildings may not be acceptable in prominent locations, such as corner properties or in front of the building line'.
- 5.3 Although the proposed annexe will be located within a prominent position and forward of the building line, due to the scale of the annexe; the design, incorporating similar characteristics and design features, to include the feature monopitch sloping roof and narrow fenestration; and as it will be constructed of similar materials to the main dwelling, it is considered to be of an appropriate design and appearance and visually acceptable. In summary, it is considered that it will complement the existing dwelling and have a positive impact on the visual amenity of the street scene.
- 5.4 The proposal therefore accords with policy SDC1 of the Rugby Borough Council Local Plan 2011-2031 and the SDP - Sustainable Design and Construction Supplementary Planning Document.

6. Ecological Considerations:

- 6.1 Part 15 of the NPPF (Conserving and Enhancing the Natural Environment) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, among other things.
- 6.2 In addition, Policy NE1 Protecting Designated Biodiversity and Geodiversity Assets of the Rugby Borough Council Local Plan 2011-2031 states that the Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity.
- 6.3 WCC Ecology have been consulted and have raised no objection to the proposal, subject to the inclusion of informatives within any permission granted. It is therefore

considered the proposal will not have an adverse impact on protected species in accordance with the Local Plan Policy NE1.

7. Traffic Generation and Air Quality

- 7.1 Policy HS5 states that development throughout the Borough of more than 1,000sqm of floorspace or 10 or more dwellings or development within the Air Quality Management Area that would generate any new floor space must address the impacts of poor air quality and introduce measure to mitigate against it.
- 7.2 Environmental Health have been consulted and have requested an informative to be included within the permission to encourage the applicant to incorporate measures to assist in reducing the proposal's impact on air quality.
- 7.3 The proposal annexe is therefore considered to provide no additional impacts on the air quality management zone, over and above the existing use of the site and as a result is considered air quality neutral. Therefore, it is deemed unnecessary to impose any mitigation methods on the proposed development. It is therefore considered that the proposed annexe accords with Policy HS5 of the Local Plan.

8. Highway safety and car parking:

- 8.1 The Local Plan 2011-2031 Policy D1 Transport states that development should address, amongst other things, whether safe and suitable access to the site can be achieved.
- 8.2 Warwickshire County Council Highways have been consulted regarding the proposal and have raised no objection; it is therefore considered that the development complies with Policy D1 Transport.
- 8.3 The Local Plan 2011-2031 Policy D2 Parking Facilities states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities.
- 8.4 The existing dwelling currently incorporates 4 bedrooms, with the proposed annexe (once completed) increasing the number of bedrooms (host dwelling and annexe) to 5. The D2 parking policy, as a guide, would request a 5-bedroom property to provide 3 car parking spaces. The applicant has provided a plan to indicate that there is provision for 3 car parking spaces. It is therefore considered that there is sufficient parking provision within the site and the proposed development accords with the D2 parking policy.

9. Conclusion:

- 9.1 The proposal is in principle acceptable; is of an appropriate design and appearance; will not impact upon the amenities of the neighbouring properties; the visual and residential amenities of the area; air quality, ecology or highways safety. Accordingly, it is considered that the application accords with the National Planning Policy Framework, and the Rugby Borough Council Local Plan 2011-2031.

10. Recommendation:

10.1 Planning application R20/0443 be granted subject to the conditions and informatives set out in the draft decision notice appended to this report.

DRAFT DECISION

REFERENCE NO:
R20/0443

DATE APPLICATION VALID:
08-Jun-2020

APPLICANT:
Ms Angela Collins Toft Edge, Southam Road, Dunchurch, CV22 6NW

AGENT:

ADDRESS OF DEVELOPMENT:
TOFT EDGE, SOUTHAM ROAD, DUNCHURCH, RUGBY, CV22 6NW

APPLICATION DESCRIPTION:
Proposed annexe

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON:

To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION 2:

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Site Plan/Location - Scale 1:1250

Proposed Plan and Elevations - Scale 1:100

Proposed Property Elevations - Scale 1:100

Proposed Site Plan - Scale 1:100

Received by the Local Planning Authority on the 3rd July 2020

REASON:

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

CONDITION 3:

The facing materials to be used on the external walls and roof shall be as specified within the application form, and on the plan - Proposed Plan and Elevations - Scale 1:100 - both received by the Local Planning Authority on the 3rd July 2020. Unless non-material variations are agreed in writing with the Local Planning Authority the windows and doors shall match the existing host dwelling, as specified within the email dated Tue 04/08/2020 15:05

REASON:

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

CONDITION 4:

The annexe hereby approved shall not be used for any purpose other than ancillary to the residential use of Toft Edge, Southam Road, Dunchurch, CV22 6NW and shall at no time be sold or let as a separate residence and no trade or business shall be carried out from there or within.

REASON:

To ensure that the development is acceptable and in the interests of residential amenity.

INFORMATIVE 1:

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, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

INFORMATIVE 2:

Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Enhancements could include bat and bird boxes which may be used by a variety of species, native species planting and enhancement of existing of hedges and wild flower planting, habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates are also welcomed. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

INFORMATIVE 3:

Air quality neutral/mitigation

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh) where gas is used for space or water heating, increased tree planting/landscaping, solar photovoltaic or thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here: https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf Such measures contribute towards improving air quality.

Should you require any further advice on ensuring your development has a positive contribution on air quality, further information can be obtained from the Commercial Regulation team through 01788 533533 or email ept@rugby.gov.uk

INFORMATIVE 4:

Noise insulation

The acoustic insulation to the annex, with particular regard to the windows and ventilation, should be at least as effective as the insulation of the main property. This with particular reference to road traffic noise from the M45.

Reference: R19/1391

Site Address: Rugby Radio Station, Watling Street, Clifton-Upon-Dunsmore, Rugby, CV23 0AS

Description: Erection of health, fitness and racquets club, including 3 no weather protected tennis courts within an air-dome enclosure, 3 no outdoor tennis courts, indoor and outdoor swimming pools, gym and studio facilities, spa facilities, child activity area, lounge and food and drink uses, together with ancillary facilities, car parking, servicing, landscaping and associated works.

Case Officer Name & Number: Chris Kingham and Nathan Lowde. 01788 533 629/725

Recommendation

Approve subject to conditions and informatives

1. Background:

- 1.1. This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major developments.

2. Proposal:

- 2.1. This application seeks full planning permission for the erection of health, fitness and racquets club. This building would have a footprint of 4,287sqm, and contain swimming pools, gym and studio facilities, spa facilities, child activity area, lounge and food and drink uses, together with ancillary facilities.
- 2.2. Located to the east of this building would be 3 no. weather protected tennis courts within an inflatable air-dome enclosure with a floor area of 1,750sqm. The permanent air dome covering is constructed from a series of membranes which are layered on top of each other. The main membrane is manufactured from a translucent white polyester fabric coated with PVC on both sides, with a green band to the bottom section of the dome.
- 2.3. External areas includes a proposed pool terrace area which comprises of an outdoor pool and children's pool located to the south of the main building, a proposed Spa Garden located to the east of the main building, together with 3 no. outdoor tennis courts, and children's play area, ancillary facilities, servicing, landscaping and car parking area comprising of 250 spaces.

3. Site Description:

- 3.1. The application site forms part of the Rugby Radio Station Sustainable Urban Extension and is located within the south eastern quadrant of this SUE. This is within a 2.2ha site designated for employment use (Use Classes B1, B2 and B8) within Key Phase 1 (KP1). The topography of the site is predominantly flat, sloping gently downhill from north to south. The site comprises mainly grassland with trees and hedgerow lining the south eastern boundary. All other boundaries are open to the surrounding roads and green space.
- 3.2. The site benefits from two points of access gained directly from Houlton Way and have already been constructed. The proposal seeks to utilise the southern access only. This access would take the form of a priority-controlled junction which would be barrier controlled.

3.3. To the south and east of the site exists a series of large distribution centres which form part of the Daventry International Rail Freight Terminal (DIRFT).

4. Relevant Planning History:

4.1. R11/0699

Outline application for an urban extension to Rugby for up to 6,200 dwellings together with up to 12,000sq.m retail (A1), up to 3,500sq.m financial services (A2) and restaurants (A3 - A5), up to 3,500sq.m for a hotel (C1), up to 2,900sq.m of community uses (D1), up to 3,100sq.m assembly and leisure uses (D2), 31 hectares (up to 106,000sq.m) of commercial and employment space (B1, B2 and B8), and ancillary facilities; a mixed use district centre and 3 subsidiary local centres including retention and re-use of the existing buildings known as 'C' Station (Grade II listed), 'A' Station and some existing agricultural buildings; a secondary school and 3 primary schools; public art; green infrastructure including formal and informal open space and amenity space; retention of existing hedgerows, areas of ridge and furrow and grassland; new woodland areas, allotments and areas for food production, wildlife corridors; supporting infrastructure (comprising utilities including gas, electricity, water, sewerage, telecommunications, and diversions as necessary); sustainable drainage systems including ponds, lakes and water courses; a link road connecting the development to Butlers Leap, estate roads and connections to the surrounding highway, cycleway and pedestrian network; ground remodelling; any necessary demolition and any ground works associated with the removal of any residual copper matting, with all matters reserved for future determination except the three highway junctions on the A428, the two junctions on the A5 and the link road junctions at Butlers Leap and Hillmorton Lane.

Approval 21/05/2014

4.2. R14/1070

Urban extension to Rugby under ref.no R11/0699 approved on 21 May 2014 - Application for reserved matters approval of access, appearance, landscape, layout and scale in respect of primary infrastructure, ground remodelling and associated works at Key Phase 1 of the Rugby Radio Station development including internal primary and secondary street network, junctions and turning heads, land reprofiling, utilities infrastructure including alignment of service runs and gas governor, foul and surface water drainage infrastructure including pumping station, any necessary demolition, archaeological investigations, temporary stockpiling of construction materials, and areas for construction use. (GREY INFRASTRUCTURE - Part Discharge of Condition 15 of the Outline Planning Permission - R11/0699)

Approval of Reserved Matters 02/10/2014

4.3. R14/1071

Urban extension to Rugby under ref.no R11/0699 approved on 21 May 2014 - Application for reserved matters approval of appearance, landscape, layout and scale in respect of strategic green infrastructure and associated works at Key Phase 1 of the Rugby Radio Station development comprising areas of common or strategic green infrastructure including wildlife corridors, Great Crested Newt holding habitats including any necessary fencing, hibernacula and crossings, productive landscape, footways/cycleways, lighting, sustainable drainage features, construction of engineered drainage works, planting, any necessary ground remodelling and demolition and connections to existing ditch courses, temporary construction compound, stockpiling and construction areas and construction access from the A428.(GREEN INFRASTRUCTURE - Part Condition 15 of the Outline Planning Permission - R11/0699)

Approval of Reserved Matters 02/10/2014

4.4. R17/0022

Outline application for an urban extension to Rugby for up to 6,200 dwellings together with up to 12,000sq.m retail (A1), up to 3,500sq.m financial services (A2) and restaurants (A3 - A5), up to 3,500sq.m for a hotel (C1), up to 2,900sq.m of community uses (D1), up to 3,100sq.m assembly and leisure uses (D2), 31 hectares (up to 106,000sq.m) of commercial and employment space (B1, B2 and B8), and ancillary facilities; a mixed use district centre and 3 subsidiary local centres including retention and re-use of the existing buildings known as 'C' Station (Grade II listed), 'A' Station and some existing agricultural buildings; a secondary school and 3 primary schools; public art; green infrastructure including formal and informal open space and amenity space; retention of existing hedgerows, areas of ridge and furrow and grassland; new woodland areas, allotments and areas for food production, wildlife corridors; supporting infrastructure (comprising utilities including gas, electricity, water, sewerage, telecommunications, and diversions as necessary); sustainable drainage systems including ponds, lakes and water courses; a link road connecting the development to Butlers Leap, estate roads and connections to the surrounding highway, cycleway and pedestrian network; ground remodelling; any necessary demolition and any ground works associated with the removal of any residual copper matting, with all matters reserved for future determination except the three highway junctions on the A428, the two junctions on the A5 and the link road junctions at Butlers Leap and Hillmorton Lane - Variation of conditions 5,6,7,63 64 and 81 of the outline planning permission R11/0699 dated 21/05/2014 to cover minor material changes to the approved Parameter Plans and Development Specification and to reflect approvals already granted pursuant to the outline planning permission and the latest land control position; removal of condition 73 and consequent renumbering of conditions 74 - 81 inclusive.

Approval 28/06/2017

5. **Technical Consultation Responses:**

Daventry District Council	No response
RBC Development Strategy	No objection subject to comments
RBC Environmental Services	No objection subject to conditions and informatives
RBC Trees and Landscaping	No objection subject to conditions
Sports England	Support
STW	No response
Warwickshire Fire and Rescue	No objection subject to informatives
Warwickshire Police	No objection subject to comments
WCC Archaeology	No comment
WCC Ecology	No objection subject to conditions
WCC Flood Risk Management	No objection subject to conditions
WCC Highways	No objection subject to conditions
WCC Public Health	No response

6. **Third Party Consultation Responses**

Neighbours (12) Objection

- Would add value to or benefit the community.
- Increase in traffic for the area.
- Extortionate membership fees which wouldn't benefit the local community.
- Negative impact upon the local community in terms of antisocial behaviour, litter and noise pollution.
- Increased congestion.
- The proposed site would be ideal for a commercial site with local amenities rather than another very expensive gym.
- Noise impact from the outdoor activities.
- Should consider affordability for residents.

- Houlton is supposed to be a family community, and the proposal would be too costly for young families.

Neighbours (15) Support

- Important community asset.
- Attract more residents and investment in Rugby.
- Aimed as a destination venue and not for the benefit of the local residents of Houlton.
- Fantastic facilities on the doorstep for the Houlton community and surrounding area.
- Help improve people's health and wellbeing.
- Enhance the area.
- Great addition to Houlton.
- The outside pool would be brilliant for the Houlton family focused community.
- Compliant with the wider strategy for the future of Houlton.

7. Development Plan and Material Considerations:

7.1. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2. The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Council Local Plan 2019. The relevant policies are outlined below.

7.3. Rugby Borough Council Local Plan 2019

GP1: Securing Sustainable Development	Complies
GP2: Settlement Hierarchy	Complies
GP3: Previously Developed Land and Conversions	Complies
GP4: Safeguarding Development Potential	Complies
DS1: Overall Development Needs	Does not comply
DS4: Employment Allocations	Does not comply
ED1: Protection of Rugby's Employment Land	Does not comply
TC2: Rugby Town Centre – New Retail and Town Centre Uses	Complies
HS1: Healthy, Safe and Inclusive Communities	Complies
HS2: Health Impact Assessments	Complies
HS5: Traffic Generation, Air Quality, Noise and Vibration	Complies
NE1: Protecting Designated Biodiversity and Geodiversity Assets	Complies
NE3: Landscape Protection and Enhancement	Complies
SDC1: Sustainable Design	Complies
SDC2: Landscaping	Complies
SDC4: Sustainable Buildings	Complies
SDC5: Flood Risk Management	Complies
SDC6: Sustainable Drainage	Complies
SDC7: Protection of Water Environment and Water Supply	Complies
SDC9: Broadband and Mobile Internet	Complies
D1: Transport	Complies
D2: Parking Facilities	Complies
D3: Infrastructure and Implementation	Complies
D4: Planning Obligations	Complies

7.4. Supplementary Planning Documents (SPDs)

Planning Obligations SPD (2012)

7.5. Material Considerations

National Planning Policy Framework (NPPF or “the Framework”) (2019)
National Planning Practice Guidance (NPPG)
Community Infrastructure Levy (CIL) Regulations 2010 (as amended)
National Design Guide (2019)

8. Assessment of Proposal:

8.1. **Key Issues**

Section 9	Settlement Hierarchy and Use
Section 10	Loss of Employment Land
Section 11	Economic Growth
Section 12	Town Centre
Section 13	Health
Section 14	Design, Layout, Landscaping and Visual Impact
Section 15	Light, Aspect and Privacy
Section 16	Access, Parking Provision, Traffic Flows and Highway Safety
Section 17	Air Quality
Section 18	Noise
Section 19	Contamination
Section 20	Lighting
Section 21	Trees and Hedgerows
Section 22	Ecology
Section 23	Flood Risk and Drainage
Section 20	Heritage and Archaeology
Section 21	Carbon Emissions, Sustainable Design and Construction
Section 22	Broadband
Section 23	Planning Balance and Sustainability of Development

9. **Settlement Hierarchy and Use**

9.1. Policy GP2 of the Local Plan outlines a sequential settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within the allocated Rugby Radio Station Sustainable Urban Extension. This allocation falls within the Rugby Town Urban Edge which is classified as being the most sequentially preferable location for development. The proposal therefore complies with this policy which sets out that development will be permitted within this location.

9.2. The application is for the erection of a health, fitness and racquets club which is classified as being a D2 Use (assembly and leisure). This would be constructed within Key Phase 1 of Rugby Radio Station. The associated outline application for Rugby Radio Station granted permission for up to 3,100sq.m of assembly and leisure (D2 Use Class) floorspace (R17/0022). This proposal is for the provision of 6,037sq.m of assembly and leisure (D2 Use Class) floorspace. As this exceeds what is permitted by the outline permission it has been submitted as a full planning application rather than reserved matters application.

10. **Loss of Employment Land**

10.1. The outline application for Rugby Radio Station granted permission for up to 31ha of commercial and employment space falling within B1, B2 and B8 Use Classes. However, in 2017 the Development Framework Parameters Plan was updated to only allocate 16ha of land on the Rugby Radio Station site for commercial and employment space. This reflected a

change in the then emerging Local Plan which has since been adopted. Policies DS1 and DS4 of the Local Plan now set out that Rugby Radio Station has been allocated to provide 16ha of employment land to help meet Rugby's need. The 2015 Employment Land Study, which informed the recently adopted Local Plan employment strategy, suggests this area could accommodate medium sized units with ancillary B8.

- 10.2. Both the Rugby Radio Station Development Framework Parameters Plan and Key Phase 1 Regulatory Plan and Design Guide show that the 2.2ha of land subject of this current application is allocated for employment and commercial purposes. As the proposed development is for a D2 Use it would therefore result in 2.2ha less employment land (B1, B2 and B8 Uses) at Rugby Radio Station. This would take the total employment and commercial provision down from 16ha to 13.8ha. This means that the Rugby Radio Station would not be able to deliver the 16ha of employment land required by policies DS1 and DS4 of the Local Plan. The provision of this quantity of employment land is of strategic importance and is key to meeting the overall employment target.
- 10.3. It is acknowledged that there is still the potential for the site to make up for some of this 2.2ha loss through provision of employment land within the allocated mixed uses areas. However, the supporting text to policy DS4 sets out that "Additional employment provision will be delivered as part of the mixed use areas of the site however it is not considered appropriate to rely on this type of provision from a strategic and plan making perspective (paragraph 4.41)." Indeed, the provision of employment uses within allocated mixed use areas would no longer be guaranteed. Under a worst case scenario it is possible that no employment land could be brought forward in the mixed uses area.
- 10.4. The owner of Rugby Radio Station was consequently asked to compensate for this 2.2ha loss elsewhere on the site. It was particularly suggested that the 2.2ha of employment land could be swapped with 2.2ha of mixed use land where D2 Uses would be appropriate. This request was rejected. The implication of this is that Rugby Radio Station will not deliver the 16ha of employment land required by policies DS1 and DS4. The proposal would therefore result in a departure from the Local Plan. In turn it ultimately has the potential to have a detrimental impact on the delivery of sustainable development in the Borough. It would further undermine the ability of the Council to achieve the 110ha of employment land needed in the Borough.
- 10.5. It is recognised that the loss of 2.2ha of employment land may seem small and insignificant relative to larger employment allocations. However, it is important to note that it forms part of a strategic allocation that the Local Plan is dependent upon to deliver its target. The provision of employment land in this location is also critical to ensuring that Rugby Radio Station is sustainable. In particular, it plays a critical role in ensuring that job opportunities are created next to where people live. Amongst other things this then reduces the potential for traffic caused by commuting. The loss is therefore not insignificant and represents a 12.5% reduction in the Rugby Radio Station employment provision. Furthermore, it is essential to maintain the Local Plan quantities to ensure a precedent is not set which could be used to justify further losses on this allocation or other employment sites.
- 10.6. In these circumstances policy ED1 of the Local Plan is relevant. It sets out that all employment sites, including that at Rugby Radio Station, will be retained for employment purposes falling within the B Use Classes. The only exception to this is where evidence has been provided in relation to six key tests to demonstrate that the land is no longer viable for a B Use Class. To that end an Employment Note has been submitted by the applicant but this fails to demonstrate compliance with the six policy tests. The proposal therefore conflicts with and departs from

policy ED1. In turn it consequently conflicts with and departs from policies DS1 and DS4 because it would undermine the ability of the Rugby Radio Station site to deliver the full 16ha of employment land required by these policies.

11. Economic Growth

- 11.1. Policy GP1 of the Local Plan sets out a goal to secure development that improves the economic conditions of this area. This is consistent with paragraph 80 of the Framework which outlines that “decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.
- 11.2. In this respect the proposal would allow David Lloyd Leisure, a health, racquets and fitness provider, to set up a new club within Rugby. David Lloyd has operated for over 30 years and owns some 99 David Lloyd clubs in the UK and a further fifteen across Europe. The business has some 570,000 members and is a significant employer in the health and fitness market, employing over 8,600 people, including an expert health and fitness team of over 2,000 and more than 680 tennis professionals. Given their existing network of clubs, notably at Coventry, David Lloyd has identified a need within the Rugby Borough for a new David Lloyd Club. This is consequently an important consideration taking into account paragraph 82 of the Framework which sets out that “decisions should recognise and address the specific locational requirements of different sectors.”
- 11.3. The applicants have acknowledged that the proposed development would result in a loss of employment land and would be a departure from the Local Plan. They have consequently sought to set out a robust economic case for nonetheless allowing the development. Critically, they have sought to demonstrate that the proposal would actually help to increase economic growth despite the loss of employment land.
- 11.4. In the first instance they have used government employment yield figures to calculate the number of jobs which different employment uses could generate. This is based on the floorspace of the club excluding the tennis court dome. It suggests that a B1(a) (offices) use of equivalent floorspace could result in 379-616 jobs. A B1(b) (research and development) and B1(c) (light industrial) use could result in 82-123 jobs. A B2 (general industrial) use could result in 119 jobs. A B8 (storage and distribution) use could result in 45-61 jobs.
- 11.5. The applicant has then compared this to the number of jobs which would be created by the proposed development when operational. The indicate that this would generate around 74 jobs. This is consequently slightly more than could be generated for a B8 use but significantly less than could be generated for other uses. Nonetheless, the Local Plan allocation and outline permission for Rugby Radio Station does allow for B8 uses on employment land in this location. Taking that into account it is fair and reasonable to conclude that the number of jobs created by the proposed D2 use would be comparable to that which would be created by a B8 use. Although not an employment use in planning terms, there would not be a material decrease in the number of jobs created by granting permission and it would still fulfil a form of employment function.
- 11.6. An Employment Note submitted by the applicant further outlines that the proposals would meet a need for additional leisure jobs in the Borough. They argue that this provision would actually lead to a further diversification of employment opportunities within the Borough. It is indicated that such employment opportunities would be supported locally wherever possible. It would target local job provision and where appropriate, generate training and upskilling opportunities.

- 11.7. Aside from job creation, a letter has been received from Invest in Warwickshire setting out their support for the development. They particularly note that the type and nature of the proposed development would significantly improve the appeal of the wider employment land allocation for business users. This is partially on the basis that the availability of quality local amenities for staff is always an important consideration. Further, the development would be located at the edge of the site adjacent to a main distributor road and roundabout. It is therefore argued it would provide an attractive gateway for the allocated employment land. Critically, it is argued that it could help unlock and bring forward development on the wider site for B1, B2 and B8 employment uses. In that sense the scheme could serve to act as a catalyst for delivering the remaining 13.8ha of allocated employment land.
- 11.8. At a broader level, it is further recognised that the proposed development would result in: money being invested in construction on the site; construction jobs and associated in-direct jobs being supported; potential new construction employment opportunities; and an increase in the viability of local retail uses, services and businesses. Such matters would have a positive impact on the local economy and prosperity of the Borough. In line with the Framework, these benefits to economic growth and productivity should be given significant weight in favour of the proposed development. As a result, the proposal complies with the Framework and policy GP1.

12. Town Centre

- 12.1. Policy TC2 of the Local Plan states that all proposals for retail, office or leisure uses on sites not within Rugby Town Centre in excess of 500sq.m gross floor space must be accompanied by an impact assessment. This assessment must meet the requirement of national policy and established best practice. It should demonstrate that the proposal would not harm the vitality or viability of any nearby centre.

Sequential Assessment

- 12.2. Paragraph 86 of the Framework sets out that Local Planning Authorities should apply a sequential test to planning application for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.
- 12.3. Planning practice caselaw (namely 'Tesco vs Dundee') has provided guidance on how sequential tests should be assessed by Local Planning Authorities. This caselaw has determined that Councils cannot ask for proposed uses to be disaggregated for a sequential test as the key issue is whether there is an alternative site for a proposed use, not whether that use can be made to fit an alternative site.
- 12.4. A Sequential Assessment has been submitted with the application which considers the suitability, viability and availability of eight key town centre sites. These sites include: 1. Evreux Way (formerly Crown House and Bingo Site); 2. Corporation Street; 3. Rugby Borough Council and Town Hall; 4. North Street Car Park and Regent Place Park; 5. Little Church Street; 6. Castle Street Car Park; 7. Clifton Road/Railway Terrace; and 8. Albert Street. The assessment concludes that these sites are not suitable, viable or available for this proposed development. The key reason for this is that the town centre sites assessed are substantially smaller than the use proposed and thus are not suitable. The majority of the sites are also not considered to be available. The Council agree with the scope and findings of the report and therefore the sequential assessment is passed.

Leisure Impact Assessment

- 12.5. Paragraph 89 of the Framework sets out a requirement for an impact assessment to be submitted when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan. This should include assessment of: (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and (b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- 12.6. A Leisure and Health Impact Assessment has been submitted with the application which considers the impact on existing, committed or planned investment and impact upon the viability and vitality of the town centre.
- 12.7. This proposal is for the provision of 6,037sq.m of assembly and leisure (D2 Use Class) floorspace. If this application is approved it would leave a balance of up to 3,100sq.m of assembly and leisure (D2 Use Class) floorspace which could still be erected on the remaining Rugby Radio Station. This would result in a potential cumulative provision of up to 9,137sq.m of assembly and leisure (D2 Use Class) floorspace. The impact of this is therefore considered within the Assessment.
- 12.8. In the first instance the assessment sets out that the proposals are unlikely to affect the provision of markedly distinct other leisure uses, such as the provision of a further cinema for Rugby or food and drink operators seeking to invest in the town centre. It rather focuses on the impact on the impact on health clubs/gyms.
- 12.9. In respect of health clubs/gyms, the Council's 2015 Retail and Leisure Study identified a 'leisure gap' in Rugby Borough and potential expenditure 'leakage' outside Rugby Borough. It also acknowledges that there is a limited provision of health clubs/gyms within Rugby town centre and all of the existing tennis clubs are situated outside of the town centre area. As a consequence it identifies capacity for two health and fitness centres not currently represented in Rugby up to 2030.
- 12.10. Coupled with the nature of a David Lloyd Club, which pulls from a wide area and this lack of rival town centre facilities, the Assessment suggests there would be little, if any impact arising from the proposals, either individually, or cumulatively with the 3,100sq.m of remaining D2 floorspace in the outline permission.
- 12.11. The 'need' for a development is not part of the impact test. However, any impact needs to be weighed against existing provision, capacity and in some cases paucity of uses within a catchment area. To that extent the Council's Open Space Audit, Playing Pitch and Sports Facilities Study 2015 assesses the current and future demand for playing pitches and sports facilities within the Borough. It particularly identifies that there is no indoor courts provision in Rugby, with the nearest being Coventry. This study also notes that there is both a paucity in playing provision and that the main club, the Rugby lawn Tennis Club, is above capacity and unable to extend its programme given the demand on courts.
- 12.12. More widely, the 'need' for additional indoor and outdoor courts is recognised, as is the ability to recapture/clawback trade leaking to other tennis facilities outside the Rugby Borough. It is

predicted that a minimum of 2 indoor courts and at least 12 courts are needed in the period up to 2031. The proposal would therefore help to meet this need.

- 12.13. The Council's Retail and Leisure Study notes there is limited provision of health clubs/gyms within Rugby town centre and all of the existing tennis clubs are situated outside of the town centre area. Therefore, there is unlikely to be any detrimental impact to vitality and viability within the town centre as a whole. Furthermore, it is not considered to have any discernible impact on any known existing, committed or planned investment in the town centre due to the nature of the proposal. This is confirmed by the sequential test.
- 12.14. In conclusion, the nature of the use requiring substantial outdoor space and the findings of the evidence base documents which informed the Local Plan, it is not considered that there would be a detrimental impact on the vitality and viability of the town centre from this proposal.

13. Health

- 13.1. Paragraph 91, 92, 96 of the Framework and policy HS1 of the Local Plan sets out the need to achieve healthy places. Paragraph 96 of the Framework is particularly clear in outlining that "Access to ... opportunities for sport and physical activity is important for the health and well-being of communities." Policy HS1 further offers support to proposals which encourage healthy lifestyles by providing opportunities for formal and informal physical activity, exercise, recreation and play". Policy HS2 of the Local Plan builds on this and sets out the need to ensure development would not have significant adverse impacts on health and wellbeing.
- 13.2. In this case the proposal would provide a health, fitness and racquets club. This would incorporate 3 weather protected tennis courts, 3 outdoor tennis courts, indoor (5 lane 20m and learner pool) and outdoor swimming pools (4 lane 25 m and outdoor children's pool), gym (100-120 stations), 3 court sports hall and studio facilities (4 studio spaces).
- 13.3. Sport England has considered this and offered their support to the scheme. They note that David Lloyd are a commercial operator at the higher end of the market. They acknowledge that this facility would therefore not be accessible to all sections of the community. However, they note that it would help to play a role in meeting some of the identified shortfalls for indoor tennis, sports halls, swimming and fitness stations/studios. In doing this it has the potential to relieve some pressures on some existing facilities which are at capacity. The proposal would also provide a facility to the east of Rugby where there is extensive housing growth.
- 13.4. Overall, it is clear that the proposal would increase access to and opportunities for physical activity, exercise, recreation and play. It would provide a new space for social interaction and connections which would help to build and create community. Further, the facilities would provide a space where people can improve their physical and mental health.
- 13.5. To ensure that these benefits are made available to the wider community the applicant has agreed to allow local schools to use their facilities. Full details of this would be secured by condition 12. The effect of this would also be to help social cohesion and integration whilst breaking down barriers to access. This is therefore a significant material consideration which weighs in favour of the proposed development.
- 13.6. The above views are supported by the Health Impact Assessment submitted with the application which concludes that the impact on health arising from the proposal would be positive. As a result, the proposal complies with the Framework and policies HS1 and HS2.

14. Design, Layout, Landscaping and Visual Impact

- 14.1. Section 12 of the Framework and policies SDC1 and SDC2 of the Local Plan set out the importance of good design in new developments. An assessment of the proposed design and layout of the development has subsequently been undertaken in accordance with the National Design Guide. This guide identifies ten characteristics which achieve a well-designed place.
- 14.2. **Context:** The application site is located on the Rugby Radio Station Sustainable Urban Extension site. The wider site will provide up to 6,200 homes together with a mix of employment, retail, leisure and educational uses. The location of all these uses has been identified on a site wide Development Framework Plan. This shows that the application site has been earmarked for employment development. In order to bring the wider site forward it has been broken down into Key Phases which are each accompanied by a Regulatory Plan and Design Guide. The application site falls within Key Phase 1. The Key Phase 1 Design Guide sets out a range of key design codes which development in this area should comply with.
- 14.3. Critically, it is essential to recognise that the proposed development would not be constructed on a blank canvas which is free from constraints. In particular, there is a pumping stations and easements for a foul water rising main and gas main easement located on the site. When these constraints are laid onto a map it gives rise to clear areas in which development can and cannot come forward. The applicant's requirements regarding the size and nature of the club are such that this led to the building being situated within the middle of the site and extending towards the northeast. From a design perspective this is not a favourable location because it fails to capitalise on the opportunity to create a strong frontage on the perimeter of the site adjacent to key roads. It also means that the car parking area would be positioned in the most prominent part of the site resulting in views of a large area of hardstanding and parked cars. However, given the site constraints it is accepted that this represents the best practical location for the building and car parking. This is caveated on the basis that the car parking area must be designed to the highest standards which incorporate high quality hard and soft landscaping.
- 14.4. The scale of the main and tallest building is equivalent to the height of a two-storey house. It has therefore been designed so as not to appear overbearing and dominant in relation to existing and planned adjoining buildings.
- 14.5. **Identity:** The development should be attractive and distinctive. In this respect the proposed development has five distinct zones namely the health and fitness building, outdoor swimming pool and spa, open tennis courts, dome enclosed tennis courts and car park.
- 14.6. The health and fitness building is the largest and most significant proposed structure. It takes the form of an almost square block which extends to 2-storeys in height. The elevations and massing are broken up through the use of cladding, buff bricks and glazing. A curved aluminium roof is proposed on top of this. The proposed dome enclosed tennis courts would be situated to the site (northeast) of this proposed building. It would be constructed from a double skin PVC membrane which would permanently be inflated to allow year round tennis regardless of weather. The PVC membrane would be green in colour to the lower part of the dome and white in colour to the remainder. The dome would be 11m in height and is thus 3m taller than the health and fitness building. The open tennis courts would be contained behind 3m high plastic coated court fencing. The outdoor swimming pool and spa area would be located behind 2.4m high close boarded fencing.

- 14.7. This all collectively works together to create the appearance of a modern and purpose built health, fitness and racquets club. The extent to which this design is distinctive is limited by the nature of the club which would be provided by a national chain that follows similar design formats at other sites. The potential of the site is also significantly curtailed by existing utilities and easements which run across the site. This means that elements like the outdoor tennis courts and outdoor swimming pool with associated boundary treatments are located in more prominent locations facing key public vantage points. As outlined above, from a design perspective this is not favourable and detracts from the quality of the development. However, given the site constraints it is accepted that this represents the best practical location for the club buildings and facilities.
- 14.8. Aside from this, the PVC membrane material and height of the enclosed tennis dome is such that this would be visually unappealing. However, it is located away from prominent views from outside of the site in an area that would be adjacent to future employment uses. Although higher than the health and fitness building the applicant notes that this is necessary to cater for Lawn Tennis Association requirements. The PVC membrane used for the dome also serves a functional purpose in respect of allowing good visibility with maximum levels of natural light. On balance, the practical and functional needs of the enclosed tennis dome is such that this would be acceptable.
- 14.9. In relation to the car parking area it is important to note that this is located in the most prominent part of the site. Views of this area would be readily apparent given the location of this next to a roundabout which provides access from the heavily trafficked key distributor roads of Houlton Central Primary Street with Crick Road. Indeed, this is a key and primary location which serves as a gateway into the Rugby Radio Station site development. The Key Phase 1 Design Guide for Rugby Radio Station consequently denotes that this area is a key grouping known as the "KP1 Gateway". This means that this is an area which requires special attention to design which will set a precedent for the KP1 development. It particularly highlights that landscaping is crucial to creating a high quality first impression.
- 14.10. This is consistent with advice in the National Design Guide which sets out the importance of hard landscaping and views, vistas and landmarks in creating high quality places. It specifically states that "Materials, construction details and planting are selected with care for their context. They are attractive but also practical, durable and affordable. They contribute to visual appeal and local distinctiveness. In well-designed buildings, the materials and details suit the design concept and they are consistently followed through the construction process to completion." Further, it sets out that "Well-designed places contribute to local distinctiveness. This may include: adopting typical building forms, features, materials and details of an area; drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings; using local building, landscape or topographical features, materials or planting types."
- 14.11. The applicant has submitted a surface material plan which shows that the car park would be finished in black tarmac. Spaces would be marked out with painted white lines. Taking into account the prominent location of this car park at the front of the Rugby Radio Station site and the relevant design guides, it is considered that this surface treatment is not acceptable. It would create a visually poor and unimaginative impression that fails to be attractive or distinctive. Indeed, the proposed surface treatment would fail to match the high quality block paving surface treatments used around the Rugby Radio Station site and within the Rugby urban area. By way of example, the Council owned Queen's Diamond Jubilee Leisure Centre has block paving for all car parking spaces and footways. It is consequently considered necessary for the car parking area to be surfaced in block paving. This would help to improve the quality and visual appearance of this part of the site to an acceptable level. Without this

the application would not be acceptable and the scheme would be refused permission owing to the detrimental impact on visual amenities. Condition 7 is therefore necessary to require the submission of a surface materials plan.

- 14.12. **Built Form:** The proposed development takes account of an existing foul water rising main, gas main easement and pumping station located on the application site. These utilities have consequently served as a key constraint which has influenced where built development can take place on the site. Indeed, if these utilities were not located on the application site it would have been appropriate for the proposed building to be located adjacent to the southwest corner of the site by the central primary street, roundabout and Crick Road. This would have allowed the building to become a key marker building and gateway at the edge of the Rugby Radio Station site. However, the easements for these utilities have meant that achieving such a built form is not achievable. The car parking area is instead positioned in the southwest corner of the site with the building set much further in. On balance, given the site constraints, this is considered to be acceptable.
- 14.13. **Movement:** The application site takes the form of a defined parcel of land within Key Phase 1 of the Rugby Radio Station Sustainable Urban Extension. The site itself is therefore entirely contained and would offer no public movement through the parcel. The land around this parcel would allow for ease of movement around the wider Rugby Radio Station site. This includes networks of roads as well as pedestrian and cycle links.
- 14.14. **Nature:** The proposed development would retain an existing hedgerow along the south-east boundary of the application site. This would then be supplemented by further tree and hedgerow planting around the perimeter and car park. Owing to the size and location of the proposed development there is little opportunity for the scheme to support rich and varied biodiversity on-site. However, extensive areas of biodiversity enhancements are provided within the wider Rugby Radio Station site.
- 14.15. **Public Spaces:** The application site takes the form of a defined parcel of land within Key Phase 1 of the Rugby Radio Station Sustainable Urban Extension. The site itself is therefore entirely contained and would offer no public spaces. However, extensive areas of public spaces are provided within the wider Rugby Radio Station site.
- 14.16. **Uses:** The development should achieve mixed and integrated uses. In this respect the site is surrounded by a mix of residential and commercial uses. It is located within a Sustainable Urban Extension where up to 6,200 homes will be provided. It is also located adjacent to a major employment site known as DIRFT. The application site was originally allocated for employment purposes which is subject to discussion above. Notwithstanding that issue, the provision of a D2 use class which provides a health, fitness and racquets club would help to diversify the range of uses and facilities within the Sustainable Urban Extension. There are currently no such facilities on the site and this would clearly help to achieve mixed and integrated uses. Condition 19 is proposed to restrict the use of the building to a health, fitness and racquets club thereby preventing its unrestricted use for other purposes falling within the D2 use class.
- 14.17. **Homes and Buildings:** The development should provide functional, healthy and sustainable homes and buildings. In that respect the proposal would provide a purpose built health, fitness and racquets club. This would be brought forward by an experienced and specialist provider who have 99 existing clubs across the UK. The building and facilities that would be provided therefore draw on the providers experience and would provide a functional space for the use to operate.
- 14.18. **Resources:** The development should make efficient use of resources whilst also being resilient. In this respect the nature of the proposed use is such that it would be an energy

intensive development. It would also require significant amounts of water. Allowing the proposal in this location would invariably therefore have a significant impact on these resources. However, the Energy Statement identifies a number of sustainable design measures to be incorporated into the development to reduce carbon dioxide emissions and energy consumption. This would be secured by condition 14 which also requires the proposed development to comply with the BREEAM 'very good' standard as a minimum. The location within a Sustainable Urban Extension of up to 6,200 homes offers the potential for access by low carbon sustainable transport options for residents. The provision of cycle parking and Travel Plan required by condition 10 would further encourage a shift towards low carbon sustainable transport options.

- 14.19. **Lifespan:** The development should be made to last. In this respect the proposed development would be well-managed and maintained by virtue of it being owned and run by a private company. This would be incentivised by the commercial need of the business to present a positive, professional and welcoming image to paying customers and potential new customers. The electric vehicle charging points required by condition 5 would help to ensure the development continues to be adaptable to changing needs and evolving technologies.
- 14.20. Overall, subject to conditions 5, 6 and 7, it is considered that the design and layout of the development is such that it would satisfactorily integrate into the existing neighbourhood, create place and provide suitable streets and homes.

15. Residential Amenity (Light, Aspect and Privacy)

- 15.1. Policy SDC1 of the Local Plan sets out that proposals for new development should ensure the living conditions of existing and future neighbouring occupiers are safeguarded.
- 15.2. The application site is allocated within the Key Phase 1 Regulatory Plan as an employment use. The parcels to the west and north-west (parcels E and K) are allocated for residential use. Reserved matters application for these parcels have yet to come forward.
- 15.3. The positioning of the built form within the site is such that this would not give rise to significant and detrimental impacts on light, aspect and privacy. The impact on residential amenity would therefore be acceptable. As a result, the proposal complies with policy SDC1.

16. Access, Parking Provision, Traffic Flows and Highway Safety

- 16.1. Section 9 of the Framework and policies HS5, D1 and D2 of the Local Plan set out the need to prioritise sustainable modes of transport and ensure transport impacts are suitably mitigated. A safe and suitable access to the site is also necessary.

Access

- 16.2. The site benefits from two points of access gained directly from Houlton Way which have already been constructed. These access points were approved as part of a Reserved Matters application for the Grey Infrastructure associated with Key Phase 1. The proposal seeks to utilise the southern access only. This access would take the form of a priority-controlled junction which would be barrier controlled.

Car Parking

- 16.3. Policy D2 of the Local Plan sets out that permission will only be granted for development incorporating adequate and satisfactory parking facilities. This should be based on the standards set out in appendix 5 of the Local Plan. In that respect it is noted that the application

site is located within a 'Low Access Zone'. This means that the Council would normally require 268 car parking spaces and 189 cycle parking spaces.

- 16.4. The proposal seeks permission for 250 car parking spaces which would be 18 less than would normally be required. The Transport Statement submitted with the application therefore includes an assessment of parking provision against parking demand for existing David Lloyd sites. It uses a car parking accumulation assessment using data from likely arrivals and departures modelling. This showed that parking demand at the busiest period of the day would equate to 229 spaces. The proposed level of car parking was deemed to be similar to other David Lloyd sites and sufficient to meet the likely demand for car parking with a small reserve for fluctuations in use and provision for circulation.
- 16.5. Of the parking spaces the applicant is only proposing that 2 would have electric vehicle charging points with infrastructure for a further 8 laid in the ground. This is contrary to the Local Plan which sets out that there should be 1 charging point for every 10 spaces, i.e. 25 charging points. Condition 5 is therefore proposed to ensure 25 charging points are provided.
- 16.6. The proposal seeks permission for 20 cycle parking spaces which would be 169 less than would normally be required. The Transport Statement submitted with the application notes that the Local Plan target would be significantly above the likely demand for cycle parking. To justify this, it draws on a high-level cycle parking accumulation assessment based on the predicted mode share (6% for cyclists) taken from modelling. This shows a peak demand of 20 spaces for cycle parking. As part of the Travel Plan required by condition 10, the cycle parking would be monitored and additional spaces could be provided in the event that there is demand for additional spaces.
- 16.7. *Traffic Flows*
- 16.8. The submitted Transport Statement concludes that the traffic impact arising from the proposed development could be fully accommodated within the capacity of the surrounding highway network. Critically, the assessment found that the redevelopment of the site would result in an overall net reduction in traffic generation associated with the consented uses on the site. During the AM peak hour the site would generate 82 fewer vehicle movements, whilst during the PM peak it would generate 4 fewer vehicle movements. In traffic terms this would have an overall positive impact on the road network, compared to that already consented.
- 16.9. WCC Highways have undertaken a full assessment of the development proposals in accordance with national and local planning and transport policy. They are satisfied that the impact on traffic flows would not be significant and detrimental. They are also satisfied with the proposed site access and level of parking. They have therefore raised no objections subject to conditions 7, 10 and 11.
- 16.10. In conclusion, it is considered that the proposal would have an acceptable impact on highway safety and traffic flows. As a result, the proposal complies with the Framework and policies HS5, D1 and D2.

17. Air Quality

- 17.1. Paragraph 181 of the Framework and policy HS5 of the Local Plan set out the need to consider the impact of the proposal on air quality. In this respect the application site falls within the Rugby Air Quality Management Area (AQMA) which has been designated due to an excess of nitrogen dioxide primarily related to traffic congestion near the centre of Rugby and

Dunchurch. An Air Quality Assessment (AQA) has therefore been submitted with the application.

- 17.2. The AQA considers the potential impact at existing sensitive receptors within the vicinity of the site and at proposed receptors within the site. It demonstrates that the proposed development would cause a negligible increase in concentrations of nitrogen dioxide (NO₂) and Particulate Matter (PM₁₀). Importantly, it would not result in exceedance of national air quality strategy objectives. The residual effects are consequently not deemed to be significant.
- 17.3. Potential construction phase air quality impacts from fugitive dust and fine particulate matter emissions were also assessed. The AQA identifies that these could be mitigated through a range of good practice control measures. Condition 3 requires the submission of a Construction Environmental Management Plan which would ensure these measures would be achieved.
- 17.4. In line with policy HS5 of the Local Plan, development must achieve or exceed air quality neutral standards. The AQA sets out that the submitted scheme would have a 'negligible' impact upon air quality objections. Furthermore, measures such as the provision of cycle parking, electric car charging points and the implementation of a travel plan are all being provided to reduce emissions arising from the development.
- 17.5. Rugby Borough Council's Environmental Health Teams are satisfied with the conclusions reached within these reports, i.e. that the proposed development would not have an overall significant effect on local air quality. As a result, the proposal complies with the Framework and policy HS5.

18. Noise

- 18.1. Paragraph 170 and 180 of the Framework and policies HS5 and SDC1 of the Local Plan set out the need to ensure that noise arising from the proposed development would not adversely impact on the amenity of nearby noise-sensitive receptors.
- 18.2. The Noise Impact Assessment submitted with the application considers the impact of noise from the outdoor tennis courts, road traffic, car park activity and fixed plant and equipment. It concludes that the predicted noise levels from these activities are in accordance with recommended guidelines. However, as full details of fixed plant and equipment are not known at this stage it recommends noise emission limits should be imposed.
- 18.1. Environmental Health has considered this assessment. With regards to noise from the outdoor tennis courts and car park activity they note that this would be audible from nearby residential properties. However, they accept that the location and distance of these elements from the nearby residential properties would lessen the potential adverse impacts. Overall, they are satisfied that noise from the proposed development would not have an adverse impact on the amenity of nearby noise-sensitive receptors subject to conditions 3 and 18. As a result, the proposal complies with the Framework and policies HS5 and SDC1.

19. Contamination

- 19.1. Paragraphs 170, 178 and 179 of the Framework sets out the need to ensure that a site is suitable for its proposed use taking account of risks arising from contamination.
- 19.2. The application site has been included in previous site investigations as part of the technical requirements for Key Phase 1. The Phase 1 Desk Study Report submitted as part of this application has summarised the pertinent geotechnical and geo-environmental findings of the

previously published reports pertaining both directly to the site and to the wider development area.

- 19.3. The findings of the report conclude that the site was not significantly contaminated and is therefore suitable for the proposed use. However, it does provide some recommendations for excavations, waste disposal/reuse and intrusive ground investigations.
- 19.4. Environmental Health has considered this report and raised no objection subject to condition 9. This would require adherence to the recommendations in the report and procedures for dealing with any unexpected contamination found on the site. It is therefore considered that this would ensure that contaminated land does not affect the health of the future occupiers of the proposed development.

20. Lighting

- 20.1. Paragraph 180 of the Framework sets out the need to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. National Planning Practice Guidance also expands on this. It indicates that getting the design and setting right is important as artificial lighting can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky.
- 20.2. An External Lighting Plan has been submitted with the application. This shows that the lighting in the car park has been designed with a near zero-degree tilt. However, the lighting for the tennis courts take the form of double asymmetric reflectors with a 55° hood and may be angled above the horizontal for court illumination.
- 20.3. Environmental Health has considered this together with the luminaire data shown on the plan. They are ultimately satisfied that the lighting would be acceptable subject to the inclusion of informative 2. Condition 16 has also been imposed to ensure that permission must be obtained to install any further lighting not shown on the External Lighting Plan. As a result, the proposal complies with the Framework.

21. Trees and Hedgerows

- 21.1. Paragraph 170 of the Framework and policies NE3 and SDC2 of the Local Plan set out the importance of incorporating features such as trees and hedgerows into the proposed development.
- 21.2. The application site falls within Key Phase 1 of the Rugby Radio Station Sustainable Urban Extension. Previous reserved matters applications for Key Phase 1 (R14/1070 and R14/1071) have included the submission of an Arboricultural Report which has covered the land subject of this application site. This approved report showed a hawthorn hedgerow along the south-east boundary of the application site. It indicated that this would be retained whilst two sections of hedgerows along the southern boundary would be removed. The proposed landscape plan for this application consequently reflects this and retains the hawthorn hedgerow.
- 21.3. The submitted landscaping plans includes provisions for new tree, scrub and hedgerow planting around the perimeter of the site and within the car parking area. This would include extra heavy standard trees and multi-stem trees.
- 21.4. The Council's Arboricultural Officer has raised no objection to this subject to condition 15. It is therefore considered that the impact on trees and hedgerows would be acceptable. As a result, the proposal complies with the Framework and policies NE3 and SDC2.

22. Ecology

- 22.1. Paragraphs 170 and 175 of the Framework and policy NE1 of the Local Plan set out the need to protect and enhance biodiversity including protected habitats and species.

Habitats

- 22.2. The site forms part of the wider Rugby Radio Station site for which outline planning permission has been granted for a sustainable urban extension (ref: R17/0022). As part of this permission a Biodiversity Strategy has been produced and approved for the wider development site.
- 22.3. The application site itself supports a number of habitats including ephemeral/short perennial vegetation, tall ruderal vegetation, semi-improved neutral grassland, hardstanding, amenity grassland, species-poor defunct hedgerow, scattered scrub and scattered broadleaved trees.
- 22.4. The Ecological Assessment submitted with this application acknowledges that the majority of habitats within the application site would be lost as a result of the proposed development. Ecological enhancement measures have therefore been incorporated into the proposals to compensate for the loss of some of the habitats present within the site. The scale of mitigation and enhancement which is being proposed across the wider Rugby Radio Station site as part of the Biodiversity Strategy will then compensate for the further loss of habitats. WCC Ecology are satisfied that this would be acceptable subject to condition 4.

Species

- 22.5. The Ecological Assessment draws on data records and surveys which indicate that the development has the potential to have an impact on bats, reptiles, great crested newts, brown hare, hedgehog and birds. A variety of measures are proposed to offset such potential impacts. WCC Ecology has assessed these and are satisfied that the potential impact to these species could be mitigated against through conditions 3, 4 and 6.

Ecology Conclusions

- 22.6. It has been found that the findings of the Ecological Assessment are acceptable and form a robust basis for considering the ecological impacts arising from the proposed development. In the first instance it has been established that the proposed development would not give rise to detrimental and adverse impacts at statutory and non-statutory ecological sites. The proposal would result in the loss of the majority of habitats within the application site. This would be compensated for by undertaking ecological enhancement measures within the application site and as part of the approved plans for the Rugby Radio Station site. The potential impact on species could be mitigated against through the use of conditions 3, 4 and 6. It is consequently considered that the proposed development would not have an adverse impact upon habitats and species whilst ensuring a net biodiversity gain. As a result, the proposal complies with the Framework and policy NE1.

23. Flood Risk and Drainage

- 23.1. Paragraphs 155-165 of the Framework and policies SDC5 and SDC6 of the Local Plan set out the need to consider the potential impact of flooding on new development whilst ensuring that flood risk is not increased elsewhere as a result of it. Sustainable drainage systems (SuDS) should also be incorporated into major developments where feasible.
- 23.2. The Flood Risk Assessment submitted with the application confirms that the application site falls within flood zone 1 (low risk) and therefore passes the requirements of the sequential and

exception tests outlined within the Framework. It also outlines that the risk of flooding from other sources would be low.

- 23.3. The Surface Water Drainage Strategy submitted with the application indicates that the proposal is in general accordance with the approved Key Phase 1 Revised Foul and Surface Water Drainage Statement. Surface water would be attenuated within the Rugby Radio Station site before outfalling to the Clifton Brook to the north of Rugby Radio Station. There is consequently no need for additional on-site attenuation.
- 23.4. WCC Flood Risk Management has carried out an independent assessment of the submitted documents. They have raised no objection subject to condition 8 which requires implementation of the surface water drainage scheme.
- 23.5. Foul drainage would connect into the foul drainage strategy contained within the approved Key Phase 1 Revised Foul and Surface Water Drainage Statement.
- 23.6. It has been found that the findings of the Flood Risk Assessment and Surface Water Drainage Strategy are acceptable and form a robust basis for considering the flood risk and drainage impacts arising from the proposed development. In the first instance it has been established that the proposed development would be located in a low risk flood zone. It would further be a low risk of flooding from all sources. Surface water and foul sewage drainage would be in general accordance with the approved Key Phase 1 Revised Foul and Surface Water Drainage Statement. As a result, the proposal complies with the Framework and policies SDC5 and SDC6.

24. Heritage and Archaeology

- 24.1. Section 16 of the Framework and policy SDC3 of the Local Plan sets out that new development should seek to conserve and enhance the historic environment.
- 24.2. WCC Archaeology has reviewed the plans and documents submitted with the application. They have responded to confirm they do not wish to comment on this scheme.
- 24.3. The application site itself does not contain any designated or non-designated heritage assets. However, there are heritage assets at distance within the area surrounding the application site. Having regard to the nature, appearance and scale of the proposed development, together with the intervening distance, existing built development and topographical change, it is considered that the proposal would not cause harm to the setting of heritage assets.
- 24.4. As a result, the proposal complies with the Framework and policy SDC3.

25. Carbon Emissions, Sustainable Design and Construction

- 25.1. Policies SDC1 and SDC4 of the Local Plan sets out support for the enhanced energy efficiency of buildings and need to achieve a BREEAM very good sustainability rating. This is consistent with section 14 of the Framework which indicates a need for the planning system to support the transition to a low carbon future to help tackle climate change. Rugby Borough Council also declared a climate emergency in July 2019.
- 25.2. BREEAM standards represent best practice in the sustainable design of non-residential buildings. A BREEAM Pre-Assessment Report has therefore been submitted with the application. This provides an indication that a BREEAM very good sustainability rating could be achieved. Condition 14 requiring measures to ensure this is achieved and implemented would be necessary.

- 25.3. An Energy Statement submitted with the application further sets out a series of passive and active energy efficient measures which have been reviewed and adopted for the new building. It sets out that the building would utilise high performance glazing to minimise solar gain, LED lighting and occupancy and daylight sensors for lighting. These energy efficient design features would reduce carbon emissions by 1.6%.
- 25.4. A Combined Heat and Power (CHP) plant would be installed to provide heating and hot water. CHP is a highly efficient process that captures and utilises the heat that is a by-product of the electricity generation process. The Statement calculates that using this CHP system would reduce carbon emissions by 32.9%.
- 25.5. Air source heat pumps would be utilised to provide the lounge, studios and changing rooms heating and cooling requirements. They would also be used in the gym air handling units using a multi-stage coil. The Statement calculates that this would reduce carbon emissions by 1.9%.
- 25.6. Overall, the proposed energy strategy would achieve a 36.4% improvement on Part L 2013 Building Regulations. This equates to 159.3 tonnes of carbon dioxide emissions which would be saved each year. As a result, the proposal complies with the Framework and policies SDC1 and SDC4.

26. Broadband

- 26.1. Policy SDC9 of the Local Plan sets out the need for new developments to facilitate and contribute towards the provision of broadband infrastructure.
- 26.2. The applicant has advised that BT infrastructure is available for them to connect into. The applicant would be responsible for ordering a telecommunication service to meet their needs. As a result, the proposal complies with policy SDC9.

27. Planning Balance and Sustainability of Development

- 27.1. Policy GP1 of the Local Plan outlines that the Council will determine applications in accordance with the presumption of sustainable development set out in the Framework. Paragraph 11 of the Framework sets out that for decision-taking this has two parts.
- 27.2. The first part (paragraph 11(c)) means “approving development proposals that accord with an up-to-date development plan without delay”. The Local Plan was adopted in June 2019 and is an up-to-date development plan. However, as set out above, the proposal is not in accordance with policies DS1, DS4 and ED1 HS4 of the Local Plan. The proposal consequently does not accord with an up-to-date development plan and the first part (bullet “c”) of paragraph 11 does not support approving the application.
- 27.3. The second part (paragraph 11(d)) means “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission ...”. In this case there are relevant development plan policies as listed above. The policies most important for determining the application are not out-of-date. These policies were adopted in June 2019 following an examination in public by a Planning Inspector. The Inspector found that the policies had been prepared in line with the relevant legal requirements and met the tests of ‘soundness’ contained in the Framework 2012. These policies remain consistent with the Framework 2019 and so should be afforded full weight.
- 27.4. The aforementioned reasons mean that the second part (bullet “d”) of paragraph 11 is not engaged. As the proposal does not accord with bullets “c” and “d” of paragraph 11 of the

Framework, the presumption in favour of sustainable development or “tilted balance” is not engaged.

Planning Balance

- 27.5. Paragraph 12 of the Framework sets out that “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.” As the “tilted balance” is not engaged it is necessary to undertake a straightforward balancing exercise weighing up the material considerations which amount to the benefits and harm of the proposed development, and then deciding whether they are sufficient to approve the application despite the development plan indication to the contrary. This should establish whether the proposal would achieve sustainable development with specific regard to the economic, social and environmental objectives.

Economic

- 27.6. From an economic perspective, the proposed development would result in a loss of 2.2ha of designated employment land. This is not an insignificant loss and accounts for 12.5% of the required employment land on the Rugby Radio Station site. As this is a strategic allocation the failure to provide this employment land would undermine the ability of the recently adopted Local Plan to deliver its employment land target. In turn, this jeopardises the planned equilibrium of employment and housing growth in the Borough. As a consequence it would threaten the sustainability credentials of the plan and Rugby Radio Station site. For example, it could lead to unintended consequences such as further commuting trips by private car to access employment sites elsewhere. Moreover, it risks setting a precedent to justify similar developments on existing and allocated employment sites elsewhere in the Borough. That would then further undermine the ability of the Local Plan to deliver identified employment needs. The harm arising from all these issues is therefore a matter which carries significant weight against the proposed development.
- 27.7. Notwithstanding the identified harm, the proposal would give rise to several economic benefits. Critically it has been demonstrated that despite the loss of employment land the scheme would actually still create 74 jobs. This compares favourably to a B8 (storage and distribution) use which would be able to open on the site if it were retained for employment purposes. This means that although not an employment use in planning terms, the proposal would not result in a material decrease in the number of jobs created by granting permission and it would still fulfil a form of employment function. Indeed, the proposal would help to diversify employment opportunities in the Borough whilst meet a need for additional leisure jobs.
- 27.8. Aside from job creation, it would notably represent a significant investment in the Borough at a time where there is a great deal of economic uncertainty. Moreover, it is recognised that the type and nature of the proposed development would significantly improve the appeal of the wider 16ha employment land allocation on Rugby Radio Station for business users. It would provide an appealing gateway for the allocated employment land and offers the potential to act as a catalyst to attract further investment.
- 27.9. Although not fully quantified and robustly evidenced, it is reasonable to conclude that a number of further economic benefits would arise from the proposed development. This includes: money being invested in construction on the site; construction jobs and associated in-direct jobs being supported; potential new construction employment opportunities; and an increase in the viability of local retail uses, services and businesses.

27.10. Such matters would have a positive impact on the local economy and prosperity of the Borough. In line with the Framework, these benefits to economic growth and productivity should be given significant weight in favour of the proposed development.

Social

27.11. From a social perspective, it is clear that the proposal would increase access to and opportunities for physical activity, exercise, recreation and play. It would particularly help to meet the recognised need within the Borough for some of the sports facilities that would be offered by the proposed development. Furthermore, it would provide a new space for social interaction and connections which would help to build and create community. Further, the facilities would provide a space where people can improve their physical and mental health. To ensure that these benefits are made available to the wider community the applicant has agreed to allow local schools to use their facilities. The effect of this would also be to help social cohesion and integration whilst breaking down barriers to access.

27.12. Aside from the health and wellbeing benefits it is important to recognise that the proposal would result in the creation of 74 jobs. This would therefore help to provide new opportunities for people to sustain themselves.

27.13. It is considered that the clear social benefits outlined above should carry significant weight in favour of the proposed development.

Environmental

27.14. From an environmental perspective, the potential adverse impacts of the proposed development in relation to visual appearance, residential amenity, highway safety, traffic flows, air quality, noise, contamination, lighting, trees, hedgerows, ecology, flood risk, drainage, heritage, archaeology and carbon emissions have all been considered. There would be no adverse impacts in some instances. However, in other instances where potential adverse impacts are identified, it would be possible to mitigate against this impact through a number of different measures and strategies. This mitigation could be secured through conditions. This mitigation could be secured through conditions to ensure that this is delivered.

Conclusion

27.15. On balance, it is concluded that the benefits of the proposed development would outweigh the adverse impacts of the proposed development. The submitted scheme does not comply with policies DS1, DS4 and ED1 of the Local Plan. However, it has been established that there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan. The proposal would consequently be a sustainable development and consequently accords with policy GP1 of the Local Plan. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that the application should be approved subject to conditions and informatives.

28. Recommendation:

28.1. Planning application R19/1391 to be granted subject to:

- a. The conditions and informatives set out in the draft decision notice appended to this report.

DRAFT DECISION

REFERENCE NO:
R19/1391

DATE APPLICATION VALID:
05-Dec-2019

APPLICANT:
John Mullen, David Lloyd Leisure Ltd, C/O Agent

AGENT:
Ian Anderson, Cushman & Wakefield, 125 Old Broad Street, London, EC2N 1AR

ADDRESS OF DEVELOPMENT:
RUGBY RADIO STATION, WATLING STREET, CLIFTON UPON DUNSMORE, RUGBY, CV23 0AS

APPLICATION DESCRIPTION:
Erection of health, fitness and racquets club, including 3 no weather protected tennis courts within an air-dome enclosure, 3 no outdoor tennis courts, indoor and outdoor swimming pools, gym and studio facilities, spa facilities, child activity area, lounge and food and drink uses, together with ancillary facilities, car parking, servicing, landscaping and associated works.

CONDITIONS

CONDITION 1:
The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

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

CONDITION 2:
Unless non-material variations are agreed in writing with the Local Planning Authority, the development hereby approved shall not be carried out other than in accordance with the plans and documents detailed below and in accordance with any variations approved in accordance with details required by condition:

<u>Plan Description</u>	<u>Plan No.</u>	<u>Date Received</u>
Site Location Plan	2018-278- A-PL-09-001-P0	29-10-19
Layout Plan	2018-278-A-PL-09-010-P04	05-12-20
Boundary Treatments	2018-278-PL-97-010-P03	05-12-19
External Lighting Plan	N0035-E-200	29-10-19
Landscape Entrance Planting Details	DLR 03	27-07-20
Landscape Planting Details	DLR 02 C	27-07-20
Levels Plan - Sheet 1	19086-C102-P1	05-12-19
Levels Plan - Sheet 2	9086-C103-P1	05-12-19
Utilities Layout	41601(50)002-P1	05-12-19
Drainage - Details Sheet 1	19086-D300-P1	29-10-19
Drainage - General Arrangement Ground Floor Foul Layout Plan	19086-D110-P2	29-10-19
Drainage - Manhole Schedules	19086-D301-P1	29-10-19
Drainage - Performance Specification for Structural and Civil Engineering Works 01		29-10-19
Drainage - Site Plan - Sheet 1 - South West Half	19086-D100-P2	29-10-19
Drainage - Site Plan - Sheet 2 - North East Half	19086-D101-P2	29-10-19
Ground Floor Plan	2018-278-PL-04-010-P0	29-10-19
First Floor Plan	2018-278-PL-04-011-P0	29-10-19
Roof Plan	2018-278-PL-04-012-P0	05-12-19
GA Elevations	2018-278-PL-05-010-P0	29-10-19

GA Sections	2018-278-PL-06-010-P0	29-10-19
Kids Play Frame Detail	2018-278-PL-09-102-P0	05-12-19
Sauna Elevations	2018-278-PL-05-030-P01	29-10-19
Tennis Dome Elevations Plan	PL-04-013-P0	13-01-20
Tennis Dome Floor Plan	PL-04-013-P0	05-12-19
Bike Shelter Detail	2018-278-PL-09-100	29-10-19
CHP Enclosure Drawing	14498	05-12-19
Car Barrier (Technical Datasheet)	PP100-FT-EN-07	23-12-19
Car Park Barrier Details	N/A	05-12-19
Gas Meter Cabinet	N/A	05-12-19
GRP Enclosure Substation	TR1	05-12-19
PK SPORT - Floor Standing Warm Air Heaters for Air-Supported Structures	N/A	05-12-19

<u>Report Description</u>	<u>Report No.</u>	<u>Date Received</u>
Air Quality Assessment	AQ_assessment20192258-V2	29-10-19
Contamination - Phase 1 Desk Study Report	LP002040-3	29-10-19
Design and Access Statement	2018-278_DLC Rugby August 2019P02	29-10-19
Ecological Assessment	7827-002	29-10-19
Employment Note	N/A	05-06-20
Energy Statement	41475-JT	29-10-19
Flood Risk Assessment	WIE16419-100-R-1-2-1-FRA	29-10-19
Leisure and Health Impact Assessment	N/A	05-12-19
Noise Impact Assessment	01	29-10-19
Planning Statement	N/A	05-12-19
Sequential Assessment	N/A	05-12-19
Surface Water Drainage Strategy	19086-00	13-01-20
Transport Statement	194909	29-10-20
Transport Technical Note	N/A	28-02-20
Travel Plan	194909	29-10-20

REASON:

For the avoidance of doubt.

CONDITION 3:

Notwithstanding the submitted Construction Environmental Management Plan (received 29-10-19), no development shall commence, including any groundworks, site clearance and construction work, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details relating to:

- a. Measures to reduce mud deposition, debris and obstacles offsite and on the highway from vehicles leaving the site during the construction phase;
- b. Heavy goods vehicle and construction traffic routing plan (including details of any temporary signage);
- c. Timing of heavy goods vehicle movements during the construction phase;
- d. A point of contact and their details;
- e. Loading and unloading of plant, materials and deliveries (including swept paths);
- f. Storage of plant and materials used in constructing the development.
- g. Construction site access control;
- h. The parking of vehicles of site operatives and visitors;
- i. Hours of work and deliveries;
- j. How earthworks and the removal of earth will be carried out and managed together with details of where and how any earth removed from the site will be taken;
- k. Pre-commencement checks for wildlife (including amphibians, reptiles, badger and breeding birds);
- l. Appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site including details of supervision by an Ecological Clerk of Works (ECoW);

- m. Control of noise and vibration emissions from construction activities including ground works and the provision of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase; and
- n. Control of dust, including arrangements to monitor dust emissions from the development site during the construction phase.

Development shall be carried out in compliance with the approved Construction Management Plan unless non-material variations are agreed in writing with the Local Planning Authority.

REASON:

In the interests of health and safety, amenities of the area and to ensure that protected species are not harmed by the development.

CONDITION 4:

No above ground development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of:

- a. Planting together with species used and sourcing of plants;
- b. Maintenance of all new planting;
- c. Habitat enhancement/creation measures and management (such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement)
- d. Provision of habitat for protected and notable species (including location, number and type of bat and bird boxes and the location of hedgehog gaps and hedgehog hibernation boxes).

Unless non-material variations are agreed in writing with the Local Planning Authority, no building shall be occupied until the approved LEMP and associated measures have been implemented in full.

REASON:

To protect and enhance biodiversity, to ensure that protected species are not harmed by the development and in the interests of visual amenity.

CONDITION 5:

Notwithstanding the electric vehicle charging points indicated on the layout plan, no above ground development shall commence until full details of electric vehicle charging points, including the location, make and model, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. No building shall be occupied until the electric vehicle charging points have been provided and made available for use in accordance with the approved details. The electric vehicle charging points shall be permanently retained and made available for the charging of vehicles.

REASON:

To ensure the proper development of the site, to reduce air pollution, to lower carbon emissions and in the interests of visual amenity.

CONDITION 6:

No above ground development shall commence until full details of the colour, finish and texture of all new materials to be used on all external surfaces of the buildings, and lighting columns shown on the External Lighting Plan (N0035-E-200, received 29-10-19), together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure a satisfactory external appearance, in the interests of the visual amenities of the locality and to ensure that protected species are not harmed by the development.

CONDITION 7:

Notwithstanding the submitted Surfacing Plan (2018-278-PL-95-010-P0, received 29-10-19), no above ground development shall commence on the car park and internal roadways until full details of all areas of hard surfacing, including car parking spaces and internal roadways, have been submitted to and approved in writing by the Local Planning Authority. The details shall include materials (together with samples where

appropriate), how parking spaces will be marked out, construction, levels and drainage. No building shall be occupied until the areas of hard surfacing have first been provided in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

REASON:

To ensure a satisfactory external appearance in the interests of the visual amenity, to ensure adequate parking provision, and in the interests of highway safety and traffic flows.

CONDITION 8:

The development hereby approved shall not be carried out other than in strict accordance with the Flood Risk Assessment (WIE16419-100-R-1-2-1-FRA, received 29-10-19) and Surface Water Drainage Strategy (19086-00, received 13-01-20). The scheme and mitigation measures, together with the timing and phasing arrangements, contained with the Assessment and Strategy shall be implemented in accordance with the approved details before first occupation of the buildings hereby approved unless non-material variations are agreed in writing with the Local Planning Authority.

REASON:

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

CONDITION 9:

The development hereby approved shall not be carried out other than in accordance with the recommendations of section 6.2.17 and section 9 of the Contamination - Phase 1 Desk Study Report (LP002040-3, received 29-10-19). In the event that contamination is found at any time when carrying out the development hereby approved that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site (including whether or not it originates on the site). Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

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

CONDITION 10:

Unless non-material variations are agreed in writing with the Local Planning Authority, no building shall be occupied until the approved Travel Plan (194909, received 29-10-20) has been brought into operation in accordance with the Travel Plan Strategy and Action Plan, including integration of these activities with the Transport Review Group for the Rugby Urban Extension (Houlton).

REASON:

In the interests of highway safety, traffic flows, reducing vehicular emissions and promoting the use of sustainable transport.

CONDITION 11:

No building shall be occupied until the car park barriers have been provided in accordance with the approved details and have been configured to operate under 'Free Entry mode' as described in the email from Mark Hutchison to John Mullen and Colin McGuire dated 07 November 2019 11:00:17, at all times when the approved use is operational.

REASON:

In the interests of highway safety and traffic flows.

CONDITION 12:

The buildings hereby approved shall not be occupied until full details of a community access package have been submitted to and approved in writing by the Local Planning Authority. The package shall include details of access by local schools and a community use agreement. The development shall not be used or carried out other than in accordance with the approved community access package.

REASON:

In the interests of health and wellbeing, in the interests of social cohesion and integration, to increase access to and opportunities for sports facilities, and to ensure the development benefits the local community.

CONDITION 13:

The kitchen area shown on the Ground Floor Plan (2018-278-PL-04-010-P0, received 29-10-19) shall not be used until:

- (i) A scheme of works for the design of odour and fume control equipment serving the kitchen extraction system; and
- (ii) A scheme of works for the design of the kitchen cooking equipment to demonstrate compliance with the supply and extract air to DW172: Specification for Kitchen Ventilation Systems

has been submitted to and approved in writing by the Local Planning Authority. The schemes shall subsequently be installed and/or fitted in accordance with the approved details and thereafter be retained unless non-material variations are agreed in writing by the Local Planning Authority.

REASON:

To prevent the emission of fumes which would be detrimental to the amenity of the area and in the interests of the amenity of residential properties.

CONDITION 14:

The buildings hereby approved shall not be occupied until measures demonstrating that the building achieves a BREEAM very good standard or above in terms of carbon reduction shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved measures and details together with the measures detailed in the Energy Statement (41475-JT, received 29-10-19).

REASON:

To ensure energy efficiency is achieved through sustainable design and construction and to reduce carbon emissions.

CONDITION 15:

The landscaping scheme and all planting, as detailed in the Landscape Entrance Planting Details (DLR 03, received 27-07-20) and Landscape Planting Details (DLR 02 C, received 27-07-20), shall be implemented and planted no later than the first planting season following completion of the construction. If within a period of 10 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

To ensure the proper development of the site, in the interest of visual amenity and to enhance biodiversity.

CONDITION 16:

No external lighting, other than that shown on the approved External Lighting Plan (N0035-E-200, received 29-10-19) and required for construction, shall be provided or erected on the site unless full details of the type, design and location of the additional lighting, together with a lighting report including details of fixtures and fittings, associated angle, fall, spread and intensity, have first been submitted to and approved in writing by the Local Planning Authority. No additional external lighting shall be erected and installed other than in accordance with the approved details.

REASON:

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

CONDITION 17:

No boundary treatment, other than that shown on the approved Boundary Treatments Plan (2018-278-PL-97-010-P03, received 05-12-19) and required for construction, shall be provided or erected on the site unless full details and plans of the type, design and location of the additional boundary treatment have first been submitted to and approved in writing by the Local Planning Authority. No additional boundary treatment shall be erected and installed other than in accordance with the approved details.

REASON:

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

CONDITION 18:

The rating level of any fixed plant or equipment installed, provided and operated at the site (including but not limited to air conditioning units, chillers, kitchen extract and inlet fans, Combined Heat and Power Plant and air source heat pumps) shall not exceed a plant noise limit of 51dB LAr,Tr at 1m from NSR in the day-time (between 07:00 - 23:00 hours) and 40dB LAr,Tr at 1m from NSR in the night-time (23:00 - 07:00 hours), unless non-material variations are agreed in writing with the Local Planning Authority. Such measurements and/or calculations shall be made in accordance with the main principles of BS4142:2014 and the Noise Impact Assessment (01, received 29-10-19).

REASON:

In the interest of residential amenity.

CONDITION 19:

The development hereby approved shall be used as a health, fitness and racquets club and for no other purpose (including any purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON:

To safeguard the vitality and viability of the town centre and to realise the unique benefits of this development.

CONDITION 20:

Unless non-material variations are agreed in writing with the Local Planning Authority, the development shall not be used other than between the hours of 06:00 and 23:00 on any day.

REASON:

In the interest of residential amenity.

INFORMATIVES

INFORMATIVE 1:

Prior to opening, the food business operator should register their business with the Council's Commercial Regulation Team to comply with relevant food safety legislation. For further information please email fs@rugby.gov.uk.

INFORMATIVE 2:

Any external lighting should be installed to ensure there is no glare or excessive light spill that may affect any properties off site. Information can be obtained from the Institute of Lighting Professionals on types and positioning of lighting to minimise off site effects.

INFORMATIVE 3:

If the proposed development is to incorporate piling in the foundation detail, the developer is consult with Rugby Council Commercial Regulation Team to obtain guidance. This will reduce the chance of enforcement

action should an unsuitable method of piling be chosen which causes nuisance by way of noise and/or vibration.

INFORMATIVE 4:

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include tree planting/landscaping or solar thermal panels. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf Such measures contribute towards improving air quality. Should you require any further advice on ensuring your development has a positive contribution on air quality, further information can be obtained from the Commercial Regulation team through 01788 533533 or email ept@rugby.gov.uk

INFORMATIVE 5:

RBC Environmental Health advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site must not occur outside the following hours: Monday – Friday - 7.30 a.m. - 18.00 p.m.; Saturday - 8.30 a.m. - 13.00 p.m.; and no work on Sundays and Bank Holidays. If work at other times is required permission should be obtained from the local planning authority

INFORMATIVE 6:

Warwickshire Fire and Rescue Authority advise:

(i) of 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;

(ii) that they 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; and

(ii) of the need 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.

INFORMATIVE 7:

The applicant/developer is advised that separate advertisement consent may be required from the Local Planning Authority for any proposed signage.

INFORMATIVE 8:

To register the property and receive a postal address please complete an application form for Postal Naming and Numbering. This should be done prior to above ground works commencing. The form can be downloaded at: http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223&categoryID=200295.

STATEMENT OF POSITIVE ENGAGEMENT

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF.

Reference number: R19/1496

Site address: 117 Newbold Road, Rugby, Warwickshire, CV21 2NG

Description: The extension of the approved scheme at 117 Newbold Road, Rugby from 98 apartments to 122 apartments including the provision of 73 parking spaces, secure cycle and refuse storage and new planting and landscaping.

Case Officer Name & Number: Nigel Reeves – 01788 533489

Introduction

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application comprises Major Development.

Previously a scheme for residential development comprising a Part-3/Part-4 and Part-5 Storey building incorporating 98 no. apartments, and the provision of 61 parking spaces (Ref: R17/2113) was approved by the Planning Committee in July 2018 subject to the provision of a s106 agreement.

Permission is now sought to add an extension above parts of the existing approved building, to provide an additional 24 apartments plus 12 additional parking spaces in a re-configured car parking court.

Application Proposal

This application seeks full planning permission for the extension of the approved scheme at 117 Newbold Road, Rugby from 98 apartments to 122 apartments including the provision of 73 parking spaces, secure cycle and refuse storage and new planting and landscaping.

The previously approved scheme (Ref: R17/2113) comprised a mainly three/four-storey building (where there is a lower ground floor faces the GEC access road) with an 'L-Shaped' building footprint. This includes a 5-storey corner element on the NE corner, to provide a feature on the most prominent part of the site, when viewed along Newbold Road.

Permission is now sought to increase the height of part of the building to create a predominantly 4-storey building instead of the consented mainly 3-storey building. The reason for this is that unexpected increases to de-contamination costs have ruled the 98 unit scheme unviable.

Access to the site is gained via an altered access off Newbold Road. There will be a new right-turning lane provided in the centre of Newbold Road and a left turning lane into Newbold Rd at the site egress. The access road leads into a rear parking area

where 73 parking spaces are now provided. Pedestrian access is provided via a shallow grade ramp to the main building entrance in the NE corner from Newbold Road. Secondary building entrances are provided to separate parts of the building from the rear parking court.

The originally consented scheme (Ref: R17/2113) comprised the following unit mix:

- 21 no. x Studio apartments
- 27 no. x 1-Bed apartments
- 50 no. x 2-Bed apartments

The amended proposal will provide the following accommodation:

- 21 no. x Studio apartments
- 30 no. x 1-Bed apartments
- 62 no. x 2-Bed apartments

The planning application is supported by the following information:

- Planning Application Form
- Site Layout
- Building Elevations and Floorplans
- Planning Statement - Design and Access Statement
- Amended Transport Assessment
- Amended Air Quality Assessment

A Viability Assessment was subsequently submitted by the applicant.

The Site and Surrounding Area

The application site is located on the west side of Newbold Road (A426), which is a main route into the Town Centre, close to the junction with Wood Street. The site is bounded by residential properties on Worcester St to the south, whose rear gardens run down to the southern site boundary, and on the opposite side of Newbold Rd. The GEC works, including an office building is situated immediately to the west and the main works entrance and a car park lie immediately to the north. The West Coast Railway line runs on a raised embankment further to the north.

The site lies on an elevated position when viewed from the north, but is generally flat and is mainly open and surfaced. There are some low-rise buildings on the site frontage, currently used as a car wash. The majority of the site to the rear is vacant.

Relevant Planning History

R11/0176 Change of use of site from vehicle rental hire (sui generis) to container storage business (Class B8) – Approved August 2011 for a temporary period of 10 years. (NB. Permission has never been implemented)

R17/2113 - Residential development comprising Part-3/Part-4 and Part-5 Storey building incorporating 98 no. apartments, re-configuration of existing access, provision of 61 parking spaces, cycle and refuse provision, planting and landscaping – Approved Dec 2018 following signing of S106 Agreement.

R19/0902 – minor material amendment to R17/2113 to relocate cycle parking to secure buildings in the car park and to amend the materials used on the building.
- Approved but awaiting completion of Deed of Variation.

Technical Responses

Warwickshire County Council (Highways) – Initial objection overcome by submission of amended details

Rugby Borough Council (Environmental Services) – Initial concerns overcome by submission of Revised Air Quality Assessment and recommendations contained within it.

Rugby Borough Council (Public Realm) – No objection

Rugby Borough Council (Housing) – No objection but a shame a more balanced mix of housing is not coming forward but it is appreciated that this is a challenging and linear site.

Warwickshire CC (Local Flood Authority) – require further information

Warwickshire Police – no objections

Representations:

2 letters of representation from nearby residents raising the following concerns:

- Our only major concern is the justification for so relatively few parking spaces. Whichever way the agent words the benefits of the location, close to town, public transport or the train station, it does not change the fact that although people may walk or use the train to commute it is highly probably that they will still own a car, or in the case of married couples 2 cars. I walk to work from Worcester Street to the adjacent GE site (all 200m) and my fiancée walks to

Northlands school every day but we still own and use a car for the evenings and weekends. This is reality. Not some utopian ideal that we can rid the world of cars or at least this development by not providing space to park them. And I'm sorry but it is absolutely laughable that conversely the provision of 236 cycle spaces is justified on the basis of 'one for residents and one for visitors'!

- are there plans to add cycle lanes on the busiest town access road in Rugby to ensure the increased cycle traffic the development will generate is kept safe? No.. the majority of visitors will arrive in cars, with nowhere to park them, except the surrounding roads.

- So I am going to argue that the low level of car ownership figures stated is based on outdated and unrepresentative data and against how, as stated in the Planning Statement, it was 'demonstrated there would be no overspill parking impact'. This is utter rubbish (and I can't stress that enough). There was no demonstration. It was just the developer saying there won't be a problem and the council going 'err ok then'. They demonstrated nothing! You look at any new development, even brand new estates such as the new Moorland Glade in Hilmorton where there are driveways large enough for 2 cars. Nearly all the curbs have additional cars parked on them already. And it's the same for Cawston, Coton Park, etc. Basically drive round any estate in Rugby after 7pm to see the overspill parking in residential roads. Newbold road has cars parked on the pavement and the entrance to the development is actually block currently by 2 cars parked in the entrance.

- And just a point but if he's managed to increase the number of car parking spaces for the extension proposal from 61 to 73, why couldn't this have been done on the original plan when it was just 98 apartments
- Has the lack of parking for existing residents on Newbold road, Worcester street and Essex Street been taken into consideration within the new plans.
- The Residents Are already struggling to find anywhere to park cars safely, we have to leave them parked illegally and suffer parking fines. Or park miles away and struggle getting our children and shopping home safely.
- The proposal is for 122 apartments with only 73 parking spaces, This proposal will instantly cause even more problems with parking in that area With no real provision for the amount of parking spaces to match or exceed the apartments being built.
- No provision for 1 car per apartment or even for visitors to the people that will live there.
- The chaos that this lack of Foresight and provision for parking will exacerbate an already dangerous problem in the area.
- Two sets of apartments/flats on Newbold road, one on the corner of Worcester street and one on the corner of Essex street with no parking provision has already caused problems, stress and anguish with residents.
- The problem of too much housing in the Rugby area has already been highlighted of late in the newspapers.
- But now more apartments with even less parking is sure to cause even more problems.

- Common sense has been ignored in favour of the monetary factor that can be made from these apartments.

Relevant Planning Policies and Documents

National Planning Policy Framework – 2019

Section 2 : Achieving Sustainable Development.

(inc paras 11-14: Presumption in favour of Sustainable Development)

Section 4 : Decision Making

Section 5: Delivering a Sufficient Supply of Homes

Section 8 : Promoting Healthy and Sustainable Communities

Section 9: Promoting Sustainable Transport

Section 11 : Making Best Use of Land

Section 12: Achieving Well Designed Places

Rugby Borough Local Plan 2011-2031 – Adopted June 2019.

GP1 – Securing Sustainable Development	Complies
GP2 – Settlement Hierarchy	Complies
H1 – Informing Housing Mix	Complies
H2 – Affordable Housing Provision	Complies on Viability Grounds
HS1 – Healthy, safe and Inclusive Communities	Complies
HS4 – Open Space, Sports and Recreation	Complies on Viability Grounds
HS5 – Traffic generation and Air Quality	Complies
SDC1 – Sustainable Design	Complies
SDC2 – Landscaping	Complies
SDC4 – Sustainable Buildings	Complies
SDC5 – Flood Risk Management	Complies
D1 – Transport	Complies
D2 – Parking Facilities	Complies
D4 – Planning Obligations	Complies

Determining Considerations

Principle of Development

Planning permission was granted in December 2018 (ref: R17/2113) for a building on the site containing 98 apartments. The principle of developing this site for residential purposes has already been established by the granting of this permission.

The main considerations in respect of this application are as follows:

- the principle of developing an additional 24 apartments on this site,

- the impact on character of the locality of the additional apartments,
- the impact that the additional apartments will have on the design and appearance of the new building,
- the impact on residential amenity and highway and parking standards.
- Sustainable design including air quality

The impacts of each of these matters are then balanced in the conclusion.

The application site is located within the Urban Area of Rugby as defined in Policy GP2 of the Local Plan. The site is also within walking distance of the Town Centre as well as the railway station and is thus a sustainable location, and thus complies with the locational strategy for new development as set out in Policy GP2.

Design/Impact on the Character of the Locality

Section 12 of the NPPF seeks to ensure that well designed places result from new development. This aim is repeated in Local Plan Policy SDC1.

The application site is surrounded by a mixture of houses dating from the early Twentieth Century and 1930s to the south and east and business development (comprising the GEC works) to the north. There is a main access road to the GEC works immediately to the north of the site, with a car park at a lower level before the main West Coast Railway line passes by the site on a raised embankment. Newbold Road, the main entry to the town from the north passes the east of the site.

The site is situated on raised ground and is fairly prominent when viewed from Newbold Road to the north and from parts of Leicester Road further to the north. It is mainly vacant with a frontage building (now demolished) used as by a temporary car wash, and currently adds little to the quality of the area.

When the previous application was brought before the Planning Committee, it was recognised that the proposed building will be visible from a number of locations immediately around the site, and, from further afield particularly from the north. However it will form part of a backdrop of buildings on rising land to the south (including the larger industrial buildings on the GEC works to the west).

The proposal in effect will add an additional storey to the majority of the southern and western wings of the approved building, bringing it closer to the height of the taller feature on the NE corner of the site. The design has been amended as a result of negotiations with your planning officers, to provide glazing above the stair towers to break up the long mass of the western wing and also to provide a parapet feature to separate the existing consented 3-storey element and the additional floors above. The new floors will be constructed mainly in grey metal roof panels to provide a contrast with the contrasting brick used on the lower floors.

Whilst the additional floor will introduce a building with a larger form and massing than originally approved, it sits on a largish site some distance from existing houses, which can potentially accept a building of this scale, and which will provide a landmark on one of the main entrances into the town.

The revised proposal is therefore considered to provide an appropriate contemporary design response for this site. An indicative landscaping scheme is also provided, with tree/shrub planting along the southern boundary and a grid of trees to break up the open expanse of the large parking court. The area to the front of the building also contains tree/shrub planting alongside the entrance paths and the site boundary.

The revised proposal is also considered to have a beneficial impact on the design and appearance of the locality, even with the additional floor, and thus complies with Policy SDC1. This is recognised and addressed in the overall planning balance at the end of this report.

Impact on Residential Amenity

Policy SDC1 of the Local Plan states that new development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The nearest properties to the proposed new building are located on Newbold Road to the south and east of the new building. The gable wall of No. 115 Newbold Rd (containing habitable room windows facing the site) is positioned 14.5m from the nearest corner of the proposed building. The frontage of the new building is also set back from Newbold Rd and thus the frontage of No. 115, so the side windows in this property will overlook the access and then front forecourt area of the new building.

There will be a landscape strip along this boundary as well. The ridge height of No. 115 is 105.3m AOD. The ground level on the application site will be partly excavated and the side elevation of the consented building will be 11.8m high (i.e. 2.0m above the ridge height of No. 115). The building will now have an additional floor, raising the building height adjacent to No. 115 by 2.7m, increasing the change in heights between existing and proposed to 4.7m. Given the existing relationship and its positioning north of the existing dwellings, this relationship is still considered to be acceptable.

On the opposite side of Newbold Rd, Nos. 80-84 directly face the application site and sit at a lower level. Although the proposed building will be located on raised land, it is set back from the road and will be generally 33.0m from the frontage of these houses (apart from the corner part containing balconies, which is 27.5m from the nearest corner of No.84). Whilst there will be some change to the outlook across Newbold Rd from these dwellings as the scale of the amended building (with an increased storey height) is bigger, this relationship is still not considered to be too overbearing or would result in a significant loss of privacy to these properties. This is due to the

separation distance (33m) as the new floor is not on part of the building closest to Newbold Rd, and the fact that they are facing one another across a busy road.

There are also houses in Worcester Street, whose gardens back onto the southern boundary of the application site. The rear elevations of these houses are generally in excess of 20m from the site boundary, although some project closer to within 15.0m of this boundary. The corners of the new building will be 44.0m from the rear of houses at the closest points although the majority of the new building will be further away. The new building (with an increased storey height) will now be four-storey in height facing these houses and there will be tree-planting on the intervening boundary. This relationship is considered to be acceptable, due to the relatively large intervening distance, and because the site is at a lower level from houses in Worcester St..

It is therefore considered that, although the building height of the two wings is now increasing, this will still not result in materially adverse impacts on the occupiers of the neighbouring properties in terms of loss of privacy or by the introduction of an overbearing and over dominant forms of development. This application is therefore considered to be in accordance with Policy SDC1 of the Local Plan.

Highway Safety

Policy D1 and Section 9 of the NPPF seeks to promote sustainable modes of transport and also seeks to mitigate against the transport impacts that may arise from new development proposals.

Access/Egress to the site from Newbold Road, was a key issue that required a number of modifications, including a reduction in the number of parking spaces on the site, to reduce waiting times leaving the site in the AM/PM peaks.

The original Transport Assessment submitted for R17/2113 estimated that the traffic generation from 98 dwellings during the busiest times of the day is as follows:

AM Peak Arrivals – 17 Departures – 38 Total – 55

PM Peak Arrivals - 33 Departures - 19 Total - 52

In terms of trip distribution from the site, the total traffic flows travelling north and south from the new site have been calculated as providing a trip distribution of 46% travelling north and 54% travelling south from the site.

The total number of trips to and from the site was estimated as being up to 450 vehicles per day. The total number of vehicles using Newbold Rd on a daily basis is almost 27,000. The proposal would therefore increase traffic flows by around 1.66%.

It is again proposed to re-model the existing site access off Newbold Road, plus the inclusion of a right turn ghost island, to allow cars wishing to turn right into the development to do so safely. In addition, a signalised 'puffin' pedestrian crossing will

be provided across Newbold Road, close to the site entrance. The main change proposed in the current scheme is to include a left hand turning lane for cars leaving the site, to reduce waiting times.

Initially WCC Highways objected to the increased number of dwellings on the site on the following grounds:

The application is accompanied by a Transport Assessment (TA) written by Vectos. For clarity, the Highway Authority has analysed the proposal in relation to the version of the TA dated March 2020. The TA assesses the impact of the development in comparison to that allowed on the site under planning permission R17/1496. The 2027 Picady assessment of the new proposal shows average delays at the site access of 38-40 seconds in the AM peak and 40-46 seconds in the PM peak.

The results of the detailed lane simulation however show delays for right-turning vehicles of over 50 seconds in the AM and over 60 seconds in the PM. Given that the stacking space for right-turners is 2 PCUs then this could also impact on vehicles turning left out of the site.

The Highway Authority considers the delays shown to be unacceptably detrimental to the safe operation of the highway, as it increases the likelihood of queueing drivers becoming frustrated at a lack of opportunities to enter Newbold Road traffic streams, with risks of drivers attempting to use inappropriately small gaps in Newbold Road traffic with risks of side impact or shunt type collisions

Following the submission of additional supporting information by the applicant's Transport Consultant (Vectos), this demonstrated that the above highway concerns would not occur, by modelling the delays on nearby junctions and on the access/egress to the site off Newbold Rd.

This demonstrated that any increase in delay times at nearby junctions would be negligible and that by using a 2-lane egress, the delay for traffic leaving the site in the AM peak would fall from 56 seconds for the consented scheme to 42 seconds. For the PM peak it would slightly increase from 43 to 47 seconds. These figures are estimated for 2027 to account for expected increases in traffic levels from growth in the town..

On the basis of the above, WCC Highways removed their objection to the scheme and recommended approval subject to conditions.

Car and Cycle Parking Provision.

Local Plan Policy D2 states that planning permission will only be granted for development incorporating adequate and satisfactory parking arrangements.

The proposal will now contain 122 studio flats and apartments. A total of 73 car parking spaces is now proposed – available for residents of the development and with some visitor parking. Although the site is designated in the SPD as being in the Low Access Zone, it is very close to the boundary to the High Access Zone surrounding the Town Centre and in all intents and purposes is well located to the town centre, to local bus routes and is only 1.0 km from Rugby Railway Station. It therefore could be viewed as being a site which is better related to the high access zone.

In the High Access Zone the following parking standards apply: - Studio Units – 0.5 spaces/unit (21 studios x 0.5 = 13 spaces) - 1-2 bed units – 0.75 spaces/unit (92 1-2 bed x 0.75 = 69 spaces) To meet the Council's adopted parking standards in the High Access Zone, a total of 72 spaces would normally be required, which is provided here. .

Any overspill parking will be addressed by the parking controls in the wider area set out in the s106 agreement attached to R17/2113. This seeks the following:

1. The provision of £3,000.00 prior to the commencement of works to enable the amendment to the Traffic Regulation Order to remove the development from the Resident's Parking Permit Scheme;
2. The provision of £3,000.00 on first occupation to enable the consultation of the extension of the Residents Parking Permit Scheme to include Worcester Street, Rugby
3. The provision of £7,350.00 to provide Sustainable Travel Packs at the sum of £75.00 per dwelling / flat.

The strong comments of local residents about overspill parking from the development, spreading onto surrounding streets are recognised. However, most roads in the vicinity of the site (apart from Worcester Street) already have controlled resident parking schemes. Therefore, the above measures will make it difficult for incoming residents of the new development to park anywhere but within the development site. It also offers the residents of Worcester Street the opportunity to have a residents parking scheme to provide a little more certainty about the availability of parking spaces compared to the current unrestricted situation, if they so wish.

A planning condition is also recommended, which requires the submission of a Parking Management Plan, which allocates each parking space to a specific flat and

also includes measures to prevent unauthorised vehicles from entering the site and parking on any land outside of the allocated parking spaces.

In terms of cycle parking provision 1 cycle space/flat is required. A total of 236 cycle parking spaces are to be provided in various covered and secure locations around the site. This is a significant over-provision and will also be in a secure location close to the flats they serve, and thus are likely to be well used and will encourage alternative modes of transport for residents of this site.

On the basis of the above, this application is therefore considered to be in accordance with Saved Local Plan Policy D2.

Air Quality.

Newbold Road along with the town centre gyratory system forms one of the busiest part of the highway network in the Borough, which also results in higher levels of air pollution in the vicinity of these roads.

The urban area of Rugby town and Dunchurch was designated as an Air Quality Management Area (AQMA) under the Environment Act 1995 on 16th December 2004 due to air quality not being able to meet government standards for nitrogen dioxide (NO₂). As a general rule, an air quality assessment (AQA) will be required where a development is anticipated to give rise to significant changes in air quality. These changes may arise during both the construction and operational phases.

Policy HS5 Traffic generation and Air Quality, seeks to ensure that all new development should achieve air quality neutral standards within an AQMA.

An Air Quality Assessment by Hoare Lea has been submitted to support the increase in the numbers of dwellings on this site.

In terms of the development being Air Quality Neutral Assessment, the assessment makes the following conclusions:

The draft RBC air quality SPD states that “The definition of air quality neutral is defined as emissions from the development proposal being no worse, if not better, than those associated with the previous use”.

The Application Site is currently vacant and has been for a number of years. The emissions associated with the Application Site at present will therefore be zero, and all trips associated with the - Proposed Development will cause an uplift in road traffic emissions.

- In accordance with RBC’s Draft Air Quality SPD, the road traffic emissions associated with the Proposed Development for its first five operational years has been calculated, which indicates that a total of 4.22 tonnes of NO_x and 0.24 tonnes of PM_{2.5} for the five year period between 2021 and 2025 will be released as a result of the Proposed Development going ahead. In accordance with the air quality SPD, the Proposed Development is not air quality neutral. Air quality mitigation measures are therefore required in order to offset these pollutant emissions

A suite of mitigation measures have been embedded within the design of the Proposed Development, including the following Type 1 measures:

- In accordance with the RBC Local Plan Policy D2, passive electric vehicle charging points will be installed for each car parking space to enable each occupier to have charging provision when they require it;*
- A Construction Environmental Management Plan (CEMP) will be prepared, including guidance on NRMM controls;*
- The energy strategy for the Proposed Development is all electric, utilising zero-emission technologies; and*
- Green infrastructure will be installed along Newbold Road to reduce exposure to road emissions at the Application Site. Green infrastructure can as much as halve the level of pollutants immediately behind the barrier, protecting the future residents of the Proposed Development. According to the Citizen Sense Phytosensor Toolkit, plants such as lady's mantle, silver birch and common ivy are all known to reduce NOx and PM2.5 pollutant concentrations, with lady's mantle reducing particulates by up to 60% and NO2 emissions by up to 40%.*

Furthermore, a monitored Travel Plan and the promotion of sustainable travel are also proposed (both are listed as Type 2 mitigation measures in the air quality SPD).

As negligible air quality impacts are predicted at all nearby sensitive receptors, and the NPPF states that mitigation measures should be proportional to the level of impact, the mitigation measures outlined above are considered sufficient to offset the increase in pollutant emissions associated with the Proposed Development going ahead..

The situation here is complicated by the fact that the original scheme for 98 dwellings, was approved under the former Local Plan regime, without the benefit of Policy HS5. It is welcomed though that the applicant is prepared to consider air quality neutral measures for the whole site including the heating systems of all apartments to be all-electric and the significant amount of planting along the Newbold Road frontage to mitigate NOx and PM 2.5 pollution levels that currently exist along this road. The fitting of electricity cables to allow charging points to be fitted to all parking spaces is also welcomed.

Based upon the details supplied in the above report, RBC Environmental Protection do not raise an objection on air quality grounds. It addresses the requirements of an air quality assessment and supplies air quality neutral mitigation.

The application is therefore considered to be in accordance with Policy HS5.

Contaminated Land.

A preliminary Investigation Report was submitted by 'Soilechnics' to support the original proposal – R17/2113. This set out the following: - The majority of the land is

derelict land with a disused bituminous and concrete surfaced car park. A steel framed building used as a car wash lies on the Newbold Rd frontage - There are two masonry buildings (gas storage holder and concrete storage bays) lie alongside the southern boundary. A disused 10,000 litre fuel tank and fuel pumps lies within one of the storage bays - A review of OS maps indicates that the site was formally part of a gas works and comprised two gasometers constructed c 1905 and c1938. This site was re-developed in the late 1980s and used as a haulage depot

In terms of chemical and gaseous contaminated risk assessments the following recommendations were made in the report: - Given the history of the site there is a high-likelihood of significant contamination being present on the site - metals, organics, PAHs TPHs BTEX, asbestos.

A Phase II Investigation was subsequently submitted which determined the nature and extent of such contamination and to determine an appropriate remediation strategy - Due to the likely presence of deep Made Ground on site, there is considered to be a risk from landfill gas and thus a gas monitoring regime will be required to be installed.

Subject to none of the open areas around the flats being subdivided to create individual gardens, RBC Environmental Protection were satisfied that the development could proceed on the basis of the submitted remediation scheme.

As the apartments contained in this proposal are all above ground, this will not change and conditions attached to R17/2113 deal with this matter.

Flood Risk.

The site is located in Flood Zone 1 and is thus not at risk of Flooding.

A Flood Risk Assessment and Drainage Strategy was submitted with the original planning application (R17/2113). Warwickshire County Council Flood Risk Management Team raised no objection to the proposal, but required conditions dealing with limiting the discharge rate for surface water runoff and to provide surface water attenuation as well as providing a detailed surface water drainage scheme, which includes sustainable drainage principles.

These matters were included as planning conditions in the original planning permission – R17/2113 – and therefore cover the site development.

Planning Obligations.

There were a large number of planning contributions sought by various consultees in order to mitigate the impact of the development on services that they provide, when the original application for 98 flats was considered. These have again been submitted following the increase to 122 flats and are set out below:

Open Space. The development falls within Benn Ward where there is a deficit in a number of open space categories. However there is limited scope for development opportunities involving open space projects, apart from in Caldecott Park which is near to the development site. The S106 request combines provision for children and young people, parks and gardens, amenity greenspace, natural and semi-natural greenspace and outdoor sports, and comprises the following projects:

- *Refurbishment of Toddlers Play Area - £50,000*
- *Refurbishment of Tennis Courts – £40,000*
- *Improvements to the Bandstand - £20,000*
- *Development of the Community Growing Scheme - £20,000*
- *New people counters - £5,000*

TOTAL - £135,000.

Health Provision. A request has been made by University Hospitals Coventry & Warwickshire NHS Trust for the increased costs of delivering acute health services to the incoming population of the proposed development.

This amounts to £149,638

Education. WCC Infrastructure Team consider that due to the low pupil yield this type of development would produce, it is not appropriate to request a contribution in this instance.

Libraries. None requested.

Affordable Housing. Policy H2 in the Rugby Local Plan (2011) sets a target of 20% affordable housing to be provided on all previously-developed sites in excess of 10 dwellings/0.36 hectares.

WCC Infrastructure Team. The Sustainable Travel Packs Contribution of £75 per dwelling is to be paid to the County Council for the provision of information packs for owners and Occupiers of the Dwellings which include information on sustainable modes of transport and to help promote sustainable travel and road safety in the local area.

Service Area total - £7,350

A contribution is also sought to enhance the existing northbound and southbound bus stops on the A426 Newbold Road in proximity to the proposed new development. The location of each respective bus stop is as follows:

- Newbold Road (A426) near Hunters Lane (designated southbound bus stop);

- Newbold Road (A426) opposite Avon Street (designated southbound bus stop); and
- Newbold Road (A426) near Avon Street (designated northbound bus stop). Due to the no foot-way being in place on the western side of the A426 Newbold Road approaching the railway bridge over the A426 near the Alstom site it is thought highly unlikely that occupiers of the proposed new development would utilise the northbound bus stop on Newbold Road (A426) opposite Hunters Lane. The proposed new development is situated approximately the same distance from the two southbound bus stops. Therefore, it is easily conceivable that occupiers of the new development would decide to utilise both bus stops to access local bus services heading towards Rugby town centre.

Due to the anticipated level of site remediation, when the original application R17/2113 was under consideration, the applicants commissioned a Financial Viability Assessment, to assess the viability of the proposed development. This concluded that because of the very low level of return, it recommended that the LPA should not instigate any Section 106 obligations (including affordable housing) or financial contributions in connection with this planning application. This was confirmed by an independent assessment on behalf of the Council by Dixon Searle.

No contributions were therefore sought, apart from parking mitigation measures and bus stop improvements.

The current application for the additional 24 units has now been considered for planning contributions and Dixon Searle have again assessed the proposal on behalf of the council to check the viability of the scheme. Their conclusions are as follows:

In our view, based on the assumptions used this would appear to be an unviable scheme regardless of the affordable housing requirement – i.e. it is not the affordable housing that is leading to viability issues with this scheme. It would appear that significant adjustments to key assumptions (reducing build costs, increasing scheme revenue, reducing land value etc) would be required in order to allow the scheme to contribute to the planning obligations requirements. Given a development appraisal based on current day costs and values, we have been unable to find sufficient scope for improvement in the stated position that would lead to the ability of the scheme to contribute towards much needed affordable housing locally without setting the profit level at an unrealistically low level.

Therefore, it is considered that the proposed development still does not generate the level of profit that would enable the normal level of planning contributions and affordable housing to be provided. This is not unexpected as the site is heavily contaminated, which is one reason it has lain unused for many years.

Conclusion – The Planning Balance.

The Council can currently demonstrate a 5 year supply of housing in the adopted Rugby Local Plan.

The presumption in favour of sustainable development would still be relevant in this decision. The NPPF sets out a presumption in favour of sustainable development and advises decision takers to approve a development proposal that accords with the development plan without delay. The question of whether or not a particular proposal constitutes “sustainable development” is not simply a matter of location; it involves a wide variety of other considerations, including the three dimensions of sustainability.

The NPPF at Paragraph 8 advises that to achieve sustainable development, the planning system has three overarching objectives - economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways to secure the net gains across each of the different objectives.

In terms of the balancing exercise, the following matters are considered to be important in the decision making process:

- The proposal is located in a sustainable location in a suburban area of the town, well located to public transport and near to shops and other community facilities (Environmental and Social).
- It would contribute to the existing and future 5 year housing supply (Social)
- The proposal would result in a significant number of additional lower-cost residential properties in the town, that would also provide Economic (employment during the construction period) and Social (increased availability of housing) gains.
- The site would regenerate a ‘previously developed’ and badly contaminated site that has lain empty for many years, in a prominent location at the entrance to Rugby Town Centre (Environmental Benefit)
- The proposal is not considered to adversely affect the amenities of the occupiers of neighbouring properties (Environmental Benefit).
- Highway safety concerns have been overcome by the introduction of a left-turning lane for vehicles leaving the site, resulting in reduced waiting times (Environmental Benefit).
- Air quality – this has now been substantively addressed by the introduction of a left-turning lane for vehicles leaving the site, resulting in reduced waiting times.. Other mitigation measures are also proposed to address air quality levels in the vicinity of the site (Environmental Benefit).

In conclusion, whilst there may be some remaining air quality issues, given the location of the site next to Newbold Road, however this is partly addressed by the air quality mitigation measures. In terms of the overall planning balance, it is considered that the above matters which support the presumption in terms of sustainable development and the need to boost housing supply- as set out in the NPPF – significantly outweigh any identified harm.

In terms of the planning conditions, as the building will in effect be an extension to the originally permitted building (Ref: R17/2113) and cannot be built independently of it. The original planning obligation and conditions attached to R17/2113 and subsequent minor material amendment, cover matters such as land contamination, site drainage, off-site parking controls etc, so do not need to be reproduced in the current decision to ensure that they are provided to the satisfaction of the Council.

RECOMMENDATION:

The application is considered to be in accordance with the National Planning Policy Framework and Local Plan policies and is therefore recommended for approval subject to the conditions set out below.

In terms of the planning conditions, as the building will in effect be an extension to the originally permitted building (Ref: R17/2113) and cannot be built independently of it, for completeness, the conditions set out below will have to be read alongside those for R17/2113 and the subsequent minor material amendment to it. It will also be important to ensure that the common areas of the development are completed and available for use before the additional flats on the top floor can be first occupied.

DRAFT DECISION

APPLICATION NUMBER

R19/1496

DATE VALID

17/02/2020

ADDRESS OF DEVELOPMENT 117 NEWBOLD ROAD RUGBY CV21 2NZ

APPLICANT/AGENT Mr R Dickson, Harcourt Rugby Ltd (C/O DLP Ltd)

APPLICATION DESCRIPTION

The extension of the approved scheme at 117 Newbold Road, Rugby from 98 apartments to 122 apartments including the provision of 73 parking spaces, secure cycle and refuse storage and new planting and landscaping.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON: To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION 2:

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

HR 3062 pa 003_H

s-100- General Sections

3062-RA-ZZ-ZZ-M2-AR-S001 - Site Location Plan & Existing Site Plan

3062-RA-ZZ-ZZ-M2-AR-S004-Proposed Elevation_L

3062-RA-ZZ-0B-M2-AR-S005_Lower Ground Floor_K

3062-RA-ZZ-00-M2-AR-S006 - Ground Floor plan_L

3062-RA-ZZ-0102-M2-AR-S007 - First and Second Floor plan_L

3062-RA-ZZ-03-M2-AR-S008 - Third Floor plan_B

3062-RA-ZZ-ZZ-M2-AR-S009 - Proposed North Elevation

3062-RA-ZZ-ZZ-M2-AR-S011 - Proposed West Elevation_Sections

3062-RA-ZZ-ZZ-M2-AR-S012 - Proposed East elevation and detailing

3062-RA-ZZ-ZZ-M2-AR-S013 - Sustainability Diagram

Drawing 184075/A/03, Appendix B of Transport Assessment dated March 2020

Hoare Lea – Air Quality Assessment – Rev01 – 21 July 2020

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

CONDITION 3:

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

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

CONDITION 4:

No above ground development shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, which shall include:

- Substantial tree/shrub planting to provide a 'Green Wall' feature along the Newbold Rd site frontage, to enhance air quality
- Planting to screen the building and car parking court from properties in Worcester St and Newbold Rd

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

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

CONDITION 5:

Full details of the siting, design and materials of the proposed bin stores and the cycle storage facilities, including the means to secure bicycles and to enable ease of access to each cycle space and the means of access/egress to the building shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied. The bin and cycle stores shall be provided, in accordance with the approved details before the first occupation of any flat.

REASON: In the interest of visual and residential amenity and to encourage the use of sustainable transport alternatives.

CONDITION 6:

No above ground development shall commence unless and until details of all proposed boundary walls, fences and gates have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interest of visual amenity

CONDITION 7:

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

Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON: In the interests of fire safety.

CONDITION 8:

The accommodation for car parking and the loading and unloading of vehicles, shown on the approved plan [Drawing no.xxxxxxx) shall be provided before the first occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles of persons working in or calling at the premises and shall not be used for any other purpose.

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

CONDITION 9:

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

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

CONDITION 10:

In accordance with the Acoustic Report (Hoare Lea) submitted for Planning Application R17/2113, the following recommendations set out in the report must be adhered to.

- 1) All habitable rooms which overlook Newbold Road to the east must be fitted with glazing with a minimum manufacturer's rating of Rw 37.
- 2) All habitable rooms which overlook Wood Street to the north must be fitted with glazing with a minimum manufacturer's rating of Rw 33.
- 3) All habitable rooms on the roadside elevations of the development must be provided with proprietary wall or window mounted trickle vents to achieve background ventilation in accordance with the Building Regulations requirements. All such vents should, when open, have a minimum rated sound reduction equivalent to that of the window system
- 4) For windows to rear elevations of the proposed dwellings, it will be acceptable to specify a minimum manufacturer's rating of Rw 30.

A scheme for the containment, mitigation and management of noise from the Proposed Development's energy centre (boilers/CHP units) and any other external

fixed plant be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each individual building. The scheme shall be implemented in accordance with this scheme.

REASON: In the interest of residential amenity

CONDITION 11:

Before the development is first occupied a scheme for the provision Electric Vehicle Charging Points within the car park to encourage the use of electric/hybrid vehicles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved plans and retained permanently thereafter.

REASON – to promote the use of sustainable transport alternatives in the development.

CONDITION 12:

No construction shall be undertaken on site until a Construction Management Plan, which must contain a Construction Phasing Plan, details to prevent mud, debris and obstacles on the Highway and HGV Routing Plan, is submitted to and approved by the Local Planning Authority in conjunction with the Highway Authority.

REASON: In the interests of highway safety

CONDITION 13:

No HGV movements during the construction phase will take place Monday to Friday during the time periods 07:30 – 09:15 and 16:30 – 18:00, to ensure that HGV movements are limited during the peak travel periods.

REASON: in the interests of highway safety and the free flow of traffic on a busy arterial route into Rugby.

CONDITION 14.

No part of the development hereby permitted shall be first occupied until the detailed design of the site access arrangements (as indicatively shown on Drawing 184075/A/03, Appendix B of Transport Assessment dated March 2020), and have first been submitted to and approved in writing by the District Planning Authority. Thereafter the approved highway access works shall be implemented in accordance with the approved plans and permanently retained thereafter.

No part of the site shall be occupied on any part of the site until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

REASON: in the interests of highway safety and in the interests of the free flow of traffic on a busy arterial route into Rugby.

CONDITION 15

No part of the development hereby permitted shall be occupied until all of the common parts/areas of the main building and grounds approved under R17/2113 have been completed and are available for use.

REASON: to ensure that all parts of the building are completed to a satisfactory standard and that access is possible to the additional flats permitted by this development.

CONDITION 16:

The construction phase of the development shall be carried out in accordance with the recommendations set out in Section 7.1 Mitigation-Construction Phase of the Hoare Lea – Air Quality Assessment – Rev01 – 21 July 2020

REASON: In the interests of improving Air Quality and to protect Residential Amenities.

CONDITION 17:

The development hereby permitted shall not be occupied until all of the recommended air quality mitigation measures set out in Section 6.2 Air Quality Neutral Recommendations of the Hoare Lea – Air Quality Assessment – Rev01 – 21 July 2020

REASON: In the interests of improving Air Quality and to protect Residential Amenities.

INFORMATIVES:

Condition number 14 above requires works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works.

The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the

works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

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

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

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

Please note that this permission must be read alongside the planning permission and conditions attached to Planning Permission Ref R17/2113 and the subsequent Minor Material Amendment Ref: R19/0902 and the accompanying S106 Agreement/Deed of Variation.

AGENDA MANAGEMENT SHEET

Report Title: Planning Appeals Update

Name of Committee: Planning Committee

Date of Meeting: 19 August 2020

Report Director: Head of Growth and Investment

Portfolio: Growth and Investment

Ward Relevance:

Prior Consultation:

Contact Officer: Richard Holt

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):

(CR) Corporate Resources To provide excellent, value for money services and sustainable growth

(CH) Communities and Homes Achieve financial self-sufficiency by 2020

(EPR) Environment and Public Realm Enable our residents to live healthy, independent lives

(GI) Growth and Investment Optimise income and identify new revenue opportunities (CR)

Prioritise use of resources to meet changing customer needs and demands (CR)

Ensure that the council works efficiently and effectively (CR)

Ensure residents have a home that works for them and is affordable (CH)

Deliver digitally-enabled services that residents can access (CH)

Understand our communities and enable people to take an active part in them (CH)

Enhance our local, open spaces to make them places where people want to be (EPR)

Continue to improve the efficiency of our waste and recycling services (EPR)

Protect the public (EPR)

- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)

Statutory/Policy Background:	The Planning Appeals procedure which came into effect on 6th April 2009
Summary:	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/04/2020 to 30/06/2020.
Financial Implications:	Increases the scope for related costs claims within the Planning Appeals process.
Risk Management Implications:	There are no risk management implications arising from this report.
Environmental Implications:	There are no environmental implications arising from this report.
Legal Implications:	Advice/support with regard to Cost Claims and any subsequent Costs awards.
Equality and Diversity:	Equality and Diversity: No new or existing policy or procedure has been recommended.
Options:	N/A
Recommendation:	The report be noted.
Reasons for Recommendation:	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

Planning Committee - 19 August 2020

Planning Appeals Update

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

This report provides information to update the Planning Committee on the position with regard to planning appeals. It is intended that this will continue to be produced on a quarterly basis.

1.1 Appeals determined

During the last quarter from 1st of April 2020 to 30th of June 2020 a total of 6 planning appeal was determined, of which 3 was allowed, 3 was dismissed and 0 was withdrawn. A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

1.2 Appeals outstanding/in progress

As at 30th June 2020 there were 10 planning appeals and 0 enforcement appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee
Date of Meeting: 19 August 2020
Subject Matter: Planning Appeals Update
Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

APPENDIX A

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1st April 2020 – 30th June 2020

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal and Type of Appeal	Appeal Outcome
35 Cedar Avenue Ryton on Dunsmore CV8 3QB	Erection of two storey side extension, part two storey part single storey rear extension and single storey front extension.	Chris Bates R19/0986 APP/E3715/D/19/3242365	Refusal 30/09/2019	Allowed 08/04/2020
Advertising Board Newbold Road Rugby	Advertisement consent for the installation of digital LED advertisement display to replace existing advertisement hoarding.	Chris Bates R19/1184 APP/E3715/Z/19/3243406	Refusal 23/10/2019	Dismissed 29/04/2020
The Brambles Bourton Road Frankton CV23 9NX	Resubmission of previously approved (Proposed demolition of existing outbuilding and the erection of a new single storey residential dwelling) reference R19/0668 on 11th July 2019 for amended design	Lucy Davison R19/1332 APP/E3715/W/20/3245337	Refusal 16/12/2019	Dismissed 04/06/2020
Fosse Way Monks Kirby CV23 0RL	Certificate of Lawfulness for retention of 2no. mobile structures used for forestry purposes.	Chris Davies R19/0906 APP/E3715/X/19/3236796	Refusal 28/08/2019	Allowed 19/06/2020
23 Cheshire Close Rugby CV22 7JU	Two storey side extension	Thomas Leech R19/1355 APP/E3715/D/20/3248087	Refusal 16/12/2019	Allowed 19/06/2020
2 The Bank Pailton Road Harborough Magna CV23 0HQ	Erection of 2no. new build dwellings (Re-submission of planning application R17/1794)	Nigel Reeves R19/1010 APP/E3715/W/20/3247886	Refusal 28/10/2019	Dismissed 30/06/2020 Award of costs refused 30/06/2020

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APPENDIX B

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 30.06.2020

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal	Type of Appeal
9 Hayes Close Rugby CV21 1JG	Erection of first floor level front extension, erection of single storey front extension and various external alterations	Chris Bates R19/1400 APP/E3715/D/20/3247434	Delegated Refusal 24/12/2019	Householder Appeals Service (HAS)
Featherstone Farm Leamington Road Ryton On Dunsmore CV8 3EL	Retrospective application for external swimming pool in garden	Lucy Davison R19/1236 APP/E3715/D/20/3247703	Delegated Refusal 04/12/2019	Householder Appeals Service (HAS)
Tree Tops Shilton Lane Shilton CV7 9LH	Provision of 4no. traveller pitches and amenity block	Chris Bates R18/1941 APP/E3715/W/19/3243785	Committee Refusal 19/07/2019	Written Reps
Parkfield off Main Street Brandon CV8 3FW	Removal of condition 2 of R06/1171/PLN – (Retention of a general purpose agricultural building)	Frances Keenan R19/1504 APP/E3715/W/20/3248126	Delegated Refusal 03/02/2020	Written Reps
Pool House Rugby Road Brandon CV8 3GJ	Removal of condition 4 under planning permission R16/1724 to allow for the reinstatement of permitted development rights to all plots	Jo Orton R20/0062 APP/E3715/W/20/3248123	Delegated Refusal 19/02/2020	Written Reps
The Chalet Hinckley Road Hinckley LE10 3HQ	Construction of new stables and stores	Nathan Lowde R19/1148 APP/E3715/W/20/3249732	Delegated Refusal 27/09/2019	Written Reps
The Old Pastures Moor Lane Willoughby Rugby CV23 8BT	Demolition of existing garage and erection of a new dwelling	Jo Orton R19/0758 APP/E3715/W/20/3250957	Delegated Refusal 29/01/2020	Written Reps

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal	Type of Appeal
Masters Barn Masters Yard Birdingbury CV23 8EU	Erection of three new dwellings with associated access	Jo Orton R19/1406 APP/E3715/W/20/3251142	Delegated Refusal 24/02/2020	Written Reps
The Barn Field House Farm Broadwell Rugby CV23 8HP	Prior approval for change of use of Agricultural building to 1no. dwellinghouse (Class Q)	Frances Keenan R19/1308 APP/E3715/W/20/3252144	Delegated Required and Refused 19/11/2019	Written Reps
Field House Farm Broadwell Rugby CV23 8HP	Prior approval for change of use of Agricultural building to 1no. dwellinghouse (Class Q)	Frances Keenan R19/1307 APP/E3715/W/20/3252142	Delegated Required and Refused 19/11/2019	Written Reps

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AGENDA MANAGEMENT SHEET

Report Title: Delegated Decisions - 3rd July 2020 to 29th July 2020

Name of Committee: Planning Committee

Date of Meeting: 19 August 2020

Report Director: Head of Growth and Investment

Portfolio: Please select

Ward Relevance: All

Prior Consultation: None

Contact Officer: Dan McGahey 3774

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):

(CR) Corporate Resources To provide excellent, value for money services and sustainable growth

(CH) Communities and Homes Achieve financial self-sufficiency by 2020

(EPR) Environment and Public Realm Enable our residents to live healthy, independent lives

(GI) Growth and Investment Optimise income and identify new revenue opportunities (CR)

Prioritise use of resources to meet changing customer needs and demands (CR)

Ensure that the council works efficiently and effectively (CR)

Ensure residents have a home that works for them and is affordable (CH)

Deliver digitally-enabled services that residents can access (CH)

Understand our communities and enable people to take an active part in them (CH)

Enhance our local, open spaces to make them places where people want to be (EPR)

Continue to improve the efficiency of our waste and recycling services (EPR)

Protect the public (EPR)

- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)

Statutory/Policy Background:	Planning and Local Government Legislation
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers
Financial Implications:	There are no financial implications for this report
Risk Management Implications:	There are no risk management implications for this report
Environmental Implications:	There are no environmental implications for this report
Legal Implications:	There are no legal implications for this report
Equality and Diversity:	There are no equality and diversity implications for this report
Options:	
Recommendation:	The report be noted.
Reasons for Recommendation:	To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

Planning Committee - 19 August 2020

Delegated Decisions - 3rd July 2020 to 29th July 2020

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 19 August 2020

Subject Matter: Delegated Decisions - 3rd July 2020 to 29th July 2020

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Delegated

8 Weeks PA Applications

Applications Refused

R20/0410 8 Weeks PA Refusal 24/07/2020	The Olde Barn, Farm Lane, Easenhall, Rugby, CV23 0JB	Erection of outbuilding
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Applications Approved

R20/0033 8 Weeks PA Approval 03/07/2020	1, SHEEP STREET, RUGBY, CV21 3BU	Change of use of existing property from A1 use class (shop) to A5 use class (hot food takeaway) to include alterations to shop frontage along with a first floor rear extension.
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R19/1498 8 Weeks PA Approval 06/07/2020	ROSEWOOD HOUSE, 42-44, ROSEWOOD AVENUE, RUGBY, CV22 5PL	Proposed conversion of No. 40-42 in to 5 No. flats and to include a single storey rear extension.
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R20/0328 8 Weeks PA Approval 06/07/2020	98 , Kingsley Avenue, Hillmorton, Rugby, CV21 4JZ	Two-storey side extension and a single-storey rear extension with flat roof
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Delegated

8 Weeks PA Applications Applications Approved

BIRCHWOOD, RUGBY ROAD,
BRANDON

R20/0271
8 Weeks PA
Approval
07/07/2020

Proposal for a series of minor works to be done on the property that would fall under PD. This includes the erection of a replacement 1.8m boundary fence, installation of an additional flue and satellite on the roof, raised surfacing and hard surfacing 2m from the front of property, and other minor works.

R20/0342
8 Weeks PA
Approval
07/07/2020

178, DUNCHURCH ROAD,
RUGBY, CV22 6DT

Proposed First Floor Side
Extension

R20/0420
8 Weeks PA
Approval
07/07/2020

COLLEGE BARN, LEAMINGTON
ROAD, RUGBY, CV23 9PU

Proposed replacement single
storey rear extension

R20/0373
8 Weeks PA
Approval
09/07/2020

THE STABLES, RUGBY ROAD,
BRANDON, COVENTRY, CV8
3HU

Erection of first floor level rear
extension to include Juliet
balcony and external balcony.

Delegated

8 Weeks PA Applications Applications Approved

R20/0392 8 Weeks PA Approval 13/07/2020	27 , Dyson Close, Hillmorton, Rugby, CV21 4LG	Erection of a ground floor front extension
R20/0404 8 Weeks PA Approval 14/07/2020	GRANGE TERRACE, 3, MAIN STREET, LONG LAWFORD, RUGBY, CV23 9AW	Erection of garden shed
R20/0411 8 Weeks PA Approval 14/07/2020	BRITVIC SOFT DRINKS LTD, AVENTINE WAY, RUGBY, CV21 1HA	Widening of existing crossover to allow two way vehicle movement.
R20/0450 8 Weeks PA Approval 14/07/2020	1A WESTGATE ROAD, RUGBY, CV21 3UD	Erection of a single storey front / side extension and the extension of a dropped kerb
R20/0307 8 Weeks PA Approval 15/07/2020	320, LOWER HILLMORTON ROAD, RUGBY, CV21 4AE	Provision of Vehicular access
	38A, LUTTERWORTH ROAD,	

Delegated

8 Weeks PA Applications Applications Approved

R20/0390 8 Weeks PA Approval 16/07/2020	PAILTON, RUGBY, CV23 0QE	Conversion of intergral double garage into ancillary living accomodation and replacement of conservatory to the rear with a single storey extension including a lower ground store to dwelling house
R20/0396 8 Weeks PA Approval 16/07/2020	Wheatfield, 9, Smithy Lane, CHURCH LAWFORD, RUGBY, CV23 9EQ	Proposed single storey rear extension
R20/0334 8 Weeks PA Approval 17/07/2020	24, HEATHER ROAD, BINLEY WOODS, COVENTRY, CV3 2DE	Erection of single storey front and rear extensions, provision of rear dormer to include extension of existing roof from hip to gable, garage conversion coupled with enlargement into habitable living accommodation, erection of front lobby and various other external alterations.
R20/0341 8 Weeks PA Approval 17/07/2020	SHOULDER OF MUTTON INN, BROOKSIDE, STRETTON-ON- DUNSMORE, RUGBY, CV23 9LY	Proposed conversion of former public house and coach house into 2no. dwellings and all other associated works including minor demolition and extensions

Delegated

8 Weeks PA Applications Applications Approved

THE BAKEHOUSE, MAIN
STREET, WILLOUGHBY,
RUGBY, CV23 8BH

R20/0364
8 Weeks PA
Approval of Reserved
Matters
17/07/2020

Proposed new dwelling and
garaging on land to the rear of
The Bakehouse, (reserved
matters application for
appearance, landscaping, layout
and scale following outline
planning approval under
R18/1426 granted 18th July
2019)

R20/0393
8 Weeks PA
Approval
17/07/2020

5 CORNFLOWER DRIVE,
BROWNSOVER, RUGBY, CV23
0UG

Single-storey extension and
garage conversion into a study.
The extension is situated to the
side and project to the front of
property, connecting and infilling
the proposed converted garage.

R20/0395
8 Weeks PA
Approval
17/07/2020

5, SIDNEY WOLFE CLOSE,
RUGBY, CV22 7ZE

Erection of wooden gazebo
structure (retrospective) and
erection of garden shed.

R20/0398
8 Weeks PA
Approval
17/07/2020

KILMORE HOUSE, COVENTRY
ROAD, WOLVEY, HINCKLEY,
LE10 3LD

Extension and alteration of
existing ancillary building to form
new dwelling

Delegated

8 Weeks PA Applications Applications Approved

R20/0426 8 Weeks PA Approval 17/07/2020	58, LOVEROCK CRESCENT, RUGBY, CV21 4AS	Erection of a single storey side extension
R20/0318 8 Weeks PA Approval 19/07/2020	MACK HAIR AND BEAUTY, 35 SHEEP STREET, RUGBY, CV21 3BX	PROPOSED CHANGE OF USE OF UPPER FLOOR STORAGE AREAS OF SHOP TO TWO FLATS
R20/0457 8 Weeks PA Approval 20/07/2020	The Pool House, Rugby Road, Brandon, RUGBY, CV8 3GJ	Variation of Conditions 3 and 5 of planning permission R16/1724 relating to drive and parking areas; street binstore; and change in side elevation windows of House 1 and 2.
R20/0251 8 Weeks PA Approval 21/07/2020	REAR OF 100, 102 AND 104 MAGNET LANE, MAGNET LANE, BILTON, RUGBY, CV22 7NJ	Erection of two dwellings
R20/0297 8 Weeks PA Approval 21/07/2020	LAND SOUTH OF LONDON ROAD AT SP422728, LONDON ROAD, STRETTON-ON- DUNSMORE	Change of use of existing agricultural building to form a single dwelling house, together with external alterations, including the provision of solar

Delegated

8 Weeks PA Applications Applications Approved

panels to the rear roof slope elevation and the provision of a new access road and vehicular access of Rugby Road. (Variation of condition 2 of R15/1873 to substitute amended plans and documents) (retrospective).

R20/0408
8 Weeks PA
Approval
21/07/2020

4 OLD STATION COTTAGES,
FLECKNOE STATION ROAD,
RUGBY, CV23 8AZ

Erection of a single storey front extension encompassing a porch, a single storey side and rear extension to the dwelling house in place of an outbuilding and garden wall positioning alterations

R20/0367
8 Weeks PA
Approval
22/07/2020

COLLEGE OF POLICING,
LEAMINGTON ROAD, RYTON-
ON-DUNSMORE, CV8 3EN

Change of use of former swimming pool and gym building to training building including extensions, internal alterations including addition of first floor, and external alterations.

R20/0451
8 Weeks PA
Approval
23/07/2020

45, MAIN STREET,
WILLOUGHBY, RUGBY, CV23
8BH

Replace flat roofs on existing dormers with pitched roofs

37A, REGENT STREET,

Delegated

8 Weeks PA Applications Applications Approved

R20/0454 8 Weeks PA Approval 23/07/2020	RUGBY, CV21 2PE	Change of use from an office to mixed use of office and residential accommodation.
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R20/0418 8 Weeks PA Approval 27/07/2020	11, MILL CLOSE, WOLSTON, COVENTRY, CV8 3PA	Erection of single storey rear extension and garage conversion
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R20/0456 8 Weeks PA Approval 28/07/2020	134, RAILWAY TERRACE, RUGBY, CV21 3HN	Division of existing shop with A3/A5 use to a separate shop with A5 use and additional signage
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R20/0480 8 Weeks PA Approval 29/07/2020	19 CROSSWIRES, Sedlescombe Park, RUGBY, CV22 6HL	Erection of a two storey side and front extension plus a single storey front and rear extension (alterations to previously approved scheme R18/1968)
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Certificate of Lawfulness Applications Applications Approved

		Siting of a caravan for residential use incidental and ancillary to the
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Delegated

Certificate of Lawfulness Applications Applications Approved

R20/0325
Certificate of
Lawfulness
Approval
16/07/2020

THE LODGE, HOPSFORD
HOUSE FARM, WITHYBROOK
LANE, SHILTON, COVENTRY,
CV7 9HY

residential occupation of The
Lodge.

Discharge of Conditions Applications Approved

R19/0929

LAND SOUTH OF, EASENHALL
ROAD, HARBOROUGH MAGNA

Erection of stables and formation
of new field access and driveway

06/07/2020

R17/1084

HOME FARM, MAIN STREET,
WILLOUGHBY, RUGBY, CV23
8BH

Conversion of barns to create 2
dwelling houses including the
demolition of modern agricultural
buildings (identical to scheme
previously approved under ref
R14/0608)

08/07/2020

R19/1435

2/3, LILBOURNE ROAD,
CLIFTON UPON DUNSMORE,
RUGBY, CV23 0BD

Erection of first floor extension to
cottages.

09/07/2020

Delegated

Discharge of Conditions Applications Approved

R19/0969	125, KINGSLEY AVENUE, RUGBY, RUGBY, CV21 4JZ	Erection of a 2 bedroom detached dwelling house together with formation of a new vehicular access from Kingsley Avenue and associated works
10/07/2020		

R19/0879	SHILTON HOUSE FARM, 15, CHURCH ROAD, SHILTON, COVENTRY, CV7 9HX	Demolition of existing barns and erection of 6 dwelling houses, together with alterations to existing vehicular access and associated car parking and landscaping.
15/07/2020		

R17/1084	HOME FARM, MAIN STREET, WILLOUGHBY, RUGBY, CV23 8BH	Conversion of barns to create 2 dwelling houses including the demolition of modern agricultural buildings (identical to scheme previously approved under ref R14/0608)
23/07/2020		

Listed Building Consent Applications Applications Approved

R20/0419	CHURCH HOUSE, POST OFFICE ROAD, LEAMINGTON HASTINGS, RUGBY, CV23 8DZ	External repairs and alterations to Listed Building, including relocation of existing gas meter
Listed Building Consent Approval		
23/07/2020		

Delegated

Non Material Amendment Applications

Applications Approved

R20/0147	LILAC COTTAGE, EASENHALL ROAD, HARBOROUGH MAGNA, RUGBY, CV23 0HX	Erection of Agricultural Barn (amendments to the approved application ref. R18/2143).
Non-Material Amendment agreed 27/07/2020		

Prior Approval Applications

Prior Approval Applications

R20/0505	Fields Farm, Flecknoe Road, Broadwell, CV23 8HS	Erection of an agricultural store and workshop.
Agriculture Prior Approval Withdrawn by Planning Dept 15/07/2020		

R20/0414	89, OVERSLADE LANE, RUGBY, CV22 6EE	Prior notification of intention to erect a single storey rear extension.
Prior Approval Extension Not Required 16/07/2020		

R20/0436	32, COVENTRY ROAD, BRINKLOW, RUGBY, CV23 0NE	PAX - Single-storey rear extension projecting 5.18m beyond the rear wall with a total height of 3.37m and an eaves height of 3.08m.
Prior Approval Extension Withdrawn by Applicant/Agent 20/07/2020		

Delegated

Prior Approval Applications

Prior Approval Applications

5, BRIARS CLOSE, LONG
LAWFORD, RUGBY, CV23 9DW

R20/0441
Prior Approval
Extension
Not Required
20/07/2020

Prior Approval for single storey
rear extension, to protrude 4m
from existing dw

R20/0446
Prior Approval
Extension
Not Required
22/07/2020

15, STATION ROAD, CLIFTON
UPON DUNSMORE, RUGBY,
CV23 0BT

PAX - Prior approval for single
storey extension that will extend
to a depth of 4.5m and will further
form a flat roof which measures
at 3.5m in height.
