

26 November 2018

PLANNING COMMITTEE - 5 DECEMBER 2018

A meeting of the Planning Committee will be held at 6.00pm on Wednesday 5 December 2018 in the Council Chamber at the Town Hall, Rugby.

Adam Norburn
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 7 November 2018.
2. Apologies.
To receive apologies for absence from the meeting.
3. Declarations of Interest.
To receive declarations of –

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

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

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

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Delegated Decisions – 11 October – 7 November 2018.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2018/19 – 9) are attached.

Membership of the Committee:

Councillors Mrs Simpson-Vince (Chairman), Mrs A'Barrow, Mrs Avis, Bearne, Brown, Butlin, Garcia, Gillias, Miss Lawrence, Lewis, 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.

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

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

Planning Committee – 5 December 2018

Report of the Head of Growth and Investment

Applications for Consideration

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

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R18/0214	Oakfield Recreation Ground, Bilton Road, Rugby Erection of an extra care retirement village for the elderly (62 apartments and 14 bungalows) including provision of communal facilities, landscaping, car parking and public open space	3

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
2	R18/1555	Land West of Bryants, Brandon Lane, Brandon Change of use of land to form a residential caravan site for 10 gypsy families together with the erection of amenity buildings.	34
3	R18/1522	Land south of Coventry Road and North East of Cawston Lane, Rugby Erection of 26 dwellings with detached garages and parking bays (amendment to design, number of units and layout approved by R16/0984 & R11/1521 resulting in 7 additional dwellings.)	45
4	R18/1212	Coombe Country Park Construction and operation of a Go Ape high ropes course with an associated reception cabin.	55
5	R18/1153	Finchley Court 41 King Edward Road Demolition of the existing building and construction of 10 no. 1 bed apartments.	65
6	R18/1851	66 Hillmorton Road, Rugby Provision of a dropped kerb.	75

Reference number: R18/0214

Site address: Oakfield Recreation Ground, Bilton Road, Rugby

Description: Erection of an extra care retirement village for the elderly (62 apartments and 14 bungalows) including provision of communal facilities, landscaping, car parking and public open space

Case Officer Name & Number: Chris Kingham, 01788 533629

Background:

This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major developments and more than 15 letters of objection have been received.

Members should be aware that an outline application for the erection of 50 residential dwellings on Oakfield Recreation Ground has previously been refused planning permission in March 2016. The refusal was based on seven grounds including the loss of amenity green space, lack of affordable housing, lack of financial contributions towards infrastructure, impact on protected trees, impact on amenity, impact on air quality and impact on designated heritage assets. An appeal against this decision was made to the Planning Inspectorate but then withdrawn in April 2017.

The application now before Members is materially different to that previously considered in March 2016. In particular the application is now a full rather than outline application and the type of development proposed is an extra care retirement village (C2 Use Class) rather than residential dwellings (C3 Use Class). The applicant has also sought to address a number of the previous reasons for refusal through changes to the design and layout of the scheme in addition to the submission of additional information and updated technical reports. The previous application remains a material consideration but Members must consider the merits of this scheme in its own right.

Site Description:

The application site comprises of an area of land known as Oakfield Recreation Ground which is located along Bilton Road in Rugby. It is situated within the Rugby Urban Area approximately 300 metres to the southwest of Rugby Town Centre. The land totals 2.10 hectares in size and is designated as being open space on the Proposals Map accompanying the Core Strategy 2011 and emerging Local Plan.

Until recently the site comprised of a large area of closely mowed grass, amenity space, football pitch, children's play area, hedgerows, trees, shrubs and a bowling green. The majority of the site has now been enclosed by 2m high palisade fencing to restrict public access. It contains a large area of open grass, hedgerows, trees, shrubs and remnants of hardstanding associated with footways and a former play area. The bowling green remains unchanged with access restricted to members of the bowling club.

The application site is surrounded by residential dwellings to the north and west. A number of these dwellings immediately border the site to the north whilst the rear gardens to a number of dwellings back onto the site to the west. The dwellings to the north are typically terraced houses and apartments ranging from 2-2.5 storeys in height. The dwellings to the west are typically semi-detached houses which are two-storeys in height.

The land to the east of the application site is occupied by a one-storey building and associated parking used by Co-op Funeral Care. Beyond this is the defined Bilton Road Conservation Area which contains a number of listed buildings. The closest listed building is the grade II* Oakfield House (32 Bilton Road). The height of these buildings vary from 2-3 storeys. They are typically large detached buildings and uses range from commercial to residential.

Bilton Road lies to the south of the application site and forms one of the main arterial routes in and out of the town. The junction of Bilton Road and Westfield Road is also located opposite the application site and forms a wide V-shape junction with central landscape reservation. The opposite side of Bilton Road to the application site is fronted by a number of residential dwellings which overlook this land. They are typically detached and semi-detached houses which are two-storeys in height.

Proposal:

This is a full planning application for the erection of an extra care retirement village for the elderly on 2.10 hectares of land at Oakfield Recreation Ground, Bilton Road, Rugby. It would provide 76 units falling within the C2 Use Class (Residential Institution). These 76 units would be comprised of 62 apartments in one three-storey block and 14 detached and semi-detached bungalows. Further provisions are made for communal facilities, landscaping, car parking and public open space.

The apartment block would front onto Bilton Road with communal parking to the rear. The bungalows would be located to the rear of the apartment block. Nine of these would be grouped around a shared landscaped courtyard and the remaining five would be positioned backing onto the northern and western site boundaries. The retirement village would be segregated from the public open space and public highway by estate railings and a brick wall with railings.

Vehicular access to the site is proposed off Bilton Road via a priority junction leading into a 5.50m wide internal access road. A pedestrian footway running through the proposed open space would also provide access from Bilton Road, Charles Street and Northcote Road. A total of 28 car parking spaces are proposed for the bungalows which equates to 2 allocated spaces per unit. A further 36 unallocated car parking spaces are proposed for the 62 apartments which equates to 0.6 spaces per unit. Cycle parking would be provided in accordance with the Council's adopted standards with details to be submitted at a later time.

A total of 0.55ha of the site would remain as public open space. It would be comprised of amenity green space (0.47ha), natural/semi-natural green space in the form of a SWALE (0.04ha) and children's play area in the form of a LEAP (0.04ha). An existing bowling green (0.21ha) (D2 Use Class) which is privately owned by the applicant and leased to a bowling club is also included within the application site. No changes are proposed to the bowling green and public access would continue to be restricted to members of the bowling club.

The site currently takes the form of open space (90%) and a bowling green (10%). The proposal would result in 64% (1.34ha) being for an extra care retirement village, 26% (0.55ha) for public open space and 10% (0.21ha) as a bowling green. The developed part of the site (extra care retirement village and bowling green) would therefore occupy 74% of the site with 26% remaining as public open space. If the bowling green is excluded from the site area (giving a remaining area of 1.89ha) the split would be 71% of land for the extra care retirement village and 29% of land for public open space.

Relevant Planning History (Application Site):

R13/1528: Outline application with access for the erection of 50 residential dwellings. Refused 09/03/2016. Appeal withdrawn 03/04/2017 (ref: APP/E3715/W/16/3156619).

Technical Consultation Responses:

Cadent Gas	No objection subject to informative
Historic England	Concerns
NHS Property	No response
NHS Coventry and Rugby CCG and WCC Public Health	No objection subject to planning obligation
Open Spaces Society	No response
RBC Corporate Property	No response
RBC Development Strategy	No response
RBC Environmental Health	No objection subject to conditions
RBC Housing	No response
RBC Open Space Consultant	Objection
RBC Parks and Grounds	Objection
RBC Trees and Landscaping	Objection
RBC Works Services Unit	No response
Severn Trent Water	No objection subject to informative
Stagecoach	Support

Sport England	No objection
UHCW NHS Trust	No objection subject to planning obligation
Warwickshire Fire and Rescue Service	No objection subject to condition and informatives
Warwickshire Police	No objection subject to informatives
WCC Archaeology	No objection
WCC Ecology	No objection subject to conditions and planning obligation
WCC Extra Care Housing Programme	Comment
WCC Flood Risk Management	No objection subject to condition
WCC Highways	No objection subject to conditions and planning obligation
WCC Infrastructure	No response
Western Power	No response

Third Party Consultation Responses (Original Plans and Reports):

Neighbours (112), Rugby Green Party, Save Oakfield and Mark Pawsey MP

- Loss of green space.
- Should remain a green open space.
- Recreation ground was well used.
- Was used for walking, dog walking, jogging, cycling, cricket, rounders, kite flying, rugby, children using play equipment, informal sport games and a fair.
- Young children being denied access to open space.
- Local leagues used for football games.
- No alternative open spaces to use in local area.
- Situated in densely populated area which already has insufficient open space.
- Other open spaces in area not accessible to wheelchair users.
- Obesity increasing so need for open space to exercise and help physical and mental health.
- Open space important for health and wellbeing.
- Recreation ground valuable community asset.
- Had been used as open space for over 30 years.
- Incorrect to say site appears to have been low key in nature.
- Fenced off denying access but still enjoyed as green space in middle densely populated area.
- Fencing off open space to prevent access does not remove need for open space in area.
- Houses in New Bilton have small gardens so need Oakfield open space to play and exercise.
- New Bilton Ward has shortage of open space against Council's standards.
- Deficit of open space in area made worse by fencing off open space land.
- No alternative green space in New Bilton either big enough or flat enough for all uses on land.
- No other football pitch in New Bilton for formal sports use.
- Should be re-instated for public recreation rather than housing.
- Housing on site not part of Rugby plan.
- Council should compulsory purchase land.
- Dog walkers forced to edge around remaining accessible perimeter or urban area.
- Site now unused and real eyesore.
- Amenity should be returned to local people in built up area.
- Proposed open space and LEAP less than before and does not compensate for what would be lost.
- Housing for elderly people not suitable justification for loss of open space, particularly when all private care.
- Contradiction for applicant to place very little weight on emerging local plan but then challenge open space standards within existing and emerging plan.
- Applicant's suggested changes to open space standards in emerging local plan rejected by Planning Inspector and not included as main modifications – clear that policy HS4 cannot be fulfilled.
- Rugby's open space standards comparable to Warwick and Coventry.
- Applicant has had to manipulate open space calculations to make them look like they stack up.
- Council's most recent open space report has same standards as previous years.
- Merging amenity greenspace and parks and gardens typologies still results in a deficit.
- Amenity green space is different to parks and gardens typology – sporting fixtures and training not in parks and gardens like Caldecott Park.
- Applicant's proposed merge and division of open space standards results in lower combined figure than just current Parks and Gardens standard.
- Proposed changes to open space standards not logical and miscalculated.

- Agreeing to reduce open space standards would result in less open space in developments across Borough.
- Accepting changes to open space standards would set a precedent to allow release of open space to development across Borough.
- New Bilton does not and cannot meet open space standards so exceptional reason required to build on this land.
- Does not address previous reasons for refusing application for housing on site.
- High density housing in New Bilton so higher need for open space.
- Amount of people using recreation ground as amenity green space shows can't be considered as no longer needed.
- Contrary to English Nature Accessible Natural Space Standard requiring 2ha of natural open space within 300m of home.
- Other parks too far away and across major roads.
- Proposed play area not adequate size and unsuitable by retirement village.
- Play area will lead to noise complaints by occupants of village.
- Proposed open space size, shape and layout too small to be usable.
- Merrten's Drive field used by school and has covenant preventing use by adults, unaccompanied children and dogs so shouldn't be used in open space calculations.
- Open space at Burnside difficult to access due to topography and distance from site.
- Town centre limited in green space so need to protect existing spaces.
- Loss of sports pitches without replacement and no enhancement.
- Potential to reinstate sports pitch remains.
- Formal football pitch on Oakfield site with car park and changing facilities would be welcome.
- Proposed financial contributions for open space and MUGA elsewhere doesn't address problems.
- No details of where financial contributions would be used, what for and when.
- Financial contributions would be used far away from site and residents won't travel for amenity greenspace for things like kicking around a ball.
- Nowhere in New Bilton suitable for financial contribution to be used so area would lose out.
- Taking open space from one area in deficit and giving to another area.
- Figures used within open space documentation not accurate.
- Companion guide to PPG17 can only be afforded minimal weight.
- Does not comply with policy LR1 so should be refused.
- Policy LR4 of Local Plan not satisfied so should be refused.
- Even if fenced off still provides green open space, hedges and trees.
- Ecological benefits of green space (trees, grass, foliage) to wildlife, insects, birds and bats.
- Open space serves as natural buffer between town centre and suburban housing.
- Row poplar trees significant feature and important to wildlife but not clear how will be safeguarded and maintained.
- Restricted access to maintain trees – particularly in gardens of bungalows 4 and 5.
- Parking spaces cover tree root areas.
- Does not enhance and would diminish the site, surrounding area and wider neighbourhood.
- Proposed building higher than existing buildings.
- Three storey apartments would dominate area.
- Three storey buildings in conservation area but scale reduces immediately out of this.
- Not sympathetic to and in keeping with character of surrounding area.
- Designs lack consistency and are flat fronted.
- Want verified view from different position.
- Overdevelopment.
- Loss of light, outlook and privacy to surrounding properties.
- Sense of enclosure of existing properties.
- Overlooking leading to loss of privacy - particularly southern side of Bloxam Gardens and those on Bilton Road immediately west and south of the site.
- Loss of light, aspect and privacy to 2, 4 and 6 Bloxham Gardens, 73 Bilton Road and 53 Bilton Road.
- Loss of light at sunset for those in Bilton Road and in the morning for those along Bloxam Gardens and the NW of Bilton Road.
- Loss of view over open space.
- Detrimental impact on conservation area.
- Adverse effect on setting of grade II* listed building – 32 Bilton Road.
- Impact on setting of listed buildings on Bilton Road.

- Potential for archaeological remains within site.
- Bin collection and storage areas not acceptable by existing dwellings.
- Car parking area too close to existing dwellings and would cause noise and disturbance.
- Development should be re-positioned to eastern rather than western boundary to minimise negative impacts on residents.
- Road structure and infrastructure cannot cope.
- Traffic already queuing on Bilton Road towards gyratory during peak hours.
- Surrounding roads and junctions already have access and rat run problems – would add to this.
- Would add to existing traffic queuing problems in area – roads cannot cope.
- Existing accidents and past fatalities on Bilton Road and would increase with development.
- Traffic survey indicates average speed of vehicles higher than 30mph speed limit so higher risk to pedestrians.
- Visibility of proposed access poor with potential blind spot caused by hedges and trees.
- Turning right out of access would be difficult at peak times.
- Proposed access is unsafe and conflicts with existing accesses.
- Encourages residents to use cars to drive elsewhere to access green spaces.
- Not affordable and too time consuming for people to travel to open spaces in other parts of town.
- Insufficient number car parking spaces proposed.
- Lack of parking provided for staff.
- Parking for residents, staff and visitors to site would overspill onto surrounding roads.
- Shortage of parking in local area and proposal would add to this.
- On street parking on surrounding roads would cause highway safety issues and restrict emergency vehicle access.
- Visitors and support workers driving to and from development.
- Deliveries and construction traffic causing issue on Bilton Road.
- No pelican or traffic signals on Bilton Road for pedestrians crossing.
- Right of way across land.
- Disruption, mess and dust caused by building.
- Air pollution from construction, industrial processes, traffic and loss of green spaces and trees causing health issues and premature deaths.
- Shouldn't allow development in area reporting air pollution concerns.
- Increase in pollution.
- Increase in waste.
- Increase in noise.
- Light pollution from development and construction.
- Noise pollution from vehicles, machines and workers during construction.
- Mains water pressure would drop.
- Loss of permeable green space will increase flood risk from surface water run-off.
- Bilton Road and Lawford Road floods in heaving rain already as drainage system cannot cope.
- Green space captures carbon and cools air.
- Would increase pressure on medical services in area which are already at capacity.
- Increased pressure on medical services would negatively impact on needs of existing residents.
- Not enough capacity in doctors, dentists and chemists.
- More time for consultation required.
- Fails to meet core principles of NPPF.
- Site listed as asset of community value.
- Detrimental impact on community cohesion and inclusion.
- Would result in loss of community and increase in anti-social behaviour.
- Not suitable for residential development.
- Other sites, including previously developed land, are available for development proposed.
- Doesn't encourage use of brownfield land.
- Open space has economic benefits – climate mitigation, tourism and reduction in health issues.
- Previous application in 1973 for residential development on site refused and appeal dismissed.
- 1975 appeal noted importance of open space as town expands and in view of high density housing.
- Planning applications allowed in area without open space onsite because of open space at Oakfield.
- Previous application in 2015 refused due to need to retain land as open space.
- No shortage of retirement and assisted living accommodation in Rugby so no need for more.
- No affordable housing proposed.
- Will not meet local housing needs as too expensive and model proposed criticised.
- Price for applicant's properties extremely high.

- Won't free up affordable housing in area for local families.
- Many homes elsewhere in Rugby.
- Land owner has not implemented permission for similar development.
- Co-op refusing to renew lease or sell freehold of land to council at market price not acceptable.
- Co-op showing lack regard for community.
- Profiteering over community engagement.
- Is a business venture rather than housing development.

Councillors

Councillor Maggie O'Rourke Warwickshire County Council - Overslade and New Bilton Division

- Objection.
- Recreation ground important to local community.
- Amenity valued and well used by residents in densely populated area Borough.
- Green space report indicates area already lacking green space.
- Priority area within county division due to deprivation indicators and poorer life expectancy.
- Need to keep spaces like Oakfield to improve health and wellbeing, get communities active, bring communities together and reduce social isolation.
- Three storey development fronting main road would look out of place.
- Many local residents could not afford apartments/bungalows.
- Local plan seeks protection of green space, responsible development and protecting vulnerable communities from speculative development as proposed.
- Local plan identified future growth needs for Rugby which can be met without giving green space to speculative development.

Councillor Ish Mistry New Bilton Ward

- Objection.
- Area around Oakfield densely populated.
- Park provided well-loved green space for activities like children's play, sports and dog walking.
- Green spaces at a premium in New Bilton.
- Many people in houses around Oakfield do not have green spaces of their own or large gardens so Oakfield played a vital role to fulfil the needs of a whole community.
- Once green spaces like Oakfield built on they are lost forever so must preserve them for generations to come.
- Concern regarding type of retirement homes proposed – at higher end of market so not accessible for people in New Bilton area.
- Buildings much taller than those around them - would drastically alter the character of the area.
- Negative impact on amount of sunlight and privacy in people's homes and gardens.
- Development on Oakfield not part of emerging Local Plan for future development needs.
- Have a plan that meets housing needs of Rugby without additional developments on green spaces.

Councillor Mike Brader New Bilton Ward

- Objection.
- Oakfield important for community.
- Densely populated urban area where green spaces vital for shared sense of community and space people of all ages can use.
- Since fenced off have a shortage of green space in New Bilton compared to rest of Borough – would become permanent if application approved leaving future generation's worse off.
- Not convinced of need for kind of retirement homes proposed in this area.
- Price of retirement homes elsewhere high and nothing like an affordable price for a property in New Bilton.
- Greater need for accessible green space in New Bilton than there is for high-end retirement homes.
- Proposed buildings significantly higher than other properties surrounding it.
- Would alter character of area.
- Detrimental impact on light at sunset to houses opposite site on Westfield Road junction.
- Emerging local plan will set out sites in Borough to accommodate estimated growth in population.
- Housing needs for Borough can be met without building additional properties on green spaces.

Cllr Claire Edwards Newbold and Brownsover

- Objection.

- Inappropriate building on a green space used for generations – should be retained.
- Oakfield is much needed green space in ward of limited green space.
- Number of terraced roads to north and west of Oakfield with limited or no front gardens and limited back garden space.
- Number properties in area converted to flats with no green open space within reasonable walking distance.
- Should be retained for local residents who lack green space at home.
- Should be enjoyed for resident's health and wellbeing.
- Emerging local plan hadn't designated development on this land as area of open space vital to mixed and sustainable development.
- Sufficient housing development land throughout the borough in Local Plan so no need to add this land to that planned for future housing provision.
- Bilton Road already heavily congested at town centre end – development would increase that traffic burden.
- Gyratory less than half a mile away and already has an area of high NO2 levels due to traffic congestion – needs more work to enable it to flow better.
- Adding to traffic burden on gyratory already unacceptable and development would make it worse.
- Nothing developers suggest would mitigate detrimental air quality impact.
- Two to three storey development at odds with existing character of homes in vicinity and unique streetscene.
- Existing homes would be overlooked.
- Brick materials would be better than render which would deteriorate quicker.
- Type of extra care development proposed not needed in New Bilton ward.
- Not best site for development – other opportunities in town closer to shops.
- Contribution to sporting facilities not adequate compensation for loss of green open space.
- Cost of proposed bungalows prohibitive to most residents in New Bilton.
- Residents of extra care wouldn't necessarily be able to walk along busy and congested road into town centre, particularly those with health issues.
- Development inappropriate in this particular location.
- Oakfield should be restored to public ownership, protected and enhanced for benefit of future generations.

Development Plan and Material Considerations:

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.

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Core Strategy 2011 and Rugby Borough Local Plan 2006 Saved Policies. The relevant policies are outlined below.

Rugby Borough Core Strategy 2011

CS1	Development Strategy	Complies
CS10	Developer Contributions	Complies
CS11	Transport and New Development	Complies
CS16	Sustainable Design	Complies
CS17	Sustainable Buildings	Complies

Rugby Borough Local Plan 2006 Saved Policies

GP2	Landscaping	Does not comply
E6	Biodiversity	Complies
T5	Parking Facilities	Complies
H11	Open Space Provision in Residential Developments in the Urban Area	Complies
LR1	Open Space Standards	Does not comply
LR3	Quality and Accessibility of Open Space	Does not comply
LR4	Safeguarding Open Space	Does not comply

Supplementary Planning Documents (SPDs)

Planning Obligations SPD (2012)

Sustainable Design and Construction SPD (2012)

Material Considerations

- National Planning Policy Framework (NPPF or “the Framework”) (2018)
- National Planning Practice Guidance (NPPG)
- Community Infrastructure Levy (CIL) Regulations 2010 (as amended)
- Bilton Road Conservation Area Appraisal (2010)
- Historic England Good Practice Advice Note 2 – Managing Significance in Decision-Taking in the Historic Environment (2015)
- Historic England Good Practice Advice Note 3 – The Setting of Heritage Assets (2nd Edition) (2017)
- Historic England Advice Note 1 – Conservation Area Designation, Appraisal and Management (2016)
- Rugby Borough Council Open Space, Playing Pitch and Sports Facilities Study (2015)
- Rugby Borough Council Green Space Strategy (2014)
- Rugby Borough Council Sports Facilities and Playing Pitches Strategy (2011)
- Rugby Borough Council Green Infrastructure Study (2009)
- Rugby Borough Council Open Space Audit (2008)
- Rugby Borough Council Open Space Strategy (2003)
- Sport England Playing Fields Policy and Guidance (2018)
- Fields in Trust: Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard (2015)
- Warwickshire County Council: Green Space Priorities for Warwickshire: Supporting the Health and Wellbeing Strategy 2014 – 2018 (2015)
- Houses of Parliament: POST Note 538 – Green Space and Health (2016)
- Landscape Institute Position Statement - Public Health and Landscape (2013)
- CABE: Building for Life 12 (2015)
- BS5837:2012 - Trees in relation to design, demolition and construction: Recommendations (2012)
- Emerging Rugby Borough Local Plan (see below)

Emerging Rugby Borough Local Plan

The Council is in the process of preparing a new Local Plan which will replace the Core Strategy 2011 and saved policies of the Rugby Borough Local Plan 2006. This has culminated in a Publication Local Plan being submitted for examination in July 2017. Following public hearings the Inspector has outlined that “subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound”. These main modifications have now been agreed with the Inspector, subjected to Sustainability Appraisal and Habitats Regulation Assessments, and published for consultation.

In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and have a degree of consistency to the Framework. They carry weight, subject to recognising that some individual policies will have unresolved objections which may have less weight as a result. Although hearings have concluded, the Examination is ongoing until receipt of the Inspector’s final report. Whilst each case should be determined on its own merits, the emerging policies are a material consideration. In this case the relevant emerging policies are listed below.

GP1	Securing Sustainable Development	Does not comply
GP2	Settlement Hierarchy	Complies
H1	Informing Housing Mix	Complies
H6	Specialist Housing	Complies
HS1	Healthy, Safe and Inclusive Communities	Does not comply
HS2	Health Impact Assessments	Does not comply
HS4	Open Space, Sports Facilities and Recreation	Does not comply
HS5	Traffic Generation, Air Quality, Noise and Vibration	Complies
NE1	Protecting Designated Biodiversity and Geodiversity Assets	Complies
NE3	Landscape Protection and Enhancement	Does not comply
SDC1	Sustainable Design	Complies
SDC2	Landscaping	Complies
SDC3	Protecting and Enhancing the Historic Environment	Does not comply
SDC4	Sustainable Buildings	Complies
SDC5	Flood Risk Management	Complies
SDC6	Sustainable Drainage	Complies

SDC7	Protection of the 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

Assessment of Proposal:

Key Issues

1. Settlement Hierarchy, Use and Need
2. Open Space, Sports Facilities and Recreation
3. Health Impact
4. Trees and Hedgerows
5. Heritage and Archaeology
6. Access, Parking Provision, Traffic Flows and Highway Safety
7. Air Quality
8. Noise
9. Contamination
10. Ecology
11. Flood Risk and Drainage
12. Design, Layout, Landscaping and Visual Impact
13. Sustainable Buildings
14. Residential Amenity
15. Economic Growth
16. Infrastructure and Planning Obligations
17. Planning Balance and Sustainability of Development

1. Settlement Hierarchy, Use and Need

Settlement Hierarchy

Policy CS1 of the Core Strategy and policy GP2 of the Emerging Local Plan outline 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. It consequently sets out that development will be permitted within existing boundaries. The proposed development therefore complies with these policies.

Use

The proposed development is for the erection of an extra care retirement village for the elderly comprising 62 apartments and 14 bungalows. Information has been submitted with the application confirming how the village would operate. In particular, it outlines that it would be “aimed at providing independent living for the frail elderly, with day to day care in the form of assistance and domiciliary care tailored to the owners’ individual needs. The Extra Care concept enables the frail elderly to buy in care packages to suit their needs as these change over time rather than pay the fixed costs of a nursing or residential care home with its one for all approach”. To facilitate this the building includes provision for a number of communal rooms whilst staff provide 24-hour cover for domestic assistance and personal care.

The proposed use would be classified as a Class C2 (Residential Institution) use. This is defined as being a “Use for the provision of residential accommodation and care to people in need of care”. Care is defined here as meaning “personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment”.

In order to ensure the village is used as a Class C2 use the applicant has agreed to enter into a S106 Agreement. This would restrict the age of occupiers to a minimum age of 65 for the apartments and 55 for the bungalows. It would further restrict occupation to individuals who are in need of care and have

contracted to purchase a basic minimum care package. In doing this the proposal would comply with policy H6 of the Emerging Local Plan.

Need

The Framework sets out that the needs of groups with specific housing requirements should be addressed to significantly boost the supply of homes (para.59). Such groups include older people (para.61) who are defined as being over or approaching retirement age and whose housing needs can include retirement and specialised housing for those with support or care needs (annex 2). NPPG further stresses that the need to provide housing for older people is critical as people are living longer lives and the proportion of older people in the population is increasing (ID: 2a-020-20180913).

Policy H1 of the emerging Local Plan sets out the need for residential development to contribute towards the overall mix of housing in the locality, taking into account current need, particularly for older people. In this respect the Core Strategy and emerging Local Plan do not explicitly quantify the need for Class C2 units. However, policy H6 of the emerging Local Plan does set out that the Council will have regard to the need for the accommodation proposed where it contributes towards specialist housing need as identified within the Strategic Housing Market Assessment (SHMA). This sets out an indicative annual requirement for the provision of 72 extra care market units and 22 extra care affordable units.

The SHMA and supporting text to policy H6 recommends that 23% of the total 94 extra care units required each year should be affordable. Despite this, the Council's Viability Assessment (2017) prepared in relation to the Local Plan concludes that it would not currently be viable for Class C2 uses to provide affordable units. The Council consequently cannot insist on the recommended 23% affordable extra care units at this time. Instead, the proposed development would provide a total of 76 extra care market units which would help to meet the indicative need for this type of accommodation within the Borough.

The provision of extra care accommodation has not been included within the Council's overall development needs for housing set out within emerging Local Plan policy DS1. The provision of Class C2 units has therefore not been monitored in relation to the delivery of the Council's five year housing land supply. As a consequence it is not known how many units have been delivered against the indicative annual requirement set out within the SHMA. Nonetheless, the Extra Care Housing Programme Lead at WCC has provided a broad overview of need and delivery within this area. They conclude that there is a significant shortfall in the provision of extra care housing for older people age 55+ across Warwickshire.

At this time it is not possible to clearly establish what the exact need and supply is for extra care housing falling within a Class C2 use across the Borough. However, the available evidence indicates that there is a need for this type of accommodation and that this proposal would contribute towards meeting that need. This is consequently a matter which weighs in favour of the application.

2. Open Space, Sports Facilities and Recreation

Oakfield Recreation Ground and Oakfield Bowling Green are formally designated as open space by policy LR4 of the Local Plan 2006 and the Proposals Map accompanying the Core Strategy 2011. They are also both designated as open space by policy HS4 of the emerging Local Plan and accompanying Policies Map.

Oakfield Recreation Ground covers an area of 1.9ha and was used as amenity green space, a children's play area and a football pitch for over 30 years. The green space took the form of mowed grass, a marked pitch with goal posts, play equipment, trees, hedgerows, trees, benches and bins. It's clear primary purpose and use was for informal recreational activities as amenity green space. This use was a high-level use and was highly valued by the local community as can be observed in the significant number of objections and points précised in this report.

Although the land is in private ownership it was leased to the Council for over 30 years until June 2013. The Council repeatedly offered to buy the freehold or enter into a new long-term lease but the applicant did not accept these offers. Upon expiry of the lease on 23rd June 2013 the use of the football playing pitch for competitive matches ceased. Despite this the site remained accessible to the public and was maintained by the Council. The Heart of England Co-operative then served notice on the Council to remove all of its play equipment from the land by 22nd June 2016 which was complied with. In July 2016 the owner erected

palisade fencing around the perimeter of the site thus restricting public access to the majority of the Recreation Ground.

In spite of public access being restricted the use of Oakfield Recreation Ground as designated open space remains unchanged. In its present form the land currently takes the form of a large area of open grass, hedgerows, trees, shrubs and remnants of hardstanding associated with footways and a former play area.

Oakfield Bowling Green makes up the remaining land included within the application site and covers an area of 0.2ha. The bowling green falls under the D2 Use Class as a sport facility. It is privately owned by the applicant and is leased to Oakfield Bowling Club. No changes are proposed to the bowling green and public access would continue to be restricted to members of the club.

Relevant Policies

Current adopted policies relating to open space are set out in the Local Plan 2006. These policies set out standards for the required provision of different types of open space (LR1) and the need for residential developments to provide open space in line with these standards (H11). Criteria relating to the quality and accessibility of open space provision is also laid out (LR3). Policy LR4 is the most relevant policy to this application and sets out that open space should not be developed unless certain exceptions are met. In broad terms this includes a need to consider whether: (1) the open space is still needed; (2) any loss would be outweighed by enhancing other facilities; or (3) a loss of school playing fields would be outweighed by development for educational purposes.

In addition to the adopted policies the Framework provides that the Council may give weight to relevant policies in emerging plans according to certain considerations (para.47). In this respect the emerging Local Plan is now at a very advanced stage of preparation. One of the relevant policies within this is policy HS4 which relates to open space, sports facilities and recreation. There are three parts to this policy which set out the Council's position in relation to: (a) open space typologies and standards; (b) criteria for new open space; and (c) restrictions for building on open space.

Objections have been made by the applicant to policy HS4 as part of the consultation process for the emerging Local Plan. These objections repeat the same arguments detailed in the Report on Open Space Matters submitted with this application. This includes an argument that the parks and amenity green space open space typologies should be merged. The applicant has further discussed these objections with the Inspector and Council at the examination hearings.

Following the examination hearings, the Inspector issued an initial letter to the Council which indicated that main modifications should be made to apply the tests in policies HS3 and HS4 and their supporting text to sports facilities. This modification was requested in light of specific concerns relating to Brandon Stadium. All main and minor modifications were then submitted to, considered, and agreed by the Inspector prior to a period of further consultation.

The major and minor modifications to policy HS4 agreed with the Inspector do not include changes to the open space typologies as requested by the applicant. It is therefore considered that these objections have been resolved to a significant extent, and are unlikely to be amended further in the Inspector's final conclusions on the Plan.

Furthermore, it is noted that policy HS4 is highly consistent with policies in the Framework (paras. 96, 97). The implication of all these factors is such that policy HS4 should be given significant weight in the determination of this application. Sections A and B of this policy provide standards and criteria based on the most up-to-date evidence. The standards remain the same as currently listed in policy LR1 with the exception of outdoor sports playing pitches which are lower and broken down into different sports. The criteria listed in section B remains the same as that listed in policy LR3. However, of particular significance to this application is section C of policy HS4 which sets out that:

“Public open space, sports and recreational buildings and land, including playing fields assets identified within Open Space Audit evidence and/or defined on the Policies Map and/or last in sporting or recreational use should not be built upon unless:

- An assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements; or

- It can be demonstrated that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

In view of the above it is considered that material considerations indicate the application should be assessed in accordance with policy HS4. In respect of this policy it is important to note that it still remains designated as open space despite being privately owned and fenced off. The Inspector dealing with the emerging Local Plan had an opportunity to amend the Policies Map and remove the open space designation for this site, yet has chosen to leave this in place. The implication is that any proposal to build upon this land must be determined in line with relevant open space policies. This is necessary to ensure that development of privately owned open space across the Borough (for example, that owned by sports clubs) cannot just be fenced off to deny access and that then used as a reason to justify building upon this. Owners of such land have to demonstrate that the exemptions listed in section C of HS4 have been met to justify allowing development. The policy therefore acts as an essential control mechanism to prevent private owners of open space from simply being able to fence off land to achieve hope values for alternative development.

Existing and Proposed Open Space Provision

The site currently takes the form of open space (90%) and a bowling green (10%). The proposal would result in 64% (1.34ha) being for an extra care retirement village, 26% (0.55ha) for public open space and 10% (0.21ha) as a bowling green. The developed part of the site (extra care retirement village and bowling green) would therefore occupy 74% of the site with 26% remaining as public open space.

The public open space would be comprised of amenity green space (0.47ha), natural/semi-natural green space in the form of a SWALE (0.04ha) and children’s play area in the form of a LEAP (0.04ha).

Oakfield Bowling Green

The inclusion of the bowling green within the application site boundary is something of a “red herring” which diverts attention away from the main issues at hand. The bowling green falls under a D2 Use Class and is privately owned by the applicant and leased to a bowling club. No changes are proposed to the bowling green and public access would continue to be restricted to members of the bowling club. The applicant has indicated that the lease to the bowling club is due to expire shortly. They therefore offered to provide a new 25 year lease to the club on the same terms as the existing lease providing approval is granted.

Having regard to the actions of the land owner in relation to Oakfield Recreation Ground there was a fair and reasonable concern that a 25-year lease would not prevent the landowner from restricting public access to Oakfield Bowling Green. For example, there was concern that the lease could be terminated at any time or rents could be raised to unsustainable levels forcing the club to cease using this green.

The land owner was asked if they would therefore be willing to accept a S106 obligation which secures the use of this land as a bowling green with public access to this in perpetuity. Options included transferring this to the Council at nil cost and securing the use of this land as a bowling green with public access and limits on rents to reasonable market rates in perpetuity. The applicant did not agree to these options.

In addition to the above it is necessary to recognise that the bowling green is not classified as open space and is rather an outdoor sports and recreation facility, i.e. a D2 “Assembly and Leisure” Use. Planning permission would therefore be required to change the use of the bowling green to any other use including open space. Following consultation with the author of the Council’s Open Space, Playing Pitch and Sports Facilities Study, Part 2 – Built Facilities, it has been established that there is an evidenced need to keep Oakfield Bowling Green as a bowling green in perpetuity. Indeed, it would be difficult for the applicant to demonstrate that the relevant tests outlined in policy HS4 would be met.

It is concluded that public access to the bowling green remains uncertain and cannot be guaranteed in the future as part of this proposed application. In any event, the bowling green is afforded protection from development under policies LR4 and HS4. The inclusion of the bowling green within the application site therefore results in no change or benefit beyond the current situation. Essentially, the inclusion of this can be considered to be neutral within the planning balance.

It is on this basis that it is considered reasonable to exclude the bowling green from calculations relating to the split of developed land and open space. Indeed, if the bowling green is excluded from the site area (giving a remaining area of 1.89ha) the split would be 71% of land for the extra care retirement village and 29% of land for public open space.

Playing Pitch

A single marked adult football pitch with goalposts was located on the site. The Council's Playing Pitch Strategy (PPS) (2015) identifies that this was of standard quality and was utilised by Rugby and District Football League when other pitches were waterlogged (and on ad-hoc basis for other matches). It is also understood that the football league were seeking to use the pitch as a permanent venue for matches prior to the pitch being made unavailable for hire after the Council's lease expired in June 2013. Informal use of the pitch continued until the site was fenced off in June 2016.

The proposed development does not include any provisions to reinstate the adult football pitch on the application site. Indeed, the nature, size and shape of the proposed open space is such that it would not be possible to provide either an adult or junior football pitch. There is also insufficient space to accommodate a Multi-Use Games Area (MUGA) in the proposed open space. In addition, the applicant has been unable to offer any land elsewhere in the Borough to replace the football pitch or provide a MUGA.

The applicant has submitted a Report on Open Space Matters (ROSM) which considers whether the playing pitch is surplus to requirements. It draws on the Council's PPS and contends that the pitch is surplus to requirements and would also be replaced by a financial contribution to bring forward one of the priorities identified in the PPS.

It is noted that the PPS does identify that there is a sufficient quantity of football playing pitches (in secure community use) to meet current and future demand. However, it further sets out that the loss of the single pitch at Oakfield Recreation Ground would mean there is less overall long-term capacity for football in the urban area. It therefore sets out that the loss of this pitch would only not be significant if: (i) pitches on other sites are retained and improved; and (ii) pitches on the Rugby Radio Station and Gateway developments are of sufficient quality.

To date the only improvement to pitches has been the delivery of one of two 3G pitches recommended in the PPS. No pitches have been provided on the Rugby Radio Station and Gateway developments. Sport England are consequently satisfied that there is sufficient quantitative provision to meet current and future demand for football. However, they note that qualitative improvements are still required in order to ensure that the quality of existing pitches does not deteriorate due to overplay. This would further increase playing capacity and improve ancillary provision to increase the attractiveness and usage of such sites.

Sport England has given further consideration to whether the site could be utilised by other sports including rugby, cricket and hockey. It has been found that this site would not be needed to meet the needs of these sports.

Taking the above into account Sport England has concluded that the loss of the football pitch can be compensated for with a financial contribution towards improving existing pitches off-site. The Council's Parks and Grounds Manager has identified that Whinfield Recreation Ground would be a suitable site to deliver a package of football pitch improvements. This site falls within the 20 minute drive catchment area for football as identified in the PPS.

The improvements would be for works relating to 9 pitches comprising: 2 x senior pitches; 1 junior pitch; 2 x 9v9 pitches; and 4 x 7v7 pitches. The pitch improvements and renovations would allow Hillmorton FC to move to Whinfield and expand the clubs activities including youth football. The works would help to ensure the playing surface can withstand the additional use and will include better drainage, improving the soil, additional posts and improved goal mouths. The applicant has agreed to secure the contribution in a S106 Agreement.

On balance, the loss of the football pitch for formal use as a result of the proposed development is considered to be acceptable subject to financial contributions being made towards pitch improvements at Whinfield Recreation Ground.

Children's Play Area

A children's play area was located on the site but was removed in June 2016 after the landowner served notice on the Council to remove all of its play equipment from the land. The applicant is consequently proposing to provide a Locally Equipped Area of Play (LEAP) within the public open space to replace this. The location of this is such that it would be over 20m away from the closest façade. The applicant has agreed to secure the provision of this and a contribution towards future maintenance within a S106 Agreement.

Amenity Green Space

The site's clear primary purpose and use was for informal recreational activities as Amenity Green Space (AGS). This use was a high-level use and was highly valued by the local community as can be observed in the significant number of objections and points précised in this report. Since the majority of the site has been fenced off it continues to serve as AGS in providing a green open space in and around areas of housing and commercial uses.

As it stands Oakfield Recreation Ground provides 1.89ha of AGS. The proposed development would result in 71% of this land (1.34ha) being lost to an extra care retirement village with the remaining 29% (0.55ha) being used for public open space. Of the open space a total of 0.47ha would be used for AGS with the remaining 0.08ha being used for natural/semi-natural green space in the form of a SWALE and children's play area. Only 25% of the current AGS on the site would therefore remain if the proposed development is approved. The proposal would therefore result in a loss of 75% (1.42ha) of the current AGS.

The applicant does not have any other land in this area or the Borough which they are willing to provide for use as AGS to compensate for the 1.42ha of AGS that would be lost as a result of this development. Furthermore, options to partly compensate through the enhancement of existing off-site AGS has been explored (e.g. the provision of a MUGA). No suitable options within an appropriate catchment area were found.

Aside from the loss of existing AGS the proposal would also generate a need for additional AGS arising from the needs of prospective residents. In accordance with the standards set out within policies H11, LR4 and HS4 there would consequently be a need for 0.20ha of additional AGS based on 179 residents. However, the applicant has contended that the average household size of 2.4 people per dwelling used in these calculations would not reflect the average household size of the proposed C2 Class extra care units. Evidence has been submitted to demonstrate that these figures would be lower and that only 101 residents (1.3 people per unit) would actually occupy the apartments. Based on this the proposed development would generate a need for 0.11ha of additional AGS.

The requirement for between 0.20ha to 0.11ha of AGS arising from the development would be accommodated on site within the 0.47ha of AGS which would be provided on the site. However, this would then reduce the amount of existing AGS that would remain on the site to only 0.27ha to 0.36ha. Only 14-19% of the current AGS on the site would therefore remain if the proposed development is approved. The proposal would therefore result in a net loss of 81-86% (1.53-1.62ha) of the current AGS.

In view of the above the applicant's ROSM provides an assessment of why they believe the AGS is surplus to requirements. It draws on the findings of the Council's Open Space Audit (OSA) (2008) and Open Spaces Report (OSR) (2015). They note that the OSA included a significant amount of private land which was not available for public access. The OSR therefore indicates that areas with no public access were excluded from consideration in the report. The ROSM acknowledges that there was public access to Oakfield Recreation Ground at the time the OSR was completed but that this then ceased in July 2016 when the majority of the land was fenced off. As a result it is argued that the site should no longer continue to be considered as accessible open space.

In further email correspondence the applicant set out that, "We consider the starting point for considerations is to establish the existing amount of open space that the development would affect. As the land is not publicly accessible and there is no reasonable prospect of it being so in the future, we would consider it would be logical to conclude that the proposal results in the loss of no publicly accessible open space. The 'benchmark' calculation of open space would therefore be zero."

The OSR indicates that there is currently 4.63ha of AGS within New Bilton Ward and a deficit of 4.50ha. The 4.63ha of existing AGS provision included 1.89ha of AGS at Oakfield Recreation Ground. If the argument put forward by the applicant was accepted, the existing AGS provision within the OSR would therefore be revised down to 2.74ha. The deficit of AGS would then increase to 6.39ha – i.e. a greater deficit than is currently reported in the OSR and appendix 4 of the emerging Local Plan. As indicated above, the proposal would provide 0.47ha of publicly assessable AGS. A proportion of this would meet the needs for AGS arising from future occupiers. There would consequently only be a surplus of between 0.27-0.36ha of AGS beyond this which could count towards reducing the 6.39ha deficit of AGS.

Despite the above, the assertion that the benchmark calculation of open space should be zero is not accepted. The act of fencing off land and restricting public access is a material consideration but does not change the use of that land as open space in planning terms. All that has changed is that access to the open space has gone from being unrestricted to restricted. The land continues to remain designated and protected from development. Indeed, the land is designated as open space for the very purpose of preventing the uncontrolled development on such open spaces.

The primacy of the development plan in designating land as open is a central component of a plan-led system for determining applications. In this respect the Council has recently considered the restriction of public access to Oakfield Recreation Ground as part of the emerging Local Plan. This consideration has therefore been carried out after the majority of the site was fenced off. Despite this the use of the site as open space remains unchanged and it has therefore remained designated as open space in the latest modification version of the emerging Local Plan. Equally, the open space provision tables in appendix 4 of the Local Plan include Oakfield Recreation Ground as forming part of the current provision with the deficit of AGS remaining at 4.50ha. The Local Plan Inspector is also aware of this site and associated issues. He has not requested any changes to the open space designation or open space provision tables as part of the recent major and minor modifications which he agreed prior to consultation. This is matter which carries significant weight against the applicant's argument that the benchmark calculation of open space should be zero.

In addition to the above, it is critical to note that the wording of policy HS4, part C, sets out that it relates to land which is both an existing open space and that which was "last in sporting or recreation use". Even if the applicant's argument was accepted it is clear that policy HS4 would continue to apply to this site because it was last in both sporting and recreational use.

PPG further recognises the different values of open space including that with restricted public access. In this case the site continues to make a significant and positive contribution to visual amenity. It is located within a densely populated urban area close to the town centre and adjacent to a conservation area containing many listed buildings. The land remains open and free from development thereby offering a welcome and needed visual break in this otherwise urban landscape. In turn it offers further value in relation to improving health and wellbeing as a result of views over this. Additionally it helps to improve air quality and support habitats and wildlife. Whilst the activities which used to take place on the land have been curtailed as a result of restricting access, the site continues to be a highly valuable and significant area of AGS.

It is clear that policies LR4 and HS4 are still relevant in relation to this application. The ROSM consequently sets out why the applicant believes the open space is surplus to requirements. In the first instance it argues that the AGS deficit for New Bilton should be 3ha rather than 4.5ha. It sets out that Merttens Playground is around 1.5ha in area and has wrongly not been included within the current provision of AGS within New Bilton.

In this respect, it is noted that Merttens is owned by WCC. Access is restricted to Children of New Bilton who are of school age and accompanied by a responsible person. Adult recreation is prohibited and walking of dogs is forbidden. Whilst an important material consideration, it is accepted that such restrictions are not dissimilar to Oakfield where all access is restricted by fencing. The critical difference, however, is that Merttens is used as the school playing fields for Oakfield Primary Academy. It is understood that there is currently no available budget from either the landowner or the user (the school) to fence the site. Whilst visually the site therefore has the appearance of being open space this is actually not the case because its principal use is as a school playing field. This is an important distinction because school playing fields are not designated as open space in the OSR, adopted Proposals Map and emerging Policies Map. As outlined

earlier, the Council and Local Plan Inspector were aware of this issue when considering open space provision and designation in the emerging Local Plan. It is therefore noteworthy that Merttens was not designated as open space within the recent major and minor modifications the Inspector agreed prior to consultation.

Aside from Merttens, the ROSM contends that the Council's open space standards are too high and have no realistic prospect of ever being achieved. It suggests the only way to achieve this in New Bilton would be to demolish existing buildings to create open space. It further suggests that residents are likely to see parks and gardens and amenity green spaces as the same type of open space resource. As a result the ROSM therefore indicates that these two open space typologies should be combined into one new typology called "parks and amenity green space". The new standard would not be formed by adding the two standards for the original typologies together (which would be 2.6ha per 1,000 people) because they consider this to be too high. They instead suggest that the two standards should be added together and then divided by two (giving a standard of 1.3ha per 1,000 people). No clear and logical evidence or data is put forward to justify this approach. Instead it contends this would simply give a far more realistic standard and definition of open space which reflects both residents usage of open space and the local levels of provision.

Using the suggested standard and the new typology would result in a need for 10.79ha of "parks and amenity green space" in New Bilton. The current provision for the suggested typology would be 12.45ha. There would consequently be a surplus of 1.66ha. If the applicant's argument that Oakfield should be considered as providing zero open space that figure would drop to a deficit of -0.23ha. Even if that argument is not accepted the 1.66ha surplus would be lost through development. The proposed built development would take away 1.34ha of this. The future residents would then need on-site provision of 0.29ha of the suggested parks and amenity green space typology. A further 0.08ha is then proposed to be used for natural/semi-natural green space in the form of a SWALE and a children's play area. The 1.66ha surplus of the suggested parks and amenity green space typology would therefore be reduced by 1.71ha resulting in a deficit of -0.05ha. There would only be a marginal surplus of 0.08ha if the applicant's suggested occupancy of 101 residents was accepted, resulting in a need for only 0.16ha of on-site provision. Alternatively, a comfortable surplus could only be achieved if Merttens was classified as being AGS or the suggested parks and amenity green space typology. The result of this is such that even using the applicant's suggested standard and typology it would not be convincingly clear that there would be a surplus of parks and amenity green space.

In any event and notwithstanding the above, it is clear that the applicant's suggested standard and typology has been contrived and engineered in a spurious attempt to reach a surplus of AGS. Despite the applicant's arguments it is clear that "Parks and Gardens" and "Amenity Green Space" are two very different typologies which serve different purposes. These typologies are based on the now withdrawn national Planning Policy Guidance 17 which were subsequently used in the Council's Green Space Strategy (2014) and Open Space Audit (2008). They were previously used in the 2006 Local Plan and continue to be used in the emerging Local Plan. Parks and Gardens are defined as being "These particular sites would normally contain a whole range of quality facilities and experiences for all members of the public. These can be classed as the Borough's main parks and would allow the visitor to spend several hours enjoying the open space environment. An example would be Caldecott Park or Hillmorton Recreation Ground." Amenity Green Space is defined as being "These sites are typically smaller than the parks and gardens sites and are very much a local facility, although may form part of a wider network of green spaces. An example would be East Union Street". It is consequently considered that there is a clear distinction between the two typologies.

No evidence, information, or data has been submitted to justify that the two typologies should be combined together. In fact, any changes to combine these typologies would need to be informed by a full and detailed assessment of open space which is subject to public consultation before being formally adopted by the Council. Such an assessment would be particularly important and critical in establishing what would be an appropriate new standard for the combined typologies. The applicant has suggested simply adding the existing standards and dividing this by two. No evidence has been submitted which supports or justifies this though. Equally, no evidence of alternative calculations have been submitted. For example, it is not known why adding the two existing standards together and setting a new standard based on 75% of that combined figure hasn't been chosen.

The ad-hoc change to standards as proposed by the applicant, without consultation and the examination of the standard through the Local Plan process, could have unintended impacts upon the Borough's open

space provision. As an example, the approach taken by the applicant could result in there being a surplus amenity green space provision across the Borough, which could technically be developed upon similar to that being proposed for Oakfield Recreation Ground. A wider implication, relevant to this proposal, is on how the demand for football playing pitch will be met in the future which is highlighted within the PPS would result in the intensification of existing sites, many of which are on amenity green spaces. Therefore amenity green space and parks and gardens that do not have playing pitches, which are of a premium within the urban area, could be developed upon. This could result in the increased usage of open spaces that contain playing pitches which will further impact upon pitch quality.

Fundamentally it is clear that the approach taken by the applicant to demonstrate that the open space is surplus to requirements is not compliant with the adopted Development Plan and emerging Local Plan. No material considerations indicate that a different approach should be taken.

Of particular significance is that the applicant submitted their suggested approach as an objection to policy HS4 of the emerging Local Plan. This was rejected by the Council because "The proposed policy is supported by a robust and up-to-date evidence base in the form of the Open Space, Playing Pitch and Sports Facility Study (November 2015). This evidence takes account of locally specific circumstances in making its recommendations for policy formulation including open space standards". The applicant's further raised their approach directly with the Inspector in the examination hearings for the emerging Local Plan. It is therefore clear that this approach has been robustly examined and given serious consideration including by both the Council and the independent Inspector. Despite this no main or minor modifications have been proposed to the approach outlined in part A of policy HS4. This is a matter of significant weight.

Overall, it is clear that in line with adopted and emerging policies that there is a significant deficit of AGS within New Bilton. The proposed development would substantially increase that deficit. The assessment carried out therefore does not clearly show the AGS on Oakfield Recreation Ground as being surplus to requirement. As a result the proposal is contrary to the first part of policies LR4 and HS4.

In addition, the applicant has not been able to demonstrate that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The applicant does not have any other land in this area or the Borough which they are willing to provide for use as AGS to compensate for the AGS that would be lost as a result of this development. Furthermore, options to partly compensate through the enhancement of existing off-site AGS has been explored (e.g. the provision of a MUGA). No suitable options within an appropriate catchment area were found. As a result the proposal is contrary to the second part of policies LR4 and HS4.

Natural and Semi-Natural Green Space and Allotments

The ROSM does not consider whether the open space is no longer needed for other open spaces uses. The Open Space Audit highlights that within New Bilton Ward there is a deficit in allotments provision by 1.81 ha and natural and semi-natural green space provision by 16.56ha, against the adopted provision standards. The Open Space Audit therefore identifies that New Bilton Ward is in deficit for all of the open space typologies. The proposal would also generate a need for additional natural and semi-natural green space provision at levels which could not be accommodated on the application site. There are no off-site locations which could be used to create this type of open space and so again this would add to the deficit of natural and semi-natural green space in New Bilton Ward. Even if the applicant's arguments concerning the AGS was accepted and this typology was found to be in surplus (which it is not), there would still be a need for the applicant to clearly demonstrate that it would not be required for the allotment and natural and semi-green space typologies. The extent of the deficit for these typologies is so great that the applicant would clearly not be able to demonstrate that this open space is surplus to requirements. The assessment carried out therefore does not clearly show the open space at Oakfield Recreation Ground is surplus to requirement. As a result the proposal is contrary to the first part of policies LR4 and HS4.

Asset of Community Value

Oakfield Recreation Ground was designated as an asset of community value on 9th February 2015. This is consequently a material consideration in the determination of this application as it highlights the importance of this designated open space to the community. In terms of compliance with the relevant legislation it is noted that a notice from the owner to dispose (S95(2)) was received on 30th June 2017 but no Community Interest Group bid was received. The listing expires on 22nd January 2020.

Public Accessibility

It is important to recognise that Oakfield Recreation Ground is privately owned land. The owners consequently have the right to prevent public access to the land. In this respect they have exercised that right through the erection of a palisade fence around the perimeter of the majority of the site to physically prevent public access. This is consequently a material consideration in the determination of the application. Indeed, even though the land is designated as being open space, the restriction on public access limits what it can be used for. By way of example, it is clear that fencing the majority of the land has prevented the public from carrying out the recreational activities they used to enjoy on it. It has also prevented children and families from playing in the play area which was formerly on this site.

Nonetheless, the restricted public access has to be weighed against the fact that the proposal does not meet the exceptions for allowing this designated open space to be built on as set out in the Framework and policies LR4 and HS4. In this respect it is important to consider that if planning permission is refused for the proposed built development the applicant would not be able to realise their hoped for alternative development values for the land. The existing use value of the land as open space would remain. The applicant would then have to choose between three options. In the first instance, they could continue to keep the land fenced off and restrict public access. In so doing they would not realise any economic value from the land and would continue to incur maintenance and liability risk costs. In the second instance, they could choose to sell or re-lease the land to the Council for use as open space. In doing this they would realise economic value from the land. In the third instance, they could remove the fencing and allow public access to the land for use as open space.

The decision as to which option the applicant would choose is a matter which only they have control over. There would consequently be no guarantee that the applicant would choose an option which would result in public access to the land being secured. In order to secure public access to this area of designated open space the option to compulsory purchase the land is available to the Council subject to necessary funding being found.

Aside from the compulsory purchase of the land, there is clearly potential to secure public access by allowing a limited amount of development on the site. This would be on the condition that a significant proportion of the site is laid out as open space and then gifted to the Council at nil cost to guarantee unrestricted public access in perpetuity. At present the applicant has provided a layout which provides a split of 71% (1.34ha) built development and 29% (0.55ha) public open space on Oakfield Recreation Ground. It is consequently considered that the amount of development proposed is too great when considering the significant conflict of the proposal with the Framework and policies LR4 and HS4. As a result Officer's asked the applicant to remove the 14 bungalows from the proposed scheme and replace this with public open space. This would result in around 0.57ha of additional open space. In turn this would provide a split of 41% (0.77ha) built development and 59% (1.12ha) public open space. Such an alternative scheme would still conflict with the Framework and policies LR4 and HS4 by virtue of 0.77ha of designated open space being lost to development without the relevant exemptions being demonstrated. However, this offers a fair, reasonable, positive and pragmatic response. It is a response that balances the need to protect this designated open space with the desire to re-gain and guarantee public access to allow a fuller range of recreational uses to be carried out upon the land. Critically, the applicant would still be able to provide 62 apartments on the site.

The applicant considered the suggested amendment and set out that they would not be willing to remove the 14 bungalows from the proposed scheme because it would make the scheme unviable. Officer's therefore asked the applicant to submit a viability appraisal demonstrating that this was the case. The applicant rejected this request and set out that "In respect of the viability issue, we can only reiterate that the development would be commercially unattractive to the applicant if the number of bungalows were reduced. We have taken advice from instructed Counsel, and it is not considered necessary or appropriate to produce a viability appraisal to justify this position further. We have made a strong case for the application scheme based on the quantum of development proposed and are satisfied the scheme should be considered on the basis of the current layout." The fact that the removal of the 14 bungalows would only make the scheme "commercially unattractive" as opposed to "unviable" is a critical material consideration. Indeed, it appears that there is no clear reason why the bungalows cannot be removed from the scheme other than as a desire to increase financial returns. This therefore fails to recognise the significant conflict

of the submitted scheme with the Framework and policies LR4 and HS4 in relation to the loss of designated open space.

In relation to the above, it is important to also take into account the Extra Care Statement submitted by the applicant with the proposal. This sets out that “It is worth noting that the level of service charge differs with every scheme to reflect the idiosyncrasies associated with managing the development. The costs are however spread across the residents and so broadly speaking the higher the number of units the lower the service charge. YourLife consider that a minimum ‘critical mass’ of 50 units is required to sustain the extensive range of communal services and facilities of an Extra Care scheme at an affordable level.” Even if the 14 bungalows were removed from the scheme it would still result in the provision of 62 apartments. This would be over the minimum 50 unit critical mass required to provide this extra care scheme.

A further essential point to consider is that PPG recognises the different values of open space including that with restricted public access. In this case, the site continues to make a significant and positive contribution to visual amenity even with the land being fenced off to prevent public access. It is located within a densely populated urban area close to the town centre and adjacent to a conservation area containing many listed buildings. The land remains open and free from development thereby offering a welcome and needed visual break in this otherwise urban landscape. In turn it offers further value in relation to improving health and wellbeing as a result of views over this. Additionally it helps to improve air quality and support habitats and wildlife. Whilst the activities which used to take place on the land have been curtailed as a result of restricting access, the site continues to be a highly valuable and significant area of AGS.

Overall, it is recognised that public access to this designated open space is a material consideration in the determination of this application. However, it has been shown that outright refusal of the application could result in the land owner re-assessing their options for the land which could result in public access being regained. A further option includes the ability of the Council to compulsory purchase the land subject to necessary funding being found. Alternatively, access could be secured by the Council allowing a limited amount of development on the site with the remainder being public open space. Unfortunately, the applicant has rejected a suggested amendment to the scheme to achieve this. The submitted scheme does not propose a level of open space which would fairly and reasonable strike a balance between the loss of designated open space and desire to regain public access to this land. Critically, the access which would be gained to a small amount of open space is not commensurate with the harm that would arise from the loss of a large area of designated open space. On balance, the proposal clearly conflicts with the Framework and policies LR4 and HS4. This is a matter which carries significant weight against the proposed development.

3. Health Impact

Paragraph 91, 92, 96 of the Framework and policies HS1 and HS2 of the emerging Local Plan set out the need to achieve healthy places. Paragraph 96 of the Framework is particularly clear in outlining that “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.” The supporting text to policy HS1 at paragraph 8.5 further notes the importance of planning in preventing the loss of anything that promotes healthy communities. It indicates that “A clear element of this is ensuring that sufficient land is made available by good access to all for play, sport and recreation”. It therefore requires policy HS4 to be considered alongside policy HS1.

In this case the proposed development would result in the loss of a substantial area of designated open space. The majority of the land has already been fenced off to physically prevent access to this open space for recreational purposes. The impact of granting permission to change the use of this land and allow built development in its place on a permanent basis can therefore be readily gauged. Indeed, the many objections and points raised by residents who live around the site in relation to this application describe the significant and detrimental impact this has had on their lives, health and well-being. For example, children are no longer able to play in the play area or enjoy informal sports such as rugby and football. Adults are no longer able to walk dogs or jog around the site. It has consequently also harmed the creation of inclusive communities and prevented opportunities for social interaction whilst using the recreation ground. This can therefore lead to increasing problems with isolation and mental health issues.

Public accessibility to public open space is a further critical factor to consider. In this case a number of residents surrounding Oakfield Recreation Ground have no alternative areas of amenity green space within the necessary 500m catchment area. As a result these residents would be less likely to engage in recreational activities. This consequently represents a significant change to having an area of open space on residents door step.

The proposed development includes provisions to restore public access to a limited amount of open space and a LEAP. However, for the reasons given in the section above it is considered that the amount of open space being offered does not adequately respond to the need for open space in this area. Furthermore, the proposed layout of the open space is such that this would significantly restrict what recreational activities could take place upon it. Indeed, the main area of proposed open space would be a narrow strip of land with a footway running through the centre and SWALE to the side. The opportunity to enjoy recreational activities such as informal sport would be severely restricted and practically is unlikely to take place. It is therefore arguably the case that this open space would be more akin to a green link and walkway than amenity green space. The benefits that would be realised to health and well-being arising from public access to the open space proposed in the development would consequently be limited. These benefits would be substantially less than was the case when there was full public access to the recreation ground.

It is within the context of the above that policy HS2 sets out that all major development proposals will be required to demonstrate that they would not generate detrimental impacts on health and wellbeing. The required Health Impact Assessment Screening Report and Full Health Impact Assessment (if required by the Screening Report) has not been submitted with the application. The proposal is therefore in conflict with this emerging policy. In the absence of this and for the reasons already provided it is considered that the proposal would have a detrimental impact on health and wellbeing.

The impact on health and well-being arising from this proposed development would therefore not be acceptable. As a result the proposal fails to comply with the Framework and policies HS1 and HS2.

4. Trees and Hedgerows

Paragraph 170 of the Framework, policy CS16 of the Core Strategy, policy GP2 of the Local Plan and policies NE3 and SDC2 of the emerging Local Plan set out the importance of incorporating features such as trees and hedgerows into the proposed development.

There are a number of trees located on the application site which are of high amenity value to the area and are consequently protected by Tree Preservation Orders (TPO). These trees are distributed across the site with the majority being located around the perimeter in close proximity to the boundaries. They both collectively and individually make a significant and positive contribution to the local landscape and townscape.

A Tree Survey has been submitted with the application which provides a schedule of all trees but does not consider the impact of the proposed development upon them. However, paragraph 6.3 of this survey sets out that "Limited use may be made for parking, drives or hard surfaces within the root protection areas, subject to advice from a qualified arboriculturist." Paragraph 6.4 also sets out that "On residential developments consideration must be given to future tree growth and orientation, i.e. adverse shading and blocked views from windows raise concerns for incoming residents, which may lead to pressure to fell or remove trees in the future. Wherever possible arrange or orientate windows to primary rooms parallel or tangentially to tree canopies to lessen the conflict."

The Council's Arboricultural Officer has undertaken a thorough analysis of the impact of the proposed development on the trees. He has subsequently objected to the impact on three grounds.

Proposed Bungalows 004 and 005 and Poplar Trees

The first objection relates to proposed bungalows 004 and 005 and the row of Poplar trees located along the western boundary of the application site which are protected by a TPO. The tree survey classifies them as "category B2" trees as per the recommendations of BS5837:2012, i.e. trees of moderate quality with an estimated remaining life expectancy of at least 20 years and growing as groups such that they attract a

higher collective rating than they might as individuals. Indeed, they are prominent visual amenity features especially as viewed from Bilton Road.

The tree survey indicates that these trees are currently around 18m in height. The Arboricultural Officer consequently agrees that these trees need to be reduced back to previous pruning points at approximately 9 and 10m. Nonetheless, even when pruned to this level he remains concerned that 7 of these trees (numbered 43-49 in the survey) would be located within the relatively small gardens of bungalows 004 and 005.

Indeed, there is a legitimate concern that the trees would create a dominant and oppressive outlook from windows overlooking these trees and when in the garden. The trees would also result in adverse shading. As a result and in line with the advisory note in the Tree Survey this has the potential to result in pressure to remove the trees in the future. This would not be acceptable as to do so would significantly harm the collective high value of these trees.

Furthermore, there is also concern that the ownership of this group of trees would be divided up between the apartment block and two bungalows. This fragmented ownership could lead to issues with post development maintenance of the trees. For example, owners may not reduce trees in the future at the same time. This would leave the trees at different heights thereby detrimentally harming their collective value. In order to address this a request was made for the two bungalows to be removed from the scheme with this area then being incorporated into open space. The applicant was not willing to do this and so the objection remains.

Proposed Apartment Block Parking Area and Poplar Trees

The second objection relates to the proposed apartment block parking area and the row of Poplar trees located along the western boundary of the application site which are protected by a TPO as described above. A row of 7 parking spaces are proposed almost immediately by the tree canopy at the closest point before it widens out to a gap of about 5.50m.

The Arboricultural Officer is consequently concerned that placing these car parking spaces in close proximity to mature poplar trees would not be desirable. In particular, this relationship is likely to result in post-development issues such as leaf drop and bird droppings. More significantly, Poplar trees can naturally shed a considerable volume of twigs (cladogenesis) causing issues for parked vehicles. The Officer has therefore set out that introducing parking in close proximity to established poplar trees is not appropriate. Indeed, this could give rise to complaints and pressure to remove the trees in the future. As previously stated, this would not be acceptable as to do so would significantly harm the collective high value of these trees. An appropriate buffer zone must consequently be maintained between the trees and root protection areas to ensure both parking and the trees can co-exist successfully.

Site Access and Intrusion within Root Protection Area (RPA) of Tree 4

The third objection related to the proposed site access and a Lime tree (identified as Tree 4 in the Tree Survey) which is protected by a TPO. The applicant has set out that the intrusion of the hardstanding for the site access into the RPA for this tree is 34%. They note that some of this coincides with the existing hard surface which reduces the level of impact. However, they concede that the scale and location of this incursion may have some minor impact on the tree. Nonetheless, they do not believe this would be to the point where it would result in the loss of the trees. They further note that this access point has been chosen as the most suitable location. They argue that this results in a need to balance the benefits of bringing the site forward with what they believe is a minor detriment to this tree. They further commit to looking at ways to minimise the impact to this tree even further as part of the detailed design of the access.

Despite the above the Arboricultural Officer has set out that BS5837:2012 at paragraph 7.4.2.3 recommends that new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA. The incursion is 14% above this limit at 34%. The Officer consequently remains concerned that the proposal would have a detrimental impact on this tree which could ultimately result in its loss. Any benefits arising from the proposed development therefore need to be weighed against this in the planning balance.

Summary

The impact on trees arising from this proposed development would therefore not be acceptable. As a result the proposal fails to comply with the Framework and policies GP2, NE3 and SDC2.

5. Heritage and Archaeology

Section 16 of the Framework, policy CS16 of the Core Strategy and policy SDC3 of the emerging Local Plan sets out that new development should seek to conserve and enhance the historic environment.

Archaeological Potential

The archaeological potential of the site has been considered within an Archaeological Desk-Based Assessment, Geophysical Survey Report and Archaeological Evaluation. WCC Archaeology has considered these and outlined that no features or deposits of archaeological significance were identified by the programme of evaluation. They have therefore set out that the archaeological potential for this site is considered to be low. As a result they have raised no objection to the proposal and do not recommend that any further archaeological fieldwork needs to be undertaken.

Impact on Heritage Assets

The potential impact of the proposed development on designated and non-designated heritage assets has been considered within a Built Heritage Statement and subsequent document responding to Historic England's comments on the application.

The main designated heritage assets which would be affected by this scheme is the grade II* listed Oakfield House (32 Bilton Road) and Bilton Road Conservation Area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore relevant to the listed building and its setting. It requires the Council to have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The application site comprises of land to the west of Oakfield House which was historically created when the house was converted to a school in about 1839. Before this time the land subject of this application formed part of the landscape setting to Oakfield House. Although the site is not within the Conservation Area, it forms an important part of the approach to it, the gateway to the settlement beyond. Historic England have accepted that both the listed building and Conservation Area are not directly impacted. They are consequently rather interested in the impact on the setting of those assets and how the site contributes to the significance of those assets.

Historic England contend that it is clear on the ground that, equipped with some knowledge of the history of the site, the relationship of the listed building to the open area of ground (the development site) can still be perceived from the roadside even though the hall itself is not directly visible from the road. It is, despite the intervening development, the last remaining part of the historic setting of the historic house. Furthermore, they have also set out that in regard to the Conservation Area it is perceptible that the green space is an important remnant and reminiscence of the context of the settlement encompassed by that designation and is noticeable as a gateway to that area.

Historic England add that an important element in the impact of the scheme is the scale and massing of the proposed development rather than the details of the design. They note that existing 20th century development is mostly low scale and low key in that it is semi-detached two storey houses. It is observed that even the intervening development near the listed building is low rise. This contrasts with the proposed elevation to Bilton Road which involves tall blocks of three storeys with steep pitched roofs with a long continuous frontage making them much more dominant than the existing context. Moreover, they contend that the scheme entirely removes the current open green area reflecting the historical character. Whilst they acknowledge that there are three storey historic buildings in the Conservation Area they point out that importantly the buildings get smaller in scale as you leave the Conservation Area and they are later in date: a classic example of suburban development beyond a more urban historic core.

The conclusion reached by Historic England is that the scheme causes a moderate level of 'less than substantial harm'. Their response is one of concern rather than objection though and it is left for the Council to assess whether or not there is sufficient public benefit to outweigh the heritage harm.

Conversely, the applicant's consultant refutes the analysis and conclusions offered by Historic England. They contend that the proposed development would result in no harm to the significance (including its special interest) of the Listed Building, nor does it result in harm to the significance (including its character and appearance) of the Conservation Area.

In relation to the listed building it is noted that there is no statutory definition of setting. Having regard to the definition of setting outlined in the Framework, it is possible for a site to be in the setting of a listed building even if there are no clear visual links between the two. In this case Oakfield House is now largely screened from the application site by natural vegetation. The relationship is further broken up through the presence of a modern intervening development used as by a funeral care business. However, the listing for Oakfield House makes reference to it being set within grounds and the application site now represents what is essentially the only remaining open space around the building. Indeed, historic records clearly show the relationship between the listed building and the open space. It is consequently considered that the application site does fall within the setting of this listed building by virtue of the historic links. Indeed, the setting is readily seen and valued as open space which is free from development. This historic form consequently contributes to the significance of this heritage asset.

In relation to the conservation area it is again important to recognise that the application site currently makes a positive contribution to its setting. The site is free from development and forms a clear visual break in development along Bilton Road before and after the Conservation Area. It is consequently considered that the site currently serves to enhance the setting of the Conservation Area and help visually mark its significance. This is particularly so taking into the historic links between Oakfield House and the site.

It is within the context of the above that the proposed development would result in a substantial area of the setting being lost to built development. In turn this would cause harm to both assets through the permanent removal of the current open green area which currently reflects the historical character of this listed building and enhances the setting of the Conservation Area. As a result it is considered that the scheme results in a low level of less than substantial harm to both the listed building and conservation area. This is a matter which should be given considerable importance and weight in the decision. The public benefits of the proposal should also be weighed against this harm in accordance with paragraph 196 of the Framework.

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

Section 9 of the Framework, policy CS11 of the Core Strategy and policies H5 and D1 of the emerging 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.

In this case the application site is located within a highly sustainable location in close proximity to Rugby Town Centre. Future residents would consequently be able to access a range of shops, community facilities and services either on foot or using mobility scooters. To help accommodate this the proposal includes provisions for a mobility scooter store within the apartment block for residents to use. In addition, a bus stop is located immediately in front of the proposed development on Bilton Road. There is a frequent bus service along this route providing opportunities for sustainable travel to the wider area. The site can therefore be accessed via sustainable modes of transport. As a consequence this would mean residents would be less likely to use private cars.

Vehicular access to the site is proposed off Bilton Road via a priority junction leading into a 5.50m wide internal access road. A pedestrian footway running through the proposed open space would also provide access from Bilton Road, Charles Street and Northcote Road. The provision of this footway would therefore provide a benefit to existing residents as well as future occupiers by allowing greater pedestrian permeability through the area.

A total of 28 car parking spaces are proposed for the bungalows which equates to 2 allocated spaces per unit. The provision for the bungalows would consequently be substantially higher than the Council's adopted parking standards which indicates a need for 7 spaces (or 0.5 spaces per unit). A further 36 unallocated car parking spaces are proposed for the 62 apartments which equates to 0.6 spaces per unit. This provision for the apartments would consequently be higher than the Council's adopted parking standards which indicates a need for 31 spaces (or 0.5 spaces per unit). Cycle parking would also be provided in accordance with the Council's adopted standards with details to be submitted at a later time.

The amount of parking proposed is supported by a detailed analysis of parking provision at existing extra care developments operated by the applicant. WCC Highways have considered this and agreed that the level of parking provision proposed would be acceptable.

In accordance with emerging Parking Standards it is considered that each bungalow should have 1 electric vehicle charging point per unit. A further 4 electric vehicle charging points should be provided within the shared unallocated parking area for the apartments.

The applicant has submitted a Transport Statement with the application which concludes that the proposed development would not have a significant impact on the operation of the local highway network. The proposed priority junction would achieve required visibility splays based on the recorded speed of vehicles moving along Bilton Road. A Road Safety Audit has also been carried out which has not identified any issues with the design of the proposed junction.

WCC Highways has considered the submitted information and plans. They have raised no objection to the proposal subject to conditions and a financial contribution. It is consequently considered that the proposal would have an acceptable impact on highway safety. The residual cumulative impacts on the road network would also not be severe. As a result the proposal complies with the Framework and policies CS11 and D1.

7. Air Quality

Paragraph 181 of the Framework, policy CS10 of the Core Strategy and policy HS5 of the emerging Local Plan set out the need to consider the impact of the proposed 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.

The AQA sets out that the site is located within an area identified as experiencing elevated pollutant concentrations. Dispersion modelling was therefore carried out which showed that pollutant levels across the site were below relevant air quality objectives. As a result the future site residents and users would not be introduced to poor air quality.

The dispersion modelling undertaken also predicted air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the development. The results were subsequently verified using monitoring results obtained from the Council. It was found that the impact on existing pollutant concentrations as a result of operational phase exhaust emissions would be negligible at all sensitive receptor locations within the vicinity of the site. The overall significance of potential impacts was therefore determined to be not significant.

Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and trackout activities. The AQA therefore identifies a range of good practice control measures which would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. A condition requiring the submission of a Construction Environmental Management Plan incorporating these measures would ensure this is achieved.

Environmental Health has considered the AQA. They have raised some concerns regarding the impact on traffic in the surrounding areas and in particular the Bilton Road junction with the gyratory. Their main concern is that vehicles waiting in Bilton Road to turn into the site or vehicles exiting the site could disrupt current traffic flows and increase congestion which may have a negative impact on air quality. Despite this their concern is not to such an extent that they would object to the proposed development. As a result it is considered the proposal complies with the Framework and policies CS10 and HS5.

8. Noise

Paragraph 170 and 180 of the Framework, Policy CS16 of the Core Strategy and Policy HS5 of the emerging Local Plan set out the need to ensure that the proposed development would not be adversely affected by noise.

A Noise Impact Assessment has been submitted with the application which considers the noise impact from traffic (and other external sources) on the proposed development and potential noise from on-site sources

such as kitchen extraction and plant/machinery. It outlines that whole house mechanical ventilation would be provided with no trickle vents or passive openings to the units. A glazing specification for all windows is identified. It further specifies that noise levels from any new plant should be controlled to 5dB below the measured background level.

Environmental Health have considered this assessment and are satisfied that subject to conditions the proposed development would not be adversely affected by noise. As a result the proposal complies with the Framework and policies CS16 and HS5.

9. Contamination

Paragraphs 170, 178 and 179 of the Framework sets out the need to ensure a site is suitable for its proposed use taking account of risks arising from contamination. A Phase II Site Appraisal has been submitted with the application which concludes that there is only a low risk of contamination. Environmental Health has subsequently considered the appraisal and raised no objection to the proposal in relation to potential contamination issues at the site. A condition would nonetheless still be necessary requiring the submission of an investigation and risk assessment including a remediation scheme and measures to report 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. As a result the proposal complies with the Framework.

10. Ecology

Paragraphs 170 and 175 of the Framework, policy E6 of the Local Plan and policy NE1 of the emerging Local Plan set out the need to protect and enhance biodiversity including protected habitats and species.

A Preliminary Ecological Appraisal and Biodiversity Impact Assessment (BIA) has been submitted with the application. It identifies that the site largely comprises of poor semi-improved grassland which has developed from former amenity grassland which has been neglected. There is potential for protected species on site which includes: a mature tree with bat roosting potential; bat foraging/commuting habitat; and suitable bird nesting habitat within the trees and hedgerows. Apart from removal of a small section (approximately 20m) of hedgerow for the access it is proposed that existing hedgerows and trees would largely be retained.

WCC Ecology has considered the appraisal and proposed scheme. Whilst the retention of the majority of hedgerows and trees is supported they note that the proposed would result in the loss of poor semi-improved grassland habitat. The submitted BIA therefore quantifies the value of existing habitats and establishes what impact there would be from the loss of those habitats as a result of the proposed development. This was then compared with the post-development habitat values which were derived from the proposed retention of existing habitats in addition to proposed habitat creation and enhancement on-site. The assessment therefore concluded that there would be a 52% biodiversity impact loss arising from the proposed development. The applicant is not able to provide compensation for this on-site and so has agreed to a biodiversity offsetting scheme which would provide suitable compensation off-site. This would be secured in a S106 Agreement.

In relation to species WCC Ecology consider that the impact on bats and nesting birds would be unlikely to be significant. However, they have requested conditions requiring details of: the timing of works; native species planting; wildflower meadow seeding; bird, bat and hedgehog boxes; hedgehog holes in boundary treatments; lighting; and submission of a Landscape and Environmental Management Plan (LEMP) to include details of long-term management of the habitats on site. They have indicated that no other protected species are likely to be impacted by the proposed development.

Subject to the above it is considered that the proposal would have an acceptable impact on biodiversity. As a result the proposal complies with the Framework and policies E6 and NE1.

11. Flood Risk and Drainage

Paragraphs 155-165 of the Framework, policy CS16 of the Core Strategy, policy GP2 of the Local Plan and policies SDC5 and SDC6 of the emerging Local Plan set out the need to consider the potential impact of

flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it. Sustainable drainage systems (SuDS) should also be incorporated into major developments.

A Drainage Strategy, SuDS Assessment and Level 1 Flood Risk Assessment has been submitted with the application. This establishes 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 and policy SDC5. There is also no risk of flooding from pluvial, fluvial or artificial sources and no historic reports of flooding from sewers.

Soakaway tests to determine infiltration rates were carried out and revealed that the site is suitable for the use of soakaway drainage. It is consequently proposed that SuDS in the form of cellular crate soakaway systems, permeable paving, water butts and a dry swales would be used to manage surface water.

WCC Flood Risk Management has considered the assessment and proposed drainage system. They have raised no objection to the proposal subject to a condition requiring full details of the surface water drainage scheme for the site. The impact on flood risk and drainage is therefore considered to be acceptable. As a result the proposal complies with the Framework and policies CS16, GP2, SDC5 and SDC6.

12. Design, Layout, Landscaping and Visual Impact

Section 12 of the Framework, policy CS16 of the Core Strategy, policy GP2 of the Local Plan, and policies SDC1 and SDC2 of the emerging Local Plan, set out the importance of good design in new developments.

An assessment of the proposed design and layout of the buildings has subsequently been undertaken in accordance with the Government endorsed Building for Life 12 criteria. This has enabled consideration of how the proposed development would integrate into the existing neighbourhood, create place and provide suitable streets and homes.

Integration with the Existing Neighbourhood

In relation to integration with the existing neighbourhood it is proposed that the vehicular access to the site would be achieved through a new priority junction off Bilton Road. A pedestrian footway running through the proposed open space would also provide access from Bilton Road, Charles Street and Northcote Road. This would consequently make a positive contribution to the permeability of the area and help integration with the existing neighbourhood. These proposed connections would further help to increase the accessibility of the development in relation to the shops, facilities and services future occupants would need. In particular, there would be good links to the town centre which is in close proximity to the site. A bus stop located immediately in front of the apartment block on Bilton Road also provides positive opportunities for using public transport. Broader considerations relating to meeting local housing requirement have been considered in other sections of this report.

Creating Place

In relation to creating place it is considered that the size of the proposed development is such that it would be able to create its own distinct character. Issues regarding the impact of the proposal on existing trees and the loss of open space have been considered in detail elsewhere in this report. Putting these issues aside the design of the buildings has had regard to the character and pattern of existing built development in the area.

The proposed apartment block would be 3-storeys in height and therefore reflects the height of existing buildings along Bilton Road to the east of the site. The elevations of this apartment block would be further broken up through the use of different projections in the build line, different heights, different materials and design features including projecting gables and hipped two-storey bay windows. Importantly, the height of the building decreases towards the western end of the apartment block close to the existing 2-storey residential houses. This would collectively help to ensure that the building would be read as a separate elements that are both varied and interesting. The retention and enhancement of trees and the hedgerow along Bilton Road would further soften the appearance of the apartment block.

The proposed bungalows would form a distinct and cohesive group separate to but still related to the apartment block. The majority of these bungalows would be grouped around a shared landscaped

courtyard. The design of the buildings are such that corner bungalows would turn the corner with active frontages onto both of the roads they address. They would also form a clear perimeter block with the remaining bungalows backing onto the gardens of existing residential properties. Design features include gable projections, bay windows, canopies, quoins and chimneys.

The design and layout of the proposed buildings is consequently considered to be acceptable.

Suitable Streets and Homes

The size of the site and marked distinction between the apartments and bungalows is such that it would be easy to find the way around. The use of different surface materials between the main site access road and internal roads would further help to create well defined streets and spaces. The use of estate rail fencing to mark the boundary of the extra care village and public open space would ensure the two spaces are suitably distinguished. The effect of this is also such that public spaces would be readily distinguishable from private spaces.

The proposed apartments and buildings would offer good natural surveillance opportunities over Bilton Road, the access road and public open space. The design features detailed above further contribute to the creation of streets which have a degree of visual interest. The total number of car parking spaces would be above what would usually be expected but has been designed in a manner such that parking would not dominate the appearance of the area. The use of hard and soft landscaping would further soften the appearance of the built development. External storage space for bins and recycling has been considered and would enable these to be located in designated bin stores and out of intrusive public views.

Impact on Visual Amenity

Overall, 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.

13. Sustainable Buildings

Policy SDC4 of the emerging Local Plan sets out that non-residential developments of the size proposed should achieve the BREEAM 'very good' standard as a minimum. In this respect the submitted Planning Statement indicates that the scheme will result in "Buildings that provide substantial energy efficiency advantages over most open market schemes". No further evidence of what would be provided to achieve this claim has been submitted despite a request being made for this. Nonetheless, it is considered that a condition could be imposed requiring the submission of how the scheme would achieve the BREEAM 'very good' standard as a minimum.

14. Residential Amenity

Paragraph 127, policy CS16 of the Core Strategy and policy SDC1 of the emerging Local Plan set out that proposals for new development should ensure the living conditions of existing and future neighbouring occupiers are safeguarded.

In this case the application site is immediately bordered by residential dwellings to the north and west. Residential dwellings are also located on the other side of Bilton Road to the application site to the south. The distance between habitable windows and gardens to these existing properties and the proposed bungalows and apartments is considered to be acceptable. There are no instances where it is considered the proposed development would give rise to significant and detrimental impacts on light, aspect and privacy.

Equally, having regard to the nature and type of development proposed, it is considered that the relationship between the proposed bungalows and apartments would not result in detrimental harm to the amenities of future occupiers.

The impact on residential amenity for both existing occupiers and future occupiers would therefore be acceptable. As a result the proposal complies with the Framework and policies CS16 and SDC1.

15. Economic Growth

Paragraph 80 of the Framework and GP1 of the emerging Local Plan indicate that significant weight should be placed on the need to support economic growth. In this respect it is 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; new household spending in the Borough; potential new jobs within the Borough; an increase in the viability of local retail uses, services and businesses; and an increase in the viability of existing public services. Such matters would have a positive impact on the local economy and prosperity of the Borough.

Notwithstanding the above, it is recognised that the benefits arising from this proposed development would not be unique. Indeed, the same benefits would arise if this development was carried out at other locations within the Borough. However, the availability of this site to commence development is such that these economic benefits could be realised quicker than alternative locations which have not come forward to date. It is therefore considered that the economic benefits of the scheme should carry significant weight in favour of the application. As a result the proposal would therefore be in accordance with the Framework and the goal of improving the economic conditions of this area set out in policy GP1.

16. Infrastructure and Planning Obligations

Paragraphs 54, 56 and 57 of the Framework, policies CS10 and CS13 of the Core Strategy, the Planning Obligations SPD and policies HS4, D3 and D4 set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.

Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. If a requested planning obligation does not comply with all of these tests then it is not possible for the Council to require this. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below. It is considered that all of these requests meet the necessary tests and are therefore CIL compliant.

Sports Pitches: For the reasons set out earlier in this report the applicant has agreed to make financial contributions towards works to improve 9 pitches at Whinfield Recreation Ground. The applicant has agreed to secure this within a S106 Agreement.

Parks and Gardens: The proposed development would create a greater demand for parks and gardens. The applicant has therefore agreed to make a financial contribution towards off-site enhancements at Caldecott Park which would be secured within a S106 Agreement.

Amenity Green Space: The applicant would provide a total of 0.47ha of amenity green space on the application site. The applicant has agreed to transfer this land to the Council at nil cost to secure its use as public open space in perpetuity. They have also agreed to provide a financial contribution towards the maintenance of this. The applicant has agreed to secure this within a S106 Agreement.

Children's Play: The applicant would provide a Locally Equipped Area of Play on the application site. The applicant has agreed to transfer this to the Council at nil cost to secure its use as public open space in perpetuity. They have also agreed to provide a financial contribution towards the maintenance of this. The applicant has agreed to secure this within a S106 Agreement.

Natural and Semi-Natural Green Space: The applicant would provide a total of 0.04ha of natural and semi-natural green space on the application site. The applicant has agreed to transfer this land to the Council at nil cost to secure its use as public open space in perpetuity. They have also agreed to provide a financial contribution towards the maintenance of this. The applicant has agreed to secure this within a S106 Agreement.

Biodiversity Offsetting: For reasons set out earlier in this report the applicant has agreed to enter into a S106 Agreement to secure the provision of a biodiversity offsetting scheme.

NHS - UHCW: UHCW has provided evidence that the proposed development would place increased demand on hospitals within the area. The applicant has therefore agreed to make a financial contribution to offset this impact. This would be secured within a S106 Agreement.

NHS – Primary Care: NHS Coventry and Rugby Clinical Commissioning Group and Warwickshire County Council Public Health (Public Health Warwickshire) has provided evidence that the proposed development would place increased demand on primary care. The applicant has therefore agreed to make a financial contribution to offset this impact. This would be secured within a S106 Agreement.

Sustainable Travel Packs: The applicant has agreed to make a financial contribution towards the provision of sustainable welcome packs to future occupiers promoting sustainable living and delivering road safety education in the area. This would be secured within a S106 Agreement.

17. Planning Balance and Sustainability of Development

Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development. In this case it is arguably the case that some of the policies which are most important for determining applications are out-of-date given that they are not entirely consistent with the wording of the Framework. For decision-taking it therefore sets out that permission should be granted unless one of two conditions are met. The first condition is not engaged because no policies in the Framework protecting areas or assets of particular importance are applicable in this case. The second condition is engaged and sets out that permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

From an economic perspective 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; new household spending in the Borough; potential new jobs within the Borough; an increase in the viability of local retail uses, services and businesses; and an increase in the viability of existing public services. Such matters would have a positive impact on the local economy which weighs in favour of the application. As such, the proposed development would satisfy the economic role of sustainable development.

From a social perspective it is accepted that there is a need for extra care housing falling within a Class C2 use across the Borough. This proposal would contribute towards meeting that need and this is consequently a matter which weighs in favour of the application. The impact of the proposed development on infrastructure could also be addressed through financial contributions that would mitigate the adverse impacts that would otherwise arise. This is therefore a matter of neutral weight. However, the proposed development would result in the loss of a substantial area of designated open space which is not surplus to requirements. It would not be replaced by equivalent or better provision in terms of quantity and quality and would not be for alternative sports and recreational provision. As a result the proposal would significantly and detrimentally reduce access to open space for existing residents on a permanent and irreversible basis. In so doing it would have a detrimental impact on the physical health, mental health and well-being of residents. It would consequently not support the creation of strong, vibrant and health communities. This is a matter which consequently carries substantial weight against the proposed application. As such, the proposed development would fail to satisfy the social role of sustainable development.

From an environmental perspective the potential adverse impacts of the proposed development in relation to highway safety, traffic flows, air quality, noise, contamination, ecology, flood risk, drainage, visual amenity, residential amenity and carbon emissions have all been considered. The assessment has subsequently shown that 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 and a S106 Legal Agreement to ensure that this is delivered.

Notwithstanding the above, it is clear that the proposed development would give rise to some environmental harm relating to the loss of protected trees and impact on designated heritage assets which would not be adequately mitigated against. In regard to trees, the proposed layout would not result in an acceptable relationship between the protected trees and development. This would result in trees causing problems to future occupiers as well as harming their residential amenity. It further results in concern that

trees could be lost owing to the impact on their health or as a result of pressure to remove them. The current collective visual benefits arising from the Poplar trees would also be put at risk through poor management of the trees if they were under different ownerships. This is a matter which consequently carries significant weight against the proposed application.

In regard to designated heritage assets it is important to note that the application site previously formed part of the open grounds of Oakfield House which is a grade II* listed building. There is consequently a historic relational link such that the site forms part of the setting to this listed building. The site serves to enhance the setting of Bilton Road Conservation Area. The proposed development would fundamentally change the character and appearance of the application site which is currently an open green space. Indeed, the extent of built development proposed is such that this would have a significant impact on the setting of these designated heritage assets. It is consequently considered that the scheme results in a low level of less than substantial harm to both the listed building and conservation area. In accordance with paragraph 196 of the Framework this harm should be weighed against the public benefits of the proposal. In view of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the identified harm should be given considerable importance and weight in the decision. This gives rise to a strong statutory presumption against planning permission being granted. It is consequently considered, on balance, whilst having regard to Section 66, that the benefits of the scheme do not clearly and demonstrably outweigh the harm to the identified designated heritage assets. This is a matter which consequently carries significant weight against the proposed application.

In conclusion, whilst the proposal would result in a number of economic benefits this this would not outweigh the substantial social and environmental harm which has been identified. The submitted scheme would therefore not be sustainable development. National policy consequently indicates that permission should not be allowed. In turn the proposal conflicts with policy GP1 of the emerging Local Plan which is a material consideration in the determination of this application.

It is concluded that the proposal does not comply with the Development Plan and that there are no material considerations which indicate that the proposal should be approved. 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 planning permission should be refused.

Recommendation:

Refusal.

DRAFT DECISION

APPLICATION NUMBER

R18/0214

DATE VALID

23/02/2018

ADDRESS OF DEVELOPMENT

OAKFIELD RECREATION GROUND,
BILTON ROAD
RUGBY
CV22 7AL

APPLICANT/AGENT

Miss Neil Martyn
The Planning Bureau Ltd
Orion House
Orion Way
Kettering
Northamptonshire
NN15 6PE

On behalf of YourLife Management Services Ltd

APPLICATION DESCRIPTION

Erection of extra care retirement village comprising of 62 apartments (C2 Use Class), 14 bungalows (C2 Use Class), communal facilities, vehicular access from Bilton Road, car parking, landscaping, footpaths, public open space and associated infrastructure

REASONS FOR REFUSAL & RELEVANT DEVELOPMENT PLAN POLICIES

REASON FOR REFUSAL 1:

The proposed development would result in the loss of a substantial area of designated open space. There is a significant deficit of open space within the New Bilton Ward and it has been found that the open space would not be surplus to requirements. The loss resulting from the proposed development would also not be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. It would consequently reduce resident's access to open space and increase the existing deficit of open space in New Bilton Ward. As a result the proposed development would have a significant and negative impact on the health and well-being of residents. It would further limit the opportunities for social interaction and the creation of inclusive communities. The adverse impacts that would arise from this would consequently significantly and demonstrably outweigh the benefits of the proposed development. The proposal would consequently not constitute sustainable development and would be contrary to policy LR4 of the saved Local Plan 2006, policies GP1 and HS4 of the Emerging Modification Local Plan 2018, and section 2 and paragraphs 91, 92, 96 and 97 of the National Planning Policy Framework 2018.

REASON FOR REFUSAL 2:

The proposed development would not result in an acceptable relationship with established mature trees that are located on the application site and protected by Tree Preservation Orders. The trees individually and collectively are prominent visual amenity features that make a significant and positive contribution to the local landscape and townscape. The proximity of proposed built development to a number of these trees (identified as trees 4 and 33-49 on the submitted Tree Protection Plan) is such that it could cause problems and nuisances to future occupiers and at worst fatally harm the health of the trees. It would also have an unacceptable impact on the light and outlook to habitable rooms and private gardens at bungalows 004 and 005. As a result this could lead to pressure for significant works to these trees or an application for their removal altogether. Such works or removal would not be acceptable as they would significantly reduce or remove the contribution these trees make to the amenities, character and appearance of the area. The adverse impacts that would arise from the relationship of the trees with the proposed development would consequently significantly and demonstrably outweigh the benefits of the proposed development. The proposal would consequently not constitute sustainable development and would be contrary to policy GP2 of the saved Local Plan 2006, policy CS16 of the Core Strategy and policies GP1, NE3 and SDC2 of the Emerging Modification Local Plan 2018, and paragraphs 170 of the National Planning Policy Framework 2018.

REASON FOR REFUSAL 3:

The proposed development would be constructed on land which forms part of the setting to Oakfield House (32 Bilton Road) which is a grade II* listed building. This land also serves to preserve and enhance the setting of Bilton Road Conservation Area. The land currently takes the form of open green space which is free from built development. The extent of proposed development across this land is such that this important open green space setting to the listed building and conservation area would be permanently and irreversibly lost. As a consequence this would result in a low level of less than substantial harm to both the listed building and conservation area. On balance, having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the limited public benefits of the scheme do not clearly and demonstrably outweigh the harm to the listed building and conservation area. The proposal would consequently not constitute sustainable development and would be contrary to policy CS16 of the Core Strategy, policies GP1 and SDC3 of the Emerging Modification Local Plan 2018, and section 16 of the National Planning Policy Framework 2018.

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference number: R18/1555

Site address: Land West of Bryants, Brandon Lane, Brandon

Description: Change of use of land to form a residential caravan site for 10 gypsy families together with the erection of amenity buildings

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of Site.

The application site is within an area of countryside which forms part of the West Midlands Green Belt. The site is to the west of an existing, established, gypsy and traveller site known as Bryants Bungalow which currently has 13 approved permanent pitches. Access to the application site would be off Brandon Lane through Bryants Bungalow.

The site comprised an area of stoned hardstanding, a former grazed paddock, and a block of coniferous woodland, the latter lying between the proposed development and Brandon Lane. The paddock had not been used for a couple of years and was rapidly becoming overgrown with tall ruderal vegetation and scattered scrub.

Description of Proposal

Planning permission is being sought for a change of use to form a residential caravan site for 10 gypsy families, including the laying of hardstanding and the erection of two communal amenity blocks. The proposed development would be accessed through Bryants Bungalow.

Third Party Comments

Neighbours (1 objection)

- Green Belt site
- Has already been extended twice
- No footpath or street lighting along Brandon Lane
- Impact upon character of the area

Parish Council objection

- Very significant expansion of an already large gypsy and traveller site
- Green Belt
- Impact upon openness particularly when viewed from Brandon Lane and A45
- Not a sustainable location
- All journeys would be by car

Technical Consultee

WCC Highways	no objection
WCC Ecology	no objection subject to conditions
WCC Water Officer	no objection
RBC Development Strategy	observations received

Relevant Planning Policy/Guidance

RBC Core Strategy

CS1	Development Strategy
CS16	Sustainable Design and Construction
CS22	Sites for Gypsies, Travellers and Travelling Showpeople

Saved Local Plan Policies

E6	Biodiversity
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The Main Modifications to the Submission Local Plan have been agreed with the Inspector, subjected to Sustainability Appraisal and Habitats Regulation Assessments, and published for consultation.

In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and have a degree of consistency to the Framework. They carry weight, subject to recognising that some individual policies will have unresolved objections which may have less weight as a result. Although hearings have concluded, the Examination is ongoing until the receipt of Inspector's final report. Whilst each case should be determined on its own merits, the emerging policies are a material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

National Planning Policy

National Planning Policy Framework 2018
Planning Policy for traveller sites 2015

Relevant Planning History

R10/0320

Change of use of land for siting of 6no residential caravan pitches and associated works (partially retrospective)
Approved 16/06/2010

R11/0715

Change of use of land for siting of 6no residential caravan pitches and associated works (partially retrospective) (variation of condition 4 of R10/0320 dated 16th June 2010 to allow no more than 6 residential pitches accommodating one household per pitch be provided, of which 2 pitches shall contain no more than one caravan and 4 pitches shall contain no more than two caravans each.
Approved 19/09/2011

R12/0206

Extension to the existing Gypsy Caravan site including the erection of day room for use ancillary to use of an existing Gypsy Caravan Site, including the demolition of existing outbuilding.
Approved 16/04/2012

R12/1287

Extension to the existing Gypsy Caravan site including the erection of day room for use ancillary to use of an existing Gypsy Caravan Site, including the demolition of existing outbuilding. (Amendments to previously approved planning application R12/0206 dated 16th April 2012).
Approved 17/10/2012

R12/1690

Change of use of land for the extension of existing caravan site to accommodate 2 gypsy families with a total of 2 caravans, including laying of hardstanding.
Approved 03/07/2013

R14/0169

Change of use of land for the extension of existing caravan site to accommodate 5 gypsy families with a total of 5 caravans, including laying of hardstanding.
Approved 26/11/2014

R18/0177

Change of use of land for the extension of existing caravan site to accommodate 5 gypsy families with a total of 5 caravans, including laying of hardstanding. (Removal of condition 2 of approved planning permission ref: R14/0169 dated 26/11/2014 to allow a permanent permission)
Approved 17/05/2018

Assessment

1. Principle of Development

There is a clear statement within Core Strategy policy CS1 and emerging policy GP2 that only where national policy allows will development within the Green Belt be permitted. This statement is repeated in policy CS22, but not within emerging policy DS2. The development of gypsy and traveller sites is not one of the limited forms of development that may be considered 'appropriate development' in the Green Belt as stated in the National Planning Policy Framework. Planning Policy for Traveller Sites (PPTS) 2015, Policy E also states that the development of traveller sites in the Green Belt is inappropriate development. As inappropriate development the proposal is therefore harmful to the Green Belt by definition.

The NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances and that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development will be considered as part of the overall planning balance.

2. Openness and Purposes of the Green Belt

The NPPF notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence; the purposes of including land in Green Belts include assisting in safeguarding the countryside from encroachment. A recent judgement *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC March 2018*, held that when assessing impact upon openness it's not purely on a spatial basis but needs to consider whether its visual impact is harmful to openness.

The proposal would cause a net loss of openness within the Green Belt. It would also result in encroachment into the countryside. Given the site coverage of development, surrounding land use, it is not considered that this impact would be substantial, but nevertheless significant.

As set out within the NPPF substantial weight is given to any Green Belt harm.

3. Character and Appearance

Policy CS16 and emerging policy SDC1 of the Core Strategy sets out that 'All development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated'. Paragraph 7.4 of the Core Strategy allows for consideration of the Sustainable Design and Construction SPD which further expands on this policy. Paragraph 127 and Chapter 12 of the NPPF are also relevant and set out the importance of good design in relation to new development.

When viewed from Brandon Lane, the proposed development would not be visibly prominent as it would be set back from the highway and positioned behind existing screening.

The existing Gypsy and Traveller site is visible from the southbound A45-A423 slip road. From this viewpoint the site is seen in association with dwelling houses along Brandon Lane, and retail/commercial units beyond. To the south of the application site where the proposed caravans are to be sited is a mature tree belt and this will assist in screening the development. Even if the proposed development be visible from this location it would be read in conjunction with the established caravans and therefore would not appear incongruous within the landscape. A condition would be imposed to ensure that a landscaping scheme is provided to provide further mitigation.

It is therefore considered that the proposal would not adversely impact upon the character and appearance of the area in accordance with Core Strategy Policy CS16, Emerging Policy SDC1 and guidance contained within the NPPF.

4. Accessibility

The NPPF is clear that sustainable development has three dimensions: economic, social and environmental. The policies in the NPPF, taken as a whole, set out what sustainable development means in practice. There is no suggestion in the NPPF or PPTS that, if the occupiers of new residential developments would rely on the car, this would automatically or alone render the location unsustainable.

The NPPF does encourage a pattern of development which would facilitate the use of sustainable modes of transport. However, it only stipulates that developments generating significant movement should be located where the need to travel will be minimised and use of sustainable modes maximised. It recognises that different policies will be required in different areas, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

The proposed application site is located close to the urban edge of Coventry where site residents would have good access to community services and facilities. There is no public footpath along Brandon Lane, and drivers travel along this road at speed. Occupiers could not realistically walk or cycle from the development to shops or services – and there are no public transport services in this area either. However, because the PPTS does not seek to prevent the development of traveller sites in rural or semi-rural areas. It should be recognised, in accordance with the NPPF, that proposals for rural gypsy sites such as this should be considered on the basis that opportunities to maximise sustainable transport solutions will vary.

The site is not unduly far from local services and therefore would not generate an unacceptable number of, or unacceptably lengthy day-to-day trips in private vehicles.

Furthermore, historic applications at Bryants Bungalow have concluded that the site is accessibly located to local services and facilities.

5. Need for sites

The latest Gypsy and Traveller Accommodation Assessment (GTAA) was produced in August 2017. This stated that in the five year period between 2018-19 and 2022-23 a total of 30.4 pitches were required. This rose to 31.4 when including undersupply from 2017-18. To date, 7 pitches have been approved in 2018-19 and therefore a further 24.4 pitches are required to meet the identified need.

This attracts substantial weight in favour of the proposal.

6. Alternative sites

Policy CS1 expects that the most sustainable locations are considered for development ahead of those lower down a settlement hierarchy. Policy CS22 expects that evidence is submitted with any application for a traveller site to demonstrate compliance with the requirements of the sequential approach. Thus, the onus is on the appellant to demonstrate that there are no suitable and available alternative sites for the development.

However, the NPPF does not require the submission of sequential evidence with any application for residential development. There is no expectation, for example, that a developer seeking to build houses in a village must show a lack of urban sites. In accordance with the NFFF, and since the Courts have held that there can be no requirement for an appellant to prove a need for a particular site, PPTS does not require sequential assessments with traveller applications.

Policy CS22 describes development locations in the following order of preference: urban areas – before main rural settlements – before countryside or Green Belt. However, Government policy distinguishes

between countryside and Green Belt and does not presume against traveller sites in the former. Moreover, Emerging Policy DS2 does not set out a hierarchical preference.

The draft Local Plan does not allocate new sites for Gypsy and Traveller pitches but Policy DS2 does commit Rugby Borough Council to the production of a Gypsy and Traveller Site Allocations Development Plan Document to be produced following adoption of the Local Plan. The reason for this document being proposed is because very few sites were submitted through the call for sites process as part of the Local Plan and process. Of these sites none were deemed to be suitable.

It is considered that there is no suitable, available and affordable alternative sites for the proposed development within the borough.

This lack of suitable, available sites attracts significant weight in favour of the proposal which would support a case for very special circumstances.

7. Five year supply of land for traveller sites

PPTS expects LPAs, in producing their Local Plans, to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of traveller sites against their locally set targets.

It is considered that there is insufficient land to meet the Councils existing need for pitches. This carries significant weight in favour of the proposal.

8. Sustainability

The NPPF has a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. Locating development in an accessible location, where it would minimise travelling and the associated carbon emissions, would contribute to both the social and environmental dimensions. The distance of the proposed site from local services and facilities and the necessary reliance on the use of the car would not support these aims.

The NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances¹. In a similar vein PPTS paragraph 23 advises that new traveller site development in open countryside that is away from existing settlements should be strictly limited.

For policy making PPTS Paragraph 13 sets out eight sustainability criteria. Many of these are achieved by any proposal which provides a settled base for a traveller family. Paragraph 13 states that Local Planning Authorities should ensure that:

- a) Promote peaceful and integrated co-existence between the site and the local community;

There has been no suggestion that the existing gypsy and traveller site has not managed to operate in such a manner that would suggest a reasonable degree of co-existence between the travelling and the local community, and no evidence to dispute this. It is considered that the existing site together with the proposed site would be able to co-exist successfully with the local community.

- b) Promote, in collaboration with commissioners of health services, access to appropriate health services;

The proposal would provide a settled base for members of the travelling community to access health service.

- c) Ensure that children can attend school on a regular basis;

The proposal would provide a settled base for members of the travelling community to access education facilities.

- d) Provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment;

The provision of a settled base which is in close proximity to Coventry where services and facilities are a short distance to the application site.

- e) Provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development;

The location of the proposed pitches, further to consultation with relevant bodies, would not result in an adverse impact on the health and well-being of any travellers which may reside on this development. Furthermore it would reduce the need to reside on unauthorised sites and/or encampments.

- f) Avoid placing undue pressure on local infrastructure and services;

It is not considered this proposal would not put any undue pressure on services within the local community, and no evidence has been presented to the contrary.

- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;

The application site is outside of the floodplain.

- h) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability;

The site is located within close proximity to the highway network and the main major motorways within the area ensuring that are well connected to allow occupiers to travel in search of work and with the close proximity of main urban areas.

This proposal would therefore broadly comply with the criteria outlined within this paragraph of the PPTS. The proposal would therefore deliver economic, social and environmental benefits in accordance with PPTS paragraph 13.

9. Personal need and circumstances

The applicant's agent has stated that the pitches would be to accommodate the adult grandchildren of the applicant who is already based at Bryants Bungalow. As such there is a family connection to the existing Gypsy and Traveller community.

10. The Planning Balance

It is acknowledged that gypsy and traveller sites, whether temporary or permanent, are inappropriate development within the site. The inappropriateness of the development within the Green Belt weighs against the development. The harm to the openness adds further weight against the proposed development. Policy E of the PPTS states that subject to the best interest of the child, personal circumstance and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstance.

The case of very special circumstances are set out below:

- The 2017 GTAA stated that need could be met through the expansion of existing sites;
- The planning statement makes clear that the pitches would be to accommodate the adult grandchildren of the applicant who is already based at Bryants Bungalow, meaning there is a family connection to the existing Gypsy and Traveller community;
- The latest position shows that a further 24.4 pitches are required before the end of 2022-23 in order to meet the need identified in the 2017 GTAA. However, unmet need alone is not likely to be enough to constitute very special circumstances;
- The proposal would make a significant contribution towards the unmet need
- As well as being situated in the Green Belt the site is less than 500m from the south eastern edge of Coventry. Which would be a sustainable urban edge location.
- During the 'Call for Sites' process in the emerging Local Plan (currently undergoing examination) no suitable sites were submitted; and
- Limited harm to the character and appearance of the area

These matters attract substantial weight in favour of the proposal. The weighing of these matters is quintessentially a matter of judgement of the Local Planning Authority. On balance it is considered that the case of very special circumstances as set out above demonstrably outweigh the harm of the proposal by definition upon the Green Belt and upon the purposes of including land within it.

11. Ecology

Saved policy E6 and emerging policy NE1 seek to ensure that development proposals do not have an adverse impact upon protected habitats and species. It also sets out that development should retain and protect natural habitats and provide mitigation and compensation measures where this would be lost. This policy is consistent with one of the core planning principles outlined within paragraph 17 of the Framework which sets out the need for planning to 'contribute to conserving and enhancing the natural environment'. The Framework further outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible (paragraphs 109, 113, 114, 117 and 118). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

A Preliminary Ecological Appraisal has been undertaken for the site. This appraisal concludes that the site is of low wildlife interest, and that the proposal is unlikely to lead to the loss of bird nesting site. WCC Ecologists have raised no objection subject to a condition relating to the timing of the works.

12. Human Rights and Public Sector Equality Duty

In arriving at the proposed recommendation the Local Planning Authority have given due regard to the human rights of the intended occupants and the Council's Public Sector Equality Duty.

Recommendation

Approval subject to conditions and deferral to the National Planning Casework Unit.

APPLICATION NUMBER

R18/1555

DATE VALID

09/08/2018

ADDRESS OF DEVELOPMENT

LAND WEST OF BRYANTS
BRANDON LANE
BRANDON

APPLICANT/AGENT

Mr Philip Brown
Philip Brown Associates
74 Park Road
Rugby
Warwickshire
CV21 2QX
On behalf of Mr Felix Rooney

APPLICATION DESCRIPTION

Change of use of land to form a residential caravan site for 10 gypsy and traveller families together with the erection of amenity buildings

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:

- Site Location Plan dated 03/08/2018
- Site Layout Plan
- Proposed amenity building plan

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 proposed development shall be laid out strictly in accordance with the Site Layout Plan hereby approved. The site shall not exceed 10 pitches, and no more than 10 static caravans or touring caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time.

REASON

To preserve the openness of the Green Belt and the character and appearance of the area.

CONDITION: 4

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (Department for Communities and Local Government, August 2015) or any replacement guidance.

REASON

The proposal is only considered acceptable within the Green Belt as a Gypsy and Traveller Site.

CONDITION: 5

No commercial activities shall take place on the land including the storage of materials and, no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

REASON:

In the interest of visual and residential amenity.

CONDITION: 6

No external generators shall be used unless and until details of their enclosure and siting are submitted to and approved in writing by the Local Planning Authority. Generators shall not be installed other than in accordance with the approved details.

REASON:

In the interests of visual amenity.

CONDITION: 7

The facing materials to be used on the external walls and roof of the amenity buildings shall be of the same type, colour and texture as those used on the existing dayroom associated with the existing gypsy and traveller site.

REASON:

In the interest of visual amenity.

CONDITION: 8

No above ground works shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first 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 9

The development hereby permitted shall either:

- a) Not be undertaken within the bird breeding season (March to September inclusive)
- or
- b) If undertaken within the bird breeding season a qualified ecologist is appointed by the applicant to inspect the trees and vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist.

REASON:

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVES:

Environmental Services

Any external lighting shall be designed in such a manner that it will not cause light nuisance to nearby residential properties.

Should the application be approved, the site will require a Caravan Site Licence in accordance with the Caravan Sites and Control of Development Act 1960.

Ecology

It should be ensured that there is no contamination of the watercourse either during or after development. Measures should be put in place to ensure that the Pollution Prevention Guidelines, now withdrawn but useful as a guide for good practice, produced by the Environment Agency regarding prevention of pollution during working and operation are adhered to. The Environment Agency or the Local Lead Flood Authority can provide further details if required. The impact level of this development is low but and the development should be ensured.

Particular care should be taken when clearing ground prior to development, and if evidence of badgers, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badger snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Concrete should not be left unset overnight, or suitable barriers erected to prevent animals accessing the concrete. Pipework with a diameter greater than 120mm should have the ends closed off overnight to prevent entrapment. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089

The applicant is respectfully advised that if additional planting is proposed for the site, indigenous tree and shrub species or fruit/berry bearing species should be used, preferably of local provenance. Such plants have a far higher value for local wildlife than cultivated, non-native plants. WCC Ecological Services would be happy to provide further advice if required (01926 418060).

Consideration should be given to the provision of suitable bat and bird boxes within the new build or adjacent trees in order to increase opportunities for wildlife. Many bat and bird populations have declined dramatically in recent years due to loss of roost, nest and foraging sites as a result of development. However a variety of bat and bird species use boxes and they can be particularly useful in the built environment, where natural nesting places can be scarce. Further advice and information can be obtained from the Bat Conservation Trust (BCT), and the Royal Society for the Protection of Birds (RSPB). WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required, in particular regarding which type of boxes to use.

Reference number: R18/1522

Site address: Land south of Coventry Road and North East of Cawston Lane, Rugby

Description: Erection of 26 dwellings with detached garages and parking bays (amendment to design, number of units and layout approved by R16/0984 & R11/1521 resulting in 7 additional dwellings.)

Case Officer Name & Number: Karen McCulloch, 01788 533623

Description of site

This application relates to part of an on-going housing development. The overall site is accessed from Coventry Road and the current application site are accessed through the site along the previously approved site roads.

This application relates to 3 areas within the overall development. These are within the previously approved development area and do not increase the overall area of the development.

The current site is in the south eastern part of the development. Lime Tree Village retirement complex is located to the south and houses on Lime Tree Avenue are to the north. The northern boundary includes a large rear garden where planning permission has been granted for residential development and the Old Laurentians Rugby Club is to the north of this.

This application relates to 3 areas within the overall development. The dwellings proposed at the south look towards Lime Tree Village across a previously approved balancing pond and amenity area. Proposed plots 216 and 217 are adjacent to the boundary and other plots look onto previously approved dwellings.

Description of development

This application proposes amendments to the previously approved scheme. This is to replace approved large 4 and 5 bedroom dwellings with 3 and 4 bedroom properties and will lead to an increase in number of dwellings above the 250 previously approved. The provision of the additional dwellings will also lead to changes to approved dwellings and alterations are proposed to other dwellings.

The alterations to plots 216 and 217 provision of a driveway between these properties leading to the boundary with the Old Laurentians Rugby Club.

The application was originally for 9 additional dwellings and for changes to 25 dwellings resulting in an application for 34 dwellings. This has been amended and 7 additional dwellings and changes to 19 dwellings are proposed. The application is therefore for 26 dwellings to address these changes.

The outline consent for the site approved up to 250 dwellings and the reserved matters approval was for 250 dwellings. As the current proposals will result in 257 dwellings and the time period to submit reserved matters has expired it is necessary for the current application to be a full planning application.

Relevant planning history

R11/1521 - Outline planning application for the development of the site for up to 250 dwellings (Use Class C3), with means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure. Approved, 06/05/2014

R16/0984 - Erection of 250 dwellings with associated works: Approval of reserved matters in relation to outline planning application R11/1521. Approved, 24/11/2016

R18/0696 - Erection of 15 dwellings with detached garages and parking bays (amendment to design, number of units and layout approved by R16/0984 & R11/1521 resulting in 7 additional dwellings.) Not yet determined.

This application is similar to the current application and proposes changes and additional dwellings in the northern part of the site. This application is currently on hold awaiting the outcome of the applications below as it relates to the same area of the site.

R18/1900 - Erection of 4 dwellings with detached garages and parking bays (amendment to the design, number of units and layout approved by R16/0984 & R11/1521 to replace 2 Detached Dwellings with 4 Semi-Detached Dwellings.)

This is a similar application to the current proposals and involves changes to approved dwellings in adjacent to Lime Tree Village.

R18/1901 - Erection of 7 dwellings with detached garages and parking bays (amendment to the design, number of units and layout approved by R16/0984 & R11/1521 to replace 4 Detached Dwellings with 5 Detached Dwellings & 2 Semi-Detached Dwellings.)

This is a similar application to the current proposals and involves changes to approved dwellings in adjacent to Lime Tree Village.

The current application combined with R18/1900 and R18/1901 would result in an overall increase of 12 dwellings resulting in a total development of 262 dwellings.

Third party comments

Local residents (1) Objection

- Overdevelopment comprising numerous smaller properties;
- Out of character with surrounding area which has large plots and gardens;
- Imbalanced of massing compared with overall development;
- Impact on landscape to perimeter of site;
- May affect connectivity for badgers;
- Other larger plots were not saleable due to small gardens or position on main routes, there are waiting lists for these properties.

Technical consultation responses

Environment Agency	No comment	
Warwickshire Police	Comment	Make suggestions regarding security
RBC Parks	No objection	Subject to s106
RBC Tree Officer	No objection	
WCC Ecology	No objection	Tree adjacent to plot 217 should be protected
WCC Flood Risk	No objection	
Warks Fire & Rescue	Comments	Need to demonstrate how access can be provided
WCC Highways	Comments	Street trees obstruct visibility splays
Environmental Health	No objection	Subject to conditions
NHS	No objection	Subject to s106
WCC Infrastructure	No comments received	
Severn Trent	No comments received	

Amended plans

Warks Fire & Rescue	Comment	Due to distance to properties may require measures such as sprinklers to meet Building Regulations
WCC Highways	No objection	

Relevant planning policies and guidance

Rugby Borough Core Strategy, 2011

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

Rugby Borough Local Plan 2006 – Saved policies

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

Rugby Borough Local Plan Main Modification to the Submission Local Plan 2011-2031:

The Main Modifications to the Submission Local Plan were agreed with the Inspector, subject to the Sustainability Appraisal and Habitats Regulation Assessments, and consulted upon. The consultation has concluded and the Inspector's report is awaited. In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and have a degree of consistency to the Framework. They carry weight, subject to recognising that some individual policies will have unresolved objections which may have less weight as a result. The Examination is ongoing until the receipt of Inspector's final report. Whilst each case should be determined on its own merits, the emerging policies are a material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

GP2	Complies	Settlement Hierarchy
H1	Complies	Housing Mix
H2	Complies	Affordable housing
HS2	Complies	Health Impact Assessments
HS4	Complies	Open Space, Sports Facilities and Recreation
HS5	Complies	Traffic Generation and Air Quality
NE1	Complies	Protecting Designated Biodiversity and Geodiversity Assets
NE2	Complies	Strategic Green and Blue Infrastructure
SDC1	Complies	Sustainable Design
SDC2	Complies	Landscaping
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
D4	Complies	Planning Obligations

Housing Needs Supplementary Planning Document, 2012

Planning Obligations Supplementary Planning Document, 2012

Sustainable Design and Construction Supplementary Planning Document, 2012

National Planning Policy Framework, 2018 (NPPF)

Assessment of proposals

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, drainage and protected species.

The site is located in countryside which is identified by policy CS5 as the south west broad location. This policy states development will be permitted within this area where there is a significant shortfall in the supply of housing. The principle of housing development on this site was established by the previous approvals for the overall development in accordance with this policy.

In addition the draft Local Plan amends the urban area boundary to include the development and the development is therefore in accordance with draft policy GP2 which states Rugby town is the main focus for development.

The principle of residential development on this site is therefore considered acceptable.

Design & Layout

The proposed dwellings are a similar design to those through the overall development. These continue the character of the existing development at Cawston Grange comprising a range of housetypes including traditional features.

Throughout the site two and a half storey properties, chimneys, bay windows, render and dual aspect properties are used at key locations to form features and add interest to the development.

Car parking is provided in a garages with driveways to the front, this reduces the prominence of parked cars within the street scene.

A range of materials are proposed to be used across the overall site which will provide variety and reflect materials found in the surrounding area. Materials have not been specified as part of the current application and these can be controlled by condition.

The proposals are therefore considered acceptable in relation to the design and impact on visual amenity in accordance with the relevant part of CS16.

It is considered that alterations to properties in the future could harm the visual amenity of the area. Conditions are therefore proposed removing some permitted development rights from properties across the development.

The alterations to plots 216 and 217 include the provision of a driveway between these properties leading to the boundary with the Old Laurentians Rugby Club. There are no applications for the development of this adjacent land at present and if these are submitted in future they will be assessed on their own merits at that stage.

The current Development Plan does not include any policies relating to the mix of dwellings sizes on developments. However, draft policy H1 proposes a housing mix of: 1-bed 5-10%, 2-bed 25-30%, 3-bed 40-45% and 4+-bed 20-25%.

The application relates to part of the overall development only and the overall development includes a range of dwelling sizes from 1-5 bedrooms. The approved plans for the current application site are for 7 (36.8%) 4-bed dwellings and 12 (63.2%) 5-bed dwellings. The current application removes the 5-bed dwellings and proposes 4 (15.4%) 3-bed dwellings and 22 (84.6%) 4-bed dwellings.

Whilst this is not fully in accordance with draft policy H1 the proposals increase the provision of 3-bedroom units which are those which this policy seeks to provide in higher proportions. It is therefore considered that the proposals are in general accordance with this policy.

Landscaping, ecology and open space

There are mature trees and existing hedgerows within the overall development and the impact on these was considered in relation to previous applications.

As the current application is within parts of the overall site previously approved for development there is little impact on trees, hedgerows or in relation to ecology.

The County Ecologist commented that the garage to proposed plot 217 appears close to a mature tree on the boundary of the overall site. The previously approved Arboricultural Report showed the root protection area of this tree extending up to the boundary of this plot, therefore the garage is proposed outside of this area. The agent clarified that the garage will be over 4.5m outside of the root protection area. On this basis the County Ecologist and Council's Tree Officer have no objection to the proposals as the garage is outside of the Root Protection Area.

The previous applications for the overall development included areas of on-site open space, including play areas, and contributions towards off site provision. The previously approved open space areas are considered to be high quality and accessible in accordance with saved policy LR3.

The Council's Park section commented that contributions should be sought in relation to the current application to allow the on-site play facilities to be improved in the future and this can be secured via a s106 agreement. This is in accordance with saved policies LR1 and H11 and draft policy HS4.

A landscaping scheme has not been provided, however the application site boundary comprises dwellings and their private gardens. As these will be in the control of future occupiers it is not considered necessary to require the submission of a landscape scheme and this is in accordance with saved policy GP2 and draft policy SDC2.

As the dwellings are proposed within areas of the overall site previously approved for development there will not be a greater impact on protected species, habitats or biodiversity. No objection was received from the County Ecologist and the impact on biodiversity and protected species is therefore considered acceptable in accordance with saved policy E6 and draft policy NE1.

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

It is considered that the open space areas forming part of the overall development will provide additional habitat that will form a linkage with the existing GI infrastructure, as this forms part of the open space it will also be publically accessible. This is in accordance with policy CS15 and draft policy NE2.

Impact on amenity

Policy CS16 states that the amenity of existing or future occupiers should be protected and draft policy SDC1 includes similar requirements.

Existing properties within Lime Tree Village will be over 45m from dwellings proposed in the south western part of the current application.

Plots 216 and 217 are proposed adjacent to the rear garden to 63 Lime Tree Avenue where planning permission has been granted for the erection of 4 dwellings. Plot 4 of this scheme has the side elevation looking towards the current application site. The proposed dwellings are around 17m from the boundary and 25m from the side elevation of the approved dwelling and this level of separation is considered acceptable.

It is therefore considered there will not be an adverse impact on residential amenity in accordance with policy CS16 and draft policy SDC1.

Sustainable design and construction

Policy CS16 requires developments to comply with the water conservation standards contained within Level 4 of the Code for Sustainable Homes, however this Code has been revoked by the Government. Draft policy SDC4 requires new dwellings to meet the Building Regulations requirement of 110 litres of water per person per day. As this is controlled through Building Regulations this requirement will be complied with.

CS17 requires development to comply with the Building Regulations relevant at the time of construction and this is controlled by Building Regulations. This policy also requires developments of over 10 dwellings to provide equipment to reduce carbon emissions by 10%, and this can be controlled by a condition in accordance with policy CS17.

Transport, highways & parking facilities

The Highway Authority, Warwickshire County Council, initially objected to the application as the amended driveway locations had resulted in street trees being positioned within visibility splays.

Warwickshire Fire and Rescue initially commented that it did not appear that suitable access to properties could be achieved in order to comply with Building Regulations.

Amended plans have been received to address these comments.

On the basis of these amended plans the Highway Authority have raised no objection to the proposals.

Warwickshire Fire and Rescue made further comments and advised that layout could result in properties being over 45m from the road and this is the distance sought by Building Regulations for fire appliance access. However, the Fire Service go on to state that the Building Regulations allow for other measures, such as sprinklers to be used to address this issue and this is therefore considered acceptable.

Building Regulations are separate from planning legislation and the positions of the proposed dwellings reflect the previously approved layout which was agreed following consultation with the Fire Service and Highway Authority.

The proposed dwellings will link to paths within the open space which forms part of the overall development. These will allow access to public rights of way and public transport on Coventry Road. This will encourage the use of sustainable transport methods.

No comments have been received from Environmental Services in relation to air quality.

The proposals therefore comply with policy CS11 and draft policies HS5 and D1.

The Council's parking standards, contained within the Planning Obligations SPD and draft Local Plan require 2 spaces for 3-bed dwellings and 3 spaces for 4-bed dwellings. The original plans proposed 3 spaces for the majority of dwellings. However, four 4-bed dwellings were shown with 2 spaces, which included an integral garage. Amended plans were received which provide a total of 3 spaces for these properties. All properties are now proposed with 3 spaces except plot 248 which is a 3-bed dwelling which is provided with 2 spaces. This is in accordance with the Council's standards.

Cycle parking can be accommodated within the garages and rear gardens and it is therefore considered that suitable parking facilities are proposed in accordance with saved policy T5 and draft policy D2.

Parking is provided for some properties within integral garages, to avoid on street parking a condition is required to prevent these from being converted to living accommodation without consent.

Affordable housing

Policy CS19 states that on housing developments of this size a target of 40% affordable housing will be sought and 100 affordable dwellings (40%) are to be provided within the overall development. The current application will result in an additional 7 dwellings over and above the 250 previously approved. It is therefore only considered reasonable to require affordable housing in relation to the additional 7 dwellings.

This will result in a requirement of 2.8 units, rounded up to 3. As the application relates to a small part of the overall development it is considered reasonable to these to be provided within the current application site or the wider development. This could be secured by a s106 agreement and is in accordance with policy CS19.

Draft policy H2 requires 30% of dwellings to be provided as affordable housing on greenfield sites. However, as there are objections to this policy this is given limited weight and the currently adopted targets are considered applicable.

Planning obligations

Policy CS10 states that development will only be permitted where the impact of the development can be met or mitigated for and draft policy D4 includes a similar requirement.

As detailed above a contribution will be sought to allow the on-site play provision to be improved in the future.

Contributions will also be required for education and travel packs to allow for the increased number of dwellings.

A request has also been received from the NHS for contributions towards hospital provision in the area. This contribution was not provided in relation to the overall development, it is therefore reasonable to require this contribution for the 26 dwellings that are subject to this application.

Subject to a s106 agreement it is considered that the relevant policies are complied with.

Other matters

Environmental Services commented on the application and raised no objection subject to conditions attached to the previous permissions being applied. Conditions are suggested requiring the previously agreed Construction Method Statement to be complied with and relating to hours of construction. Other conditions relating to noise and site investigation have been complied with and it is not considered necessary to replicate these in relation to the current application.

Policy CS16 and draft policy SDC6 state that sustainable drainage systems should be used. It is proposed to utilise the approved drainage for the overall development, which includes sustainable drainage systems. The Environment Agency and Lead Local Flood Authority, Warwickshire County Council raised no objection to the application and it is considered these policies are complied with.

Draft policy SDC5 states development should be directed to areas with the lowest probability of flooding. The site is located in Flood Zone 1 and this draft policy is complied with.

Draft policy SDC9 states that developers should facilitate broadband infrastructure to allow broadband services to be delivered. The applicant has confirmed that fibre optic broadband will be provided across the development in accordance with this policy.

Draft policy HS2 requires developments to demonstrate they would not have a detrimental impact on health and wellbeing. As detailed above the NHS have requested a contribution towards hospital provision in the area. It is therefore considered that any impact will be mitigated in accordance with this draft policy.

Warwickshire Police have no objection to the application and make suggestions of measures to improve security, the applicant has been made aware of these comments.

Conclusion

As detailed above it is considered that the principle of the development is acceptable and the relevant development plan policies are complied with.

Recommendation

Approval – subject to conditions and s106.

Report prepared by: Karen McCulloch

DRAFT DECISION

APPLICATION NUMBER

R18/1522

DATE VALID

30/08/2018

ADDRESS OF DEVELOPMENT

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

APPLICANT/AGENT

Mr M Rathod
Bellway Homes Limited (Eastmidlands)
Romulus Court
Meridian East
Leicester
LE19 1YG

APPLICATION DESCRIPTION

Erection of 26 dwellings with detached garages and parking bays (amendment to design, number of units and layout approved by R16/0984 & R11/1521 resulting in 7 additional dwellings.)

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:

<u>Plan/Document</u>	<u>Reference</u>	<u>Received</u>
Replan Location Plan	15057-LOC	07/08/2018
Replan Plots 184-250 layout	CAW/RP-01/A	19/10/2018
Dunham plans and elevations		07/08/2018
Laurieston plans and elevations		07/08/2018
Leighfield plans and elevations		07/08/2018
Rosewood plans and elevations	ROS/2018/02	07/08/2018
Telford plans and elevations		07/08/2018
Watling plans and elevations		07/08/2018
Winterford plans and elevations		07/08/2018
Wykeham plans and elevations	WYK/100/02	07/08/2018

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 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 details of all proposed 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: 5

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

REASON:

To ensure the proper development of the site.

CONDITION: 6

Prior to the first occupation of the development, details of the equipment and technology to be incorporated to achieve carbon emission reductions shall be submitted to the Local Planning Authority in writing. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with this approval and shall be retained in working order in perpetuity.

REASON:

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

CONDITION: 7

The development shall not be carried out other than in accordance with the approved Construction Method Statement, Cawston Grange, Rugby - 0316/CMS_001 received by the Local Planning Authority on 15/03/2017 in relation to planning permission R11/1521 and R16/0984.

REASON:

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

CONDITION: 8

No machinery shall be operated, no construction works shall be carried out and no construction traffic shall enter or leave the site outside the hours of 07.00 hours and 18.00 hours Monday to Friday, nor outside the hours of 08.00 hours and 13.00 hours on Saturdays, nor at any time on Sundays or Bank Holidays unless approved in writing in advance with the Local Planning Authority.

REASON:

To protect the amenity of nearby residents.

CONDITION: 9

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting those orders, no development shall be carried out to plots 188, 192, 216, 217, 218, 248 or 250a which comes within Classes A (extensions), B (additions to roofs), C (other roof 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: 10

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

REASON:

In the interest of visual amenity.

CONDITION: 11

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting that order, no integral garages shall be converted to living accommodation.

REASON:

In the interest of highway safety.

CONDITION: 12

Plots 217 and 218 shall not be first occupied unless and until the road has been provided to the south eastern site boundary in accordance with the approved plans.

REASON:

To ensure the development does not prejudice the development of adjacent land.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

This development is subject to a s106 legal agreement.

INFORMATIVE: 2

It is recommended that the development be designed to ensure occupiers do not become the victims of crime or antisocial behaviour. Design advice is available from the Warwickshire Police Crime Prevention Design Advisor.

INFORMATIVE: 3

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

This can be downloaded at:

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

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

Reference number: R18/1212

Site address: Coombe Country Park

Description: Construction and operation of a Go Ape high ropes course with an associated reception cabin.

Case Officer Name & Number: Erica Buchanan 01788 533789

Description of Site

The site lies within Coombe Country Park within the existing wooded area adjacent to the formal gardens. Within the grounds of the country park is Coombe Abbey, a Grade I listed building, along with the Grade II* Registered Historic Park & Garden. The whole site lies within Coombe Abbey Conservation Area. The key landscape characteristics include formal avenues, undeveloped fields, pleasure grounds and woodland. The application site lies within 3.25 hectares of the woodland area known as Wrautum which is to the North West of the Abbey, and to the north of Coombe Pool SSSI. The site is also designated a site of Importance for Nature Conservation as a Local Wildlife Site.

Description of Proposal

The proposal is for a high rope activity "Go Ape" comprising high tree top rope adventure courses and zip wires and would be located in the woodland area of the Country Park.

The proposed high rope adventure courses comprise a number of elements which include a central platform with access stairs, stockades and access rope ladders, platforms on trees, timber and wire crossings, zip wires and zip wire landing zones and provides courses for both adults and children.

The facility also includes a timber 7x8 m cabin that acts as a reception, equipment store and office for staff. The cabin is to be sited at the entrance of the course within the woodland area. In addition a timber shelter is also to be erected within a clearing in the wood opposite the lower level course and zip wire landing zone.

The high rope adventure course will be managed by a site based team that would comprise 1 permanent full-time post and the equivalent of up to 30 seasonal full-time (March-Nov) jobs. The facility is proposed to be operational from between February to December and dependant on demand could however be open all year with longest opening hours between 08.00hrs to 21.00hrs (or dusk whichever is earlier). Ladders used to ascent the course/ platforms are built at minimum height of 5m and are pulled up and locked when the facilities are closed. Visitors to the facility will utilise the existing car park and amenity facilities available at the Country Park.

The applicant, Adventure Forest Ltd- Go Ape, have been operating such facilities for over 15 years and have 33 other sites across the country, including Scotland, the North, the Midlands, Wales, London and the South East and South West.

Planning History

There is extensive planning history for the Country Park and Historic building and gardens. However there are no relevant planning applications for the proposal.

Technical Consultation

Highways	Following the submission of a traffic survey -No objection
FRM –	No objections
Natural England	No objections considers that the proposed development will not damage or destroy the interest features for which the site has been notified.

Historic England-	No objection now cabin lodge has been moved away from visitors centre into the site.
WCC Archaeology	No archaeological comments to make on this application.
WCC Ecology	Concerns raised regarding lack of assessment of the impact on the Coombe Abbey Local Wildlife Site (LWS)
Warwickshire Wildlife Trust	Impact on bats negligible as long as course is not used after dark. However the installation and operation of a Go Ape course in this location will cause harm to the woodland habitat and the wildlife species living there and therefore recommend that the impact on ecology, and in particular a Local Wildlife Site, weigh against this proposal in decision making.
Landscape Officer	No Objection
Neighbours	None received
Combe Fields Parish Council	has no particular objection to the application but, in anticipation of increased visitor numbers to the Combe Abbey Park that this project would make, would respectfully remind the operators of Combe Abbey Park and Combe Abbey Hotel of their joint responsibilities to ensure the timely display and removal of the no parking cones along the Coventry Brinklow Rd (B4027) and the Combe Fields road junction at peak visiting times (week-ends and Bank Holidays). This to ensure the free passage of traffic along the B4027 and elimination of damage to the grass verges.

Relevant planning Policies and guidance

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise."

Rugby Borough Council Local Plan 2006

GP2 Landscaping
E6 Biodiversity
E17 Historic Parks & Gardens
T5 Parking Facilities
LR10 Tourism & Visitor Facilities

Rugby Borough Core Strategy 2011

CS1 Development Strategy
CS11 Transport & New Development
CS16 Sustainable Design

Rugby Borough Local Plan Main Modification to the Submission Local Plan 2011-2031:

The Main Modifications to the Submission Local Plan have been agreed with the Inspector, subjected to Sustainability Appraisal and Habitats Regulation Assessments, and published for consultation. In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and have a degree of consistency to the Framework. They carry weight, subject to recognising that some individual policies will have unresolved objections which may have less weight as a result. Although hearings have concluded, the Examination is ongoing until the receipt of Inspector's final report. Whilst

each case should be determined on its own merits, the emerging policies are a material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

GP1 Securing Sustainable Development
GP2 Settlement Hierarchy
NE2 Biodiversity
SDC1 Sustainable Design
SDC2 Landscaping
SDC3 Protecting and Enhancing the Historic Environment
D2 Parking Facilities
ED4 The Wider Urban And Rural Economy

National Policy

National Planning Policy Framework
National Planning Practice Guidance
Temporary Structures in Historic Places, English Heritage, 2010

SPD

Coombe Abbey Conservation Appraisal, June 2010
Sustainable Design & Construction Supplementary Planning Document (February 2012)
Planning Obligations Supplementary Planning Document - Parking Standards (March 2012)

Assessment of proposal

Principle

The main issue for consideration in this application relates to the acceptability or otherwise of the proposal given the sites location within the West Midlands Green Belt with subsequent matters including its impact on the character and appearance of the area, its relationship with the listed building, registered park and garden as well as the conservation area, ecological importance and parking.

Policy CS1 of the Core Strategy and emerging Policy GP2 sets out the hierarchy of development and states that within the Green Belt new development will be resisted and only be supported where in accordance with the provisions of the NPPF. Section 13 of the NPPF deals specifically with the Green Belt and Paragraph 134 details the 5 purposes the Green Belt serves including assisting the safeguarding of the countryside from encroachment whilst also preserving the setting and special character of historic towns. Paragraphs 143 to 145 states that all development is inappropriate except in very special circumstances or where it falls within certain exceptions such as where it is for agricultural purposes or appropriate facilities for outdoor sport or recreation. Paragraph 146 states provision is also made for certain other forms of development providing they preserve the Green Belts openness and include material changes of use for outdoor sport and recreation.

The proposal is for an outdoor recreation facility and therefore is in accordance with Policy CS1 and emerging Policy GP2 and Paragraph 146 of the NPPF.

Design and Appearance

Policy CS16 and emerging Policy SDC1 state that development should demonstrate high quality, inclusive and sustainable design that are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. The high rope course will comprise a range of timber constructed platforms, wires and ropes. The course will be elevated above ground level which means it has the potential to be more visible in its surroundings however the equipment is lightweight in nature and will be integrated into the existing woodland. The associated buildings are small in scale and are also of timber construction to reflect the woodland setting. Surfaces and paths are laid as woodchip to reduce their visual impact and to help the facility blend in with its natural surroundings. It is considered that the siting of the structures and equipment associated with the facility which are contained within the woodland grouping would have a minimal visual impact.

It is therefore considered that the proposal is in accordance with Policy CS16 and emerging Policy SDC1 and Paragraph 127 of the NPPF.

Listed Buildings and Conservation Areas

The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or any of its features of special architectural or historic interest.

With regards the NPPF, Chapter 16 sets out the government's advice on conserving and enhancing the historic environment. Paragraph 193 advises great weight should be given to the assets conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification. Paragraph 195 states that where substantial harm to a designated heritage asset such cases should be weighed against the public benefit of the proposal. Paragraph 196 states that where a development leads to less than substantial harm this should be weighed against the public benefit including where appropriate securing its optimum viable use.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve and enhance the character or appearance of a conservation area.

The site lies in the woodland to the north of Combe Abbey Hotel (listed at Grade I) within Coombe Abbey Park, which is included at Grade II* on the Register of Historic Parks and Gardens. Saved policy E17 states that permission should not be granted for development which would adversely affect the character, appearance, or setting of a park, or garden registered as being of Special Historic Interest. Emerging policy SDC3 states that development will be supported that sustains and enhances the significance of the Boroughs heritage assets including Listed Buildings, Conservation Areas, Historic Parks And Gardens and development affecting the significance of a designated or non-designated heritage asset and its setting will be expected to preserve or enhance its significance.

The proposal is to install a "Go Ape" high ropes course within the woodland to the north-west of the hotel (the former mansion at the heart of the estate). It is considered that as the proposal is wholly within the woodland area it would have minimal impact on the heritage assets and Historic England have confirmed that there appears to be little or no impact upon the Grade 1 listed Building.

It is therefore considered that the public benefit of the additional visitor attraction to the Country Park would outweigh any harm and that the development would not adversely affect the character of the area in accordance with saved Policy E17 and emerging Policy SDC3 and the NPPF.

Biodiversity

Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.

The proposed course is adjacent to Coombe Pool SSSI and is within Coombe Abbey Local Wildlife Site. The additional bat survey found that of the three trees identified as being removed (T560, adj T615 and T630) only one (T630) a mature sycamore was identified as a soprano pipistrelle roost of 1 or 2 bats within it. It has been concluded by the consultant ecologist that as the roost is at 5m, reducing the height of the tree should be possible without impacting the roost feature therefore the impact on bats will be negligible this conclusion was confirmed by WCC ecology as long as the course is not used after dark.

Warwickshire Wildlife Trust have also commented that due to the nature of bat roosts in trees, the other two trees with bat roost potential T560 and the tree adjacent to T615 should be subject to updated inspections by a licensed ecologist prior to works commencing, as recommended in the report.

Concerns have been raised by both WCC ecology and WWT that there has been a lack of assessment of the impact on the Coombe Abbey Local Wildlife Site (LWS). The area of the course is reasonably well used for recreation, with well-trodden paths through the woodland, and evidence of den building etc. in the clearings. There are, however, still sections of undisturbed woodland where more sensitive species such as lesser spotted woodpecker and willow tit can retreat to.

The majority of the woodland is semi-natural broadleaf rather than coniferous and it has associated dead wood, ground flora and understory with a good age range of trees. It is anticipated that some clearance of the understory will be required to facilitate the course, along with further trampling of the ground flora due to increased recreational use below. WWT consider that this would result in the woodland being in a worse ecological condition than it is currently.

The LWS was designated on a number of criteria, including the presence of a number of red and amber listed birds which breed in the LWS's woodland, including spotted flycatcher, marsh tit and lesser spotted woodpecker. The area of woodland comprises approx. 10-15% of the total area of woodland across the wider country park. The wet woodland is on the peripheries of the application site. Whilst it is considered that the proposals are unlikely to have an impact on the status of the LWS, there is likely to be a residual impact on the LWS and breeding birds through increased disturbance.

WCC ecology and WWT have stated that if RBC be minded to approve the application, a locally derived compensation package is agreed, in consultation with Coventry City Council, in order to compensate for the areas for which the LWS woodland was designated in particular woodland habitat and the specialist woodland bird species. The compensation should include provision of suitable bird boxes for such species and enhancement of woodland elsewhere within the site which could be used by displaced birds. This would not however come under biodiversity offsetting. In addition compensation for the deterioration of woodland habitat is sought. This compensation could include the enhancement of the coniferous sections of woodland which would benefit from gradual replacement to broadleaf woodland. It is proposed to address these concerns via a condition.

It is considered that in the short-term it is recognised that assembly/ construction activity will have the potential to increase disturbance to existing biodiversity features (incl. nesting birds) but through careful management during the assembly/ construction phase these impacts could be appropriately mitigated and the measures to be adopted are to be secured within specific construction management and biodiversity enhancement plans (incl. protection zones/ fencing, bird boxes, ecologist presence etc). Overall, it is considered that the proposal will not have significant detrimental ecological impacts provided that suitable management and mitigation measures are adopted.

It should also be noted that currently there is no protection currently in the woodland area where visitors to the country park can walk through. With the provision of dedicated footpaths associated with the proposal would "steer" visitors along paths and thereby current unrestrained trampled areas would by their reduced use would allow mitigating effects.

It is therefore considered with suitably worded conditions relating to the management and protection of the LWS the proposal would have minimal impact in accordance with saved Policy E6 and emerging Policy NE2.

Trees

The site lies within the Coombe Abbey Conservation Area and therefore the trees surrounding the site are protected. It is understood from other sites where Go Ape operate that they take care that the installation has minimal impact on flora and fauna, particularly upon the trees.

A preliminary arboricultural method statement has been submitted where 97 trees were surveyed which in the event of planning permission being granted will need to be finalised when all construction/access details are known.

To facilitate the course a relatively small number of trees are proposed for removal (6) along with some pruning. The proposed works for the installation will include some minor ground works and would be hand dug around the root protection area. It is considered that the loss of these trees will have no impact upon the overall woodland setting or the conservation area.

The course platforms are attached to existing trees by a wooden brace that involves pegs positioned either side of the trunk to clamp the wooden brace to the tree. The clamps are to be subject to an annual tree inspection and there is scope for the clamps to be altered to allow more room for the tree to grow and will help ensure no harm arises to the wellbeing of the trees.

It is considered that with appropriate worded conditions the proposal would be in accordance with saved Policy E6 and emerging Policies NE4 and SDC3 and the NPPF.

Surface Water and Flooding

The site proposals relate to the installation of a high wire course within a tree canopy area of Coombe Abbey Country Park along with the installation of a single small reception cabin. The site lies in Flood Zone 1 and is not considered to present a significant impact on either flood risk or drainage to the surrounding area.

Consequently, the proposal is considered to be acceptable for the Lead Local Flood Authority to have no objection to the development proposals at this time.

Highways

The proposal is in an existing Country Park that is available with public Car Parking facilities in the grounds. The use of the high wire activity is by pre-booking and therefore car parking can be set aside for this use within the existing public car parks.

An Outline Traffic Assessment was submitted in support of the planning application, to highlight the number of anticipated vehicle movements likely to be generated by the development proposals. The report indicated that the proposed high ropes course will be able to accommodate a maximum of 15 adults every half an hour, and the course lasting for 3 hours. The junior course would be able to accommodate a maximum of 8 children every half an hour lasting for 1 hour. Therefore, over a 3 hour period, there could be a maximum of 90 adults and 16 children on the courses at the same time. The report stated that numerous travel surveys undertaken at other locations show that there is an average car occupancy of 3 adults per car and an average of 2.7 children per car, for people taking part in the course.

However the details of these surveys had not been submitted to support this statement, which the Highway Authority would require to fully assess the survey results and the level of parking that could be generated by the development proposals.

Based on the car occupancy information submitted, it could result in a maximum of 42 cars parked at the site over a 3 hour period. The report indicated that at least 10% of adults taking part in the course are 'on spec' bookers that are already in the park, and at least 30% of children taking part are 'on spec'. As a result of this, it would reduce the parking demand generated by the development proposals. The Highway Authority considered that a reduction in parking would not occur, as the 'on spec' customers would already be parked at the application site whilst visiting the other attractions available at the site. No supporting information had been submitted to support the 'on spec' visitor figures.

Whilst it is acknowledged that there is a large car parking area available at the application site, which should generally be able to accommodate the additional car parking demand. The Highway Authority

raised concerns that the existing level of parking may not be able to accommodate the additional car parking likely to be generated by the development proposals during busier periods of the year (i.e. bank holidays, school holidays).

The Highway Authority is aware that during peak holiday periods and weekends the existing car park has been fully occupied resulting in vehicles parking on Brinklow Road (B4428) and the public highway verges.

The Highway Authority requested a car parking survey to be carried out during the application site's peak periods to establish whether there is sufficient space within the existing car parking area to accommodate the additional parking demand likely to be generated by the development proposals. The Highway Authority recommended that the car parking survey is carried out during the August bank holiday weekend.

A Transport Statement (TS) was submitted in support of the development proposals on the applicant's behalf, to address the concerns raised by the Highway Authority. A car parking survey was carried out on the August Bank Holiday Weekend. It was established that during the survey period, only one of the overspill car parks was open.

Therefore based on the results of the car parking survey carried out at the application site, the Highway Authority is satisfied that there is sufficient capacity to accommodate the increase in demand for parking likely to be generated by the development proposals and have raised no objection.

Recommendation

Approve subject to conditions.

Report prepared by: Erica Buchanan

DRAFT DECISION

APPLICATION NUMBER

R18/1212

DATE VALID

17/07/2018

ADDRESS OF DEVELOPMENT

COOMBE ABBEY COUNTRY PARK
BRINKLOW ROAD
COVENTRY
CV3 2AB

APPLICANT/AGENT

Ben Davies
Adventure Forest Limited
Banana Hq
Fornham St Martin
Bury St Edmonds
IP31 1SL

APPLICATION DESCRIPTION

Construction and operation of a Go Ape high ropes course with an associated reception cabin.

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:

Location Plan

Block Plan

Cabin and Shelter Elevations

Childrens Course

Grand Course

Raised Land Zone

Heritage Statement

Design and Access Statement

Received 17/07/2018

Transport Statement received 11/09/2018

Bat Survey and ecological report received 16/10/2018

Arbouricultural Report received 24/10/2018.

REASON:

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

CONDITION: 3

The development hereby permitted, including any works to trees, shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

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

CONDITION:4

The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected species and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

REASON:

To ensure that protected species are not harmed by the development

CONDITION:5

The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning

Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

REASON:

To ensure a net biodiversity gain in accordance with NPPF.

CONDITIONS:6

No works or development shall take place until a final arboricultural method statement/tree protection plan for the protection of the retained trees (section 5.5 & 6.1, BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme must include details and positioning of tree protection fencing to create construction exclusion zones and a full specification of all proposed tree works/removals and replacement planting.

REASON:

to ensure retained trees and their Root Protection Area's are not damaged during the development phase and are successfully integrated into the scheme

CONDITION:7

The hereby approved associated cabin and shelter detailed in Drwg. Plans and Elevations (received dated 16th July 2018) shall be constructed from natural timber walling/ columns with a cedar shingle roof and the associated structures and fixings shall be constructed in general accordance with the details illustrated in Appendices 1 of the Design and Access Statement (received dated 16th July 2018). The approved materials shall be retained for the lifetime of the development.

REASON:

For the avoidance of doubt and in the interests of visual amenity.

CONDITION:8

The opening hours of the hereby approved development shall be restricted to between 08.00 hours to 21.00 hours.

REASON:

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

CONDITION:9

No external lighting shall be installed or operated at the site for the lifetime of the development.

REASON:

In order to safeguard the character and appearance of the woodland and the wider Registered Park and Garden and to protect local ecology.

CONDITION: 10

The use shall not be brought into operation until full details of the compensatory planting within the woodland including an implementation programme, has been submitted to and approved in writing by the Local Planning Authority. The Soft landscape works shall include:

(a) planting plans

(b) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and

© schedules of plants noting species, planting sizes and proposed numbers/densities.

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

REASON:

To ensure the provision and establishment of acceptable landscaping.

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.

INFORMATIVE:1

Pursuant to condition 10, the developer is advised that the provision of compensatory tree planting should include the enhancement of the coniferous sections of woodland which would benefit from gradual replacement to broadleaf woodland.

Reference number: R18/1153

Site address: Finchley Court 41 King Edward Road

Description: Demolition of the existing building and construction of 10 no. 1 bed apartments.

Case Officer Name & Number: Erica Buchanan 01788 533789

Description of Site

The proposed site is located within the urban area of Rugby in close proximity to the Town Centre. The site comprises a large building standing two storeys high and sits behind and attached to a three storey building that fronts the road. The building is currently not in use and boarded up. The main vehicular access to the site is on the south side of the building between the application property and no. 39 King Edward Road. The access leads to an area for vehicle circulation, a loading bay and car parking for around 4 vehicles.

The immediate area is predominately terraced residential properties being mainly two-storey with some loft conversions. Opposite the site on the east side of King Edward Road is a pedestrian access to the local school.

To the north and adjacent to the site there is a small off street private parking area. There is restricted on street parking for residents permit holders only or 1 hour between 8am and 8pm.

Description of Proposal

The proposal is to demolish the existing workshop building and retaining the existing three storey building which fronts King Edward Road. The proposal is to construct a new building of a design that takes references from the existing building to create a workshop/warehouse style scheme.

The proposed rebuild would be part 2 storey and part 2.5 storey the overall height of the new build is reduced as the 2.5 storey is constructed at a lower level. The proposal would be constructed away from the boundary. The amount of windows are greatly reduced specifically on the elevation directly facing the rear gardens of the properties on Manor Road.

The proposal will provide parking spaces within the site, 10 in total. Access to the site will utilise the existing access.

Planning History

- | | |
|----------|---|
| R13/2073 | Outline Permission for the conversion and partial demolition and rebuild of the existing sui generis buildings to 10no. Residential units including parking and other associated works. Landscaping is the only matter reserved. - Approved |
| R17/0498 | Conversion of existing house (offices) and workshop to 7 no. 2-bed units and erection of new 2-bed Duplex. - Approved |
| R18/1283 | Prior Approval for the Change of Use of a Building from Office Use (Class B1(a)) to a Dwellinghouse (Class C3)- Prior Approval Not Required |

Technical Consultation

LLFA

Objection initially and requested an FRA.
Further comments following the submission of the FRA - The information provided suggests that the amount of hardstanding surfaces will decrease with the construction of

WCC Ecology	<p>permeable soft landscaping and permeable paving in the parking area. Based on the information submitted the LLFA has No Objection subject to condition. Updated Bat survey required. Following submission of updated Bat Survey – no objection subject to condition and informatives.</p>
Highways	<p>Objection - The Highway Authority had previously objected to the outline planning application R13/2073 at the above site, due to concerns with the geometry of the existing vehicular access. Retains objection to current proposal on access and parking.</p>
EH	<p>It is noted from the application form that the site is a former industrial premises and lies within the Rugby Air Quality Management Area. Regard is given to the previous applications for this site R13/2073 and R17/0498. No objections subject to conditions.</p>
Neighbours	<p>No comments received</p>

Relevant planning Policies and guidance

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise."

Rugby Borough Council Local Plan 2006

Saved policies
E6 Biodiversity
T5 Parking

Rugby Borough Cores Strategy 2011

CS1 Development Strategy
CS16 Sustainable Design
CS17 Sustainable Buildings

Rugby Borough Local Plan Main Modification to the Submission Local Plan 2011-2031:

The Main Modifications to the Submission Local Plan have been agreed with the Inspector, subjected to Sustainability Appraisal and Habitats Regulation Assessments, and published for consultation. In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and have a degree of consistency to the Framework. They carry weight, subject to recognising that some individual policies will have unresolved objections which may have less weight as a result. Although hearings have concluded, the Examination is ongoing until the receipt of Inspector's final report. Whilst each case should be determined on its own merits, the emerging policies are a material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

GP1 Securing Sustainable Development
GP2 Settlement Hierarchy
GP3 Previously Developed land
HS5: Traffic Generation and Air Quality
NE1: Protecting Designated Biodiversity and Geodiversity Assets

SDC1: Sustainable Design
SDC2: Landscaping
SDC4: Sustainable Buildings
SDC5: Flood Risk Management

National Planning Policy Framework
National Planning Practice Guidance

SPD
Sustainable Design

Assessment of Proposal

The determining issues to take into account in this case would be the principle of this development in this location, the impact upon the character and appearance of the buildings and surrounding area, the impact upon neighbouring amenities, the impact upon highway safety and biodiversity.

Principle of Development

Policy CS1 of the core strategy and emerging policy GP2 set out a settlement hierarchy and states that the location and scale of development must comply with the settlement hierarchy. It must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy.

The site is located within the urban area of Rugby just outside of the Town Centre Boundary. The urban area of Rugby is allocated as the primary focus for meeting strategic growth targets within Policy CS1 and emerging policy GP2.

In addition outline consent for the partial demolition and conversion of the building was approved in 2015 and a further application for 8 2-bed units was submitted in 2017 one of which was a new build duplex. Therefore the principle of residential development on the site has been established by the historical applications.

This development would see the redevelopment of a brownfield site which would contribute to the housing numbers of the Borough. The area around the development site is predominately residential so the proposed use would replace a conflicting use (previously a sui generis use) albeit no longer in use, with a use that would be more suited to the residential nature of the area and would comply with policy CS1 of the Core Strategy 2011 and emerging policy GP2 of the Rugby Borough Local Plan 2011-2031.

Character and Appearance

Policy CS16 states that all development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. This is reiterated in emerging policy SDC1.

The proposed new build takes reference from the existing utilitarian style building and provides a more comprehensive scheme that makes best use of the land and by including a reference to its former use which draws on the form, scale; massing and appearance of the original building so it would not appear to be overdeveloping the site in terms of the built form.

The existing building that fronts onto King Edward Road is to be retained as this building is unique in its form, particularly as its subtly ornate frontage makes a valuable contribution to the street scene and maintaining local architectural quality. This section of the building has been approved to convert from offices to residential use under a prior notification application.

Taking into account the above it is considered that the proposed development would comply with policy CS16 of the Core Strategy 2011 and emerging policy SDC1 of the Rugby Borough Local Plan 2011-2031 in terms of character and appearance.

Neighbouring Amenities

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

The majority of the proposed development sits to the rear of residential gardens on King Edward Road, Manor Road and Holbrook Avenue. Whilst this kind of development in terms of its scale would usually be unacceptable so close to back gardens in terms of an overbearing impact a material consideration is that there is already a building of a similar scale and size which has already been granted permission for residential use. In addition the re-build allows for the building to be constructed away from the boundaries of the neighbouring properties thereby reducing the impact. Overall the scheme would result in less windows than the current building and only small windows are proposed in the elevation facing the properties in Manor Road these windows are for non-habitable rooms.

It is therefore considered that the proposal would not harm the amenities of the neighbouring properties than currently exists and is considered to be an improvement on the originally approved scheme for its conversion.

Flooding

The NPPF at chapter 14 sets out government views on how the planning system should take into account the risks caused by flooding. The planning practice guidance under the chapter entitled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.

The application site lies within flood zone 1 having a low probability of flooding from rivers. However the proposed development may present risks of flooding on-site and/or off-site if the surface water runoff is not effectively managed. Footnote 20 of paragraph 103 of the NPPF requires applicants for planning permission to submit a site-specific flood risk assessment for all proposals of new development or change of use on an area of 1 hectare or greater.

A flood risk assessment was submitted and it was highlighted that there would be a reduction in hard surfacing with the construction of permeable soft landscaping and permeable paving in the parking area. The Lead Local Flood Authority have not objected and have suggested a condition in relation to surface water drainage systems.

It is considered therefore that the proposal is in accordance with emerging policy SDC5 and the NPPF.

Biodiversity

Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.

The applicants submitted an updated bat survey which states that "no evidence of bat activity was recorded despite a thorough and methodical inspection".

The external and internal survey concludes that the building has a "Low Suitability" for roosting bats but is suitable for crevice dwelling bats.

WCC Ecology agrees with the recommendations in the survey that a single emergence survey between May and August of any season prior to any commencement of work, including any clearance or demolition work, should be undertaken.

The report states that there are three mature beech trees on site which have been reported as having low bat roosting potential.

The proposal has however the potential to impact nesting birds through the demolition of the building and through any pruning or lopping to mature trees which may be on site. WCC ecology have stated that the timing of works should be scheduled to avoid the nesting bird season.

Contamination and Air Quality

The site falls within the Rugby Air Quality Management Area and is for 10 residential units with only 10 parking spaces. Having regard to the EPUK and IAQM Guidance Planning for Air Quality Environmental Health considers it not necessary to require a Stage 1 air quality assessment.

It has also been noted in the Asbestos Survey Report that chrysotile asbestos was identified within the site and recommendations for removal by appropriate persons made. These should be implemented prior to demolition; however this works fall under the remit of the Health and Safety Executive.

Highways

The proposal would use the existing vehicular access from King Edward Road, a predominantly residential street with on-street car parking, which operates as a one-way street. The application site is located within the 'High Access Zone' as defined in the Local Planning Authority's Planning Obligations SPD. The proposal would incorporate 10 car parking spaces, which would be more than sufficient to meet the car parking standards set out in the SPD but would reduce the need to park upon the highway.

Warwickshire County Council highway officer has assessed the proposal and has objected as it is considered that it will only enable one-way vehicle movements to occur within the access, resulting in vehicles having to reverse back into the public highway to allow another vehicle egressing from the application site to pass to the detriment of highway safety. Whilst it is acknowledged that the access is existing, and was used by commercial vehicles, the Highway Authority considers that the proposed development would lead to an intensification of the use of the sub-standard vehicular access.

It should be noted that the original permission granted in 2015 by the Planning Committee also utilised the existing access where highways objected, however there was no highway objection for the 2017 scheme. Given that there is historic approval for the use of the access it is not considered that this is a reason to refuse the application. Highways have also raised concerns relating to the parking spaces themselves however they are not dissimilar to that previously approved.

As the site is located in Resident Parking Zone (RPZ) R0 and R1, future occupants of the proposed apartments would be entitled to resident and visitor parking permits, which could exacerbating the demand for on-street parking within the existing RPZ. The Highway Authority have requested that a financial contribution be made to amend the existing Traffic Regulation Order (TRO) to revoke the eligibility of future residents to parking permits. However as the proposal is below the threshold for S106 payments the contribution cannot be requested and it is proposed to include a restrictive condition that the residents are not eligible for residents parking permits.

To conclude the Local Planning Authority on balance does not consider the proposed development to have significant impact upon highway safety.

Recommendation

Approve Subject to Conditions

DRAFT DECISION

APPLICATION NUMBER

R18/1153

DATE VALID

21/08/2018

ADDRESS OF DEVELOPMENT

FINCHLEY COURT
41 KING EDWARD ROAD
RUGBY
CV21 2TG

APPLICANT/AGENT

Richard Palmer
Hb Architects
The Old Telephone Exchange
Albert Street
Rugby
Warwickshire
CV21 2SA
On behalf of Mr Adam Thomas, AMT Property
Development

APPLICATION DESCRIPTION

Demolition of the existing building and construction of 10 no. 1 bed apartments.

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:

200-16-13 Proposed Scheme
200-16-14- Proposed Elevations
200-16-17 - Site Location Plan
200-16-18- Outline of Existing
200-16-20- Section AB
200-16-21- East and West Elevation
Design and Access Statement
Received 21/08/2018

Amended plans

200-16-16a Site Plan for apartments
200-16-22 Comparison drawing
Flood Risk Assessment
Received 13/09/2018

Bat Survey and Asbestos reports received 09/11/2018

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 construction shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDs Manual' CIRIA Report C753 by providing a cross section of the permeable paving.
- Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

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:5

The development hereby permitted (including demolition and any clearance or destructive works) shall not commence until further bat survey of the site, to include at least one appropriate activity survey between May and August in accordance with BCT Bat Surveys for Professional Ecologists - Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

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

CONDITIONS:6

No ground works other than that required to be carried out as part of an approved scheme of remediation shall commence until condition (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

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

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

(ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and
(iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with Defra and the Environment Agency's Model Procedures for the Management of Land Contamination CLR 11.

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

(c) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared and subject to approval in writing by the local planning authority.

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

REASON:

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

CONDITION:7

Prior to the demolition and construction works, a Construction Method Plan shall be submitted in writing to, and approved by, the Local Planning Authority. This shall include details relating to:

- the control of noise and vibration emissions from demolition and construction activities including groundworks, formation of infrastructure and arrangements to monitor noise emissions
- the control of dust including arrangements to monitor dust emissions from the development site during the demolition and construction phases
- measures to reduce mud deposition offsite from vehicles leaving the site.

The development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority

REASON:

In the interest of highway safety and residential amenities.

CONDITION:8

The accommodation for car parking and the loading and unloading of vehicles, shown on the approved plan 200-16-16A shall be provided before the occupation of the development hereby permitted and shall

be retained permanently for the accommodation of vehicles of persons living 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

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: 10

The development hereby approved shall not be occupied until full details of the access gates, bin store and cycle store have been submitted to and agreed in writing by the Local Planning Authority.

REASON:

To ensure a satisfactory appearance of the development.

CONDITION:11

Before the development hereby permitted is first occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the area at any time.

REASON:

In the interest of highway safety.

CONDITION:12

Other than those shown on the approved plans no new windows/rooflights shall be formed in the proposed development unless otherwise agreed in writing by the Council.

REASON:

In the interest of residential amenity.

CONDITION:13

The windows on the south elevation shown on the approved plan drawing no. 200-16-14 shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

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.

INFORMATIVE:1

The bat mitigation measures are likely to have implications for the design and/or layout of the development.

-If it is essential to fell or lop any trees or part of the vegetation, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March-

September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats, prior to work commencing. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound by the Conservation of Habitats and Species Regulations 2017 to have regard to the Habitats Directive when exercising their functions.

-Consideration should be given to the provision of suitable bat and bird boxes within the new build or adjacent trees in order to increase opportunities for wildlife. Many bat and bird populations have declined dramatically in recent years due to loss of roost, nest and foraging sites as a result of development. However a variety of bat and bird species use boxes and they can be particularly useful in the built environment, where natural nesting places can be scarce. By preference we would recommend that bat and bird boxes are integrated into the fabric of buildings as they are more robust, and reduce the risk of being removed. Further advice and information can be obtained from the Bat Conservation Trust (BCT), and the Royal Society for the Protection of Birds (RSPB). WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required, in particular regarding which type of boxes to use.

INFORMATIVE: 2

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

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

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

No work on Sundays & Bank Holidays.

INFORMATIVE:3

Asbestos

Prior to any demolition activities taking place the recommendation for removal of the identified asbestos shall be undertaken. Such activities fall under the remit of the Health and Safety Executive.

Piling

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

Should your development require a new address or an amendment to an existing address please complete an application form for Postal Naming and Numbering. This can be found on-line at rugby.gov.uk

Alternatively, you can contact the Street Naming and Numbering Team for an application form at: servicedesk@rugby.gov.uk or by ringing 01788 533456.

Reference number: R18/1851

Site address: 66 Hillmorton Road, Rugby

Case Officer: Chris Davies 01788 533627

Description: Provision of a dropped kerb.

History:

R96/0553/3735/P Construction of new vehicular access and car parking area. Refused 25/09/96

Proposal:

The applicant seeks planning permission for a dropped kerb to formalise access to the existing off-street parking provision accommodated within the site frontage.

Relevant Information:

This application has been referred to the Planning Committee for consideration as the LPA is recommending a decision that disagrees with WCC Highways' advice.

Hillmorton Road, as the name suggests, is one of the main roads between the town centre and Hillmorton. The road was developed over several years, primarily prior to formal planning legislation. As a result there are a wide variety of house types and styles, including a mixture of detached and semi-detached dwellings.

A common theme is to have the dwelling set well back from the highway with a generous front garden. Many of the front gardens in the locality of the proposal site have been partially or wholly converted to form off-street parking provision.

No.66 is a period semi-detached dwelling located opposite a recent apartments development (formerly Tebb's Garden Centre).

Along the boundary with Hillmorton Road there is a period boundary wall, with an opening allowing access to the property and the frontage. The frontage itself is partially tarmacked, and has clearly been used for parking for an extended period.

Whilst the kerbing to the front of the site has not been formally lowered, it is clear that this has been used as an access for some time as the kerb stones are worn down/pushed lower due to the frequent vehicle crossings over them.

Technical Consultation Responses:

WCC Highways - Objections raised on highway safety grounds (see below).

Ward Consultation Response:

None

Neighbour Consultation Responses:

None

Planning Policy:

The National Planning Policy Framework 2018 Complies

Rugby Borough Core Strategy 2011
CS16: Sustainable Design Complies

Rugby Borough Local Plan 2006 Saved Policies
E6: Biodiversity Complies (see below for explanation)

Rugby Borough Local Plan Draft Publication 2011-2031:
SDC1: Sustainable Design Complies
NE1: Protecting Designated Biodiversity and Geodiversity Assets Complies (see below for explanation)

The Main Modifications to the Submission Local Plan were agreed with the Inspector, subject to the Sustainability Appraisal and Habitats Regulation Assessments, and consulted upon. The consultation has concluded and the Inspector's report is awaited. In accordance with paragraph 48 of the Framework, the policies are therefore at an advanced stage and have a degree of consistency to the Framework. They carry weight, subject to recognising that some individual policies will have unresolved objections which may have less weight as a result. The Examination is ongoing until the receipt of Inspector's final report. Whilst each case should be determined on its own merits, the emerging policies are a material consideration and should be referred to in relevant cases, alongside the adopted 2011 Core Strategy, and the NPPF.

Considerations:

The key considerations in determining this application are the impact of dropping the kerbstones to the front of the site on a) the character and appearance of the property and the Conservation Area, b) neighbouring residential amenity, c) highway safety, and d) biodiversity.

Character and Appearance

As mentioned above, provision of off-street parking to the front of properties is a common feature along Hillmorton Road. The provision to the front of No.66 has clearly been in place for some time, and although the kerbstones have not intentionally been lowered they are already very close to the level of the adjacent highway surface. The purpose of this application is to formally lower the kerbstones in order to continue the current established practice of parking on the frontage of No.66. No additional or new access is being proposed.

As the site lies within the Clifton, Hillmorton and Whitehall Roads Conservation Area, consideration must be taken to the visual impact of carrying out the works. As previously stated, the works are limited to the replacement of the existing kerbing with lower blocks, and any associated works to the pavement surface that such works would require. As the pavement is a patchwork of tarmac repairs and resurfaced areas, the latter would not appear out of character at all. Provided the replacement kerb sets or stones reflect the materials and size of those adjacent to the dropped kerb, these would (given the plethora of similar access points in the locality) also not appear out of place. The kerbstones could be conditioned if it were felt necessary, although this would not usually be a requirement for such a minor undertaking.

There will be no works to the site frontage itself, and the existing front boundary wall will be unaffected by the works as the existing opening will continue to be used.

These works will not materially impact on the character or appearance of either the property, the streetscene or the Conservation area of which the site forms a part. The scheme therefore complies with the relevant elements of Policy CS16 of the Rugby Borough Core Strategy 2011 that relate to character and appearance, with emerging policy SDC1: Sustainable Design of the Rugby Borough Local Plan Draft Publication 2011-2031, and the principles and guidance set out in the NPPF 2018.

Residential Amenity

The works are limited solely to the access point to the front of No.66, with the intention being that the use of the access will continue as it has done for several years. It would not therefore have any material impact on neighbouring properties.

As regards the amenities of the occupants of No.66, the works will formalise their existing parking arrangement but will otherwise have no material impact either.

The scheme would therefore comply with the relevant elements of Policy CS16 of the Rugby Borough Core Strategy 2011 that relate to residential amenity, policy SDC1: Sustainable Design of the Rugby Borough Local Plan Draft Publication 2011-2031, and the principles and guidance set out in the NPPF 2018.

Highway Safety

The sole reason for bringing this application before members for consideration is that WCC Highways object to the formalising of a means of access off Hillmorton Road at this location. Their reasons for doing so relate to entering or leaving the highway in reverse if unable to turn a vehicle within the site frontage.

They also note that if they felt it possible to condition the formation of a means of turning within the site then they would have suggested a condition to that effect.

As clarified in this report, the proposed dropped kerb would merely regularise a longstanding access point that has been used for many years to access the existing parking area to the front of No.66. It is accepted that this has been an informal arrangement up to now, but it is nevertheless evident that it has been taking place and WCC Highways have not cited evidence that it has led to accidents or issues of highway safety to date.

Whilst ideally turning within the site would be preferable, it would seem unreasonable to insist upon such provision when there are several other sites within the immediate locality that have similar site constraints and yet also have long established frontage parking.

The LPA therefore recognises the concerns raised by WCC Highways but does not agree that the scheme should be refused on the basis of them given that there are no other planning concerns.

Where WCC Highways haven't raised objections to dropped kerb applications, they have sometimes recommended the inclusion of conditions and/or informatives relating to works in the highway extents. As they have objected on this occasion they have not commented on whether or not they would want such conditions/informatives in this instance. If members were to support the officer recommendation on the basis that these be included, the case could be referred back to officers to enable WCC Highways to make observations on wording. The subsequent approval would then be issued with relevant condition(s)/informatives included.

Biodiversity

The works proposed are limited solely to the surface and kerbing immediately in front of the site. Both are already solid and manmade, and there is not soft landscaping, planting or natural vegetation that would be affected. Neither are there options for habitat for animals that would be lost or impacted upon by the works.

The LPA respectfully considers that in this instance there is no realistic potential for harm to be caused to protected species as a result of these works going ahead.

The development therefore complies with Saved Policy E6 of the Rugby Borough Local Plan 2006, which seeks to preserve and protect habitats, and with emerging policy NE1: Protecting Designated Biodiversity and Geodiversity Assets of the Rugby Borough Local Plan Draft Publication 2011-2031. It also accords with guidance set out in the NPPF 2018.

Recommendation:

Approve subject to appropriate conditions.

DRAFT DECISION

APPLICATION NUMBER

R18/1851

DATE VALID

25/10/2018

ADDRESS OF DEVELOPMENT

66 Hillmorton Road
Rugby
CV22 5AF

APPLICANT/AGENT

Mr Brian Farren
66 Hillmorton Road
Rugby
Warwickshire
CV22 5AF

APPLICATION DESCRIPTION

Provision of a dropped kerb.

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:

Application form (received by the Local Planning Authority on 18 October 2018).

Elevations and sectional details of kerb and pavement works (received by the Local Planning Authority on 18 October 2018).

REASON:

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

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.

AGENDA MANAGEMENT SHEET

Report Title: Delegated Decisions - 11th October 2018 to 7th November 2018

Name of Committee: Planning Committee

Date of Meeting: 5 December 2018

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 - 5 December 2018

Delegated Decisions - 11th October 2018 to 7th November 2018

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

1 BACKGROUND

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

Name of Meeting: Planning Committee

Date of Meeting: 5 December 2018

Subject Matter: Delegated Decisions - 11th October 2018 to 7th November 2018

Originating Department: Please select

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

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER
DELEGATED POWERS FROM 11.10.2018 TO 07.11.2018

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R18/1298 Refused 18.10.2018</i>	Willowbank Bungalow Farm Smeaton Lane Brinklow CV23 0PS	Erection of detached car port (Retrospective).
<i>R18/0982 Refused 31.10.2018</i>	Avon Mill Inn 104 Newbold Road Rugby CV21 1DH	Demolition of existing Public House and erection of coffee shop with drive through facility
<i>R18/1064 Advertisement Refusal 02.11.2018</i>	Avon Mill Inn 104 Newbold Road Rugby CV21 1DH	Installation of 4 no fascia signs and 9 no hoarding signs
Applications Approved		
<i>R18/1417 Approved 11.10.2018</i>	1 Oddfellows Cottages Wolds Lane Wolvey Hinckley LE10 3LL	Erection of single storey rear extension
<i>R18/1635 Approved 11.10.2018</i>	13 Mulberry Road Bilton Rugby CV22 7TD	Amendment to planning permission reference R17/1598 (Erection of a first floor side extension and a single storey rear extension to replace conservatory, dated 03 October 2017), to allow the use of render on the section above the garage as an alternative to the previously approved uPVC cladding.
<i>R18/1673 Approved 11.10.2018</i>	49 McKinnell Crescent Rugby CV21 4AY	Erection of a single storey rear and side extension
<i>R18/0025 Approved 11.10.2018</i>	31 Livingstone Avenue Long Lawford Rugby	Substitution of Plot 2 previously approved under R06/0237/PLN.

	CV23 9BU	
<i>R18/1498 Approved 11.10.2018</i>	266 Hillmorton Road Rugby CV22 5BW	Change of use from A1 (bakery) to A5 (pizza takeaway)
<i>R18/1655 Approved 11.10.2018</i>	5 Benn Street Rugby CV22 5LT	Single storey rear extension and internal alterations
<i>R18/1658 Approved 11.10.2018</i>	7 Benn Street Rugby CV22 5LT	Single storey rear extension and internal alterations
<i>R18/1309 Approved 11.10.2018</i>	Land East Of Toft Leas Toft Lane Dunchurch CV22 6NR	Erect two dwellings with associated access, parking and landscaping at land off Toft Lane, Dunchurch (Re-Design of Planning Permission R17/0443)
<i>R16/1743 Approved 12.10.2018</i>	Land opposite Flecknoe Farm Flecknoe Village Road Flecknoe	Mixed use of the land for both agriculture and equestrian purposes, erection of stable block with tack room and feed room, provision of parking facilities and formation of new vehicular access. (previous approved planning permission ref: R11/0360 dated 17/08/2011)
<i>R18/1573 Approved 12.10.2018</i>	Gwenarth Main Street Easenhall CV23 0JA	Erection of a single storey rear/side extension and a detached garage (resubmission and amendment of a previously approved scheme for the erection of a single storey rear/side extension and a detached garage granted 5th June 2017 under planning ref. R17/0479)
<i>R18/1484 Approved 15.10.2018</i>	Spinney Cottage Main Street Bourton-on-Dunsmore Rugby CV23 9QS	Erection of a rear single storey extension to a Grade II Listed Building.
<i>R18/1372 Approved 15.10.2018</i>	50 High Street Hillmorton Rugby CV21 4EE	Proposed two storey side extension
<i>R18/1249 Approved 15.10.2018</i>	Caldecote Farm Calcutt Lane Grandborough CV23 8HY	Renovation of existing farm house, remodelling of outbuildings, replacement rear wing (currently demolished under permitted development due to instability of structure) and creation of courtyard.

<i>R18/1222 Approved 15.10.2018</i>	Caldecote Farm Calcutt Lane Grandborough CV23 8HY	Conversion and Extension of redundant barn adjacent to Caldecote Farm, demolition of store and replacement with garage and siting of stables plus a temporary building to be used as residential accommodation whilst building works are carried out.
<i>R18/1518 Approved 16.10.2018</i>	53 Fleet Crescent Rugby CV21 4BG	Proposed part single and part two storey rear extension
<i>R18/1709 Approved 16.10.2018</i>	46A Fisher Avenue Rugby CV22 5HW	Erection of a single storey rear extension
<i>R18/1685 Approved 16.10.2018</i>	1A Bagshaw Close Ryton on Dunsmore CV8 3EX	Single storey extension at rear of existing office/flat to provide new office
<i>R18/1562 Approved 17.10.2018</i>	16 Sheridan Close Rugby CV22 5RL	Erection of part two storey and part single storey rear extension , single storey side extension new roof and new canopy entrance,
<i>R18/1608 Approved 17.10.2018</i>	20 Cunningham Way Bilton Rugby CV22 7JB	Demolition of existing garages/store, erection of new single storey side extension
<i>R18/1672 Approved 18.10.2018</i>	19 Hillary Road Overslade Rugby CV22 6EU	Erection of proposed two storey side and single storey rear extension (resubmission of previously approved application R17/0701 on 17th October 2017 to include rear patio)
<i>R18/1400 Approved 19.10.2018</i>	The Saddlery Homestead Coventry Road Dunchurch Rugby CV22 6RB	Proposed replacement of all timber windows and doors
<i>R18/1545 Approved 19.10.2018</i>	9 Elizabeth Way Rugby CV23 9DJ	Erection of a part single storey, part two storey rear extension
<i>R18/0650 Approved 19.10.2018</i>	31 Stanley Road Rugby CV21 3UE	External alterations to rear single storey extension

<i>R18/0551 Approved 19.10.2018</i>	42 Main Street Clifton Upon Dunsmore Rugby CV23 0BH	Change of use from within Use Class B1(a) on-line estate agents office to residential and alteration to front elevation.
<i>R18/1374 Approved 22.10.2018</i>	13 The Locks Hillmorton Rugby CV21 4PP	Erection of detached garage.
<i>R18/1375 Approved 22.10.2018</i>	13 The Locks Hillmorton Rugby CV21 4PP	Erection of two storey rear extension.
<i>R18/1444 Approved 22.10.2018</i>	Home Farm Hillmorton Lane Clifton Upon Dunsmore CV23 0BL	Erection of new agricultural storage barn for general purposes and crop storage.
<i>R18/1509 Approved 23.10.2018</i>	187 Rugby Road Binley Woods CV3 2AY	Retention of use of domestic garage as granny annexe
<i>R18/1719 Approved 23.10.2018</i>	65 Claremont Road Rugby CV21 3LX	Erection of one new dwelling
<i>R18/1544 Approved 23.10.2018</i>	Maris Piper Barn Farm Lane Easenhall CV23 0JB	Erection of single storey rear extension
<i>R18/1617 Approved 23.10.2018</i>	6 Tom Brown Street Rugby CV21 3JT	Change of Use from non-residential Day Care Facility (Class D1) to Financial and Professional Services (Class A2)
<i>R18/1684 Approved 23.10.2018</i>	Boots Farm Straight Mile Rugby CV23 9QQ	Outline planning permission for the restructuring of existing industrial buildings at Boots Farm for B1c, B2 and B8 uses including demolition of redundant buildings and construction of new buildings; formation of landscape bund; and, alterations to existing access road (all matters with the exception of access reserved). (Variation of conditions 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, together with the removal of condition 24, of approved planning permission

		ref: R15/0620 dated 28/07/2017 to allow the application to be commenced on a phased basis).
<i>R18/1486 Approved 23.10.2018</i>	Land adjacent to Stockton Road Birdingbury	Erection of one new dwelling
<i>R18/1686 Approved 24.10.2018</i>	6 Warren Road Hillmorton Rugby CV22 5LQ	Erection of a two storey rear extension and single storey rear extension
<i>R17/2123 Approved 24.10.2018</i>	19 Bilton Road Rugby CV22 7AG	Erection of a summerhouse.
<i>R18/1567 Approved 24.10.2018</i>	Arbury Farm Bungalow Withybrook Road Wolvey CV12 9JW	Retention of a Container in Use as a Café (Use Class A3)
<i>R18/1637 Approved 25.10.2018</i>	26 Fenwick Drive Hillmorton Rugby CV21 4PQ	Removal and replacement of rear garden patio decking (retrospective).
<i>R18/1695 Approved 25.10.2018</i>	The Old Vicarage Lower Street Willoughby CV23 8BX	Erection of a two storey front/side extension, single storey front/side extension and first floor extension over existing single storey
<i>R18/1760 Approved 25.10.2018</i>	Toft Barn Southam Road Thurlaston Rugby CV23 8AD	Erection of rear single storey oak-framed orangery
<i>R17/1634 Approved 26.10.2018</i>	Grange Farm London Road Ryton on Dunsmore CV8 3EW	Conversion of the existing redundant barn to 4no. Dwellings with external alterations and associated works
<i>R18/0362 Approved 26.10.2018</i>	11 The Hall Close Dunchurch Rugby CV22 6NP	Erection of a two storey side/ front, single storey front, two storey and single storey rear extension and provision of a porch and relocation of existing 1.8m high brick wall.

<i>R18/1342 Approved 26.10.2018</i>	The Robbins Building 25 Albert Street Rugby CV21 2SD	Installation of 2 no Air Conditioning Condensor Units on Rear Elevation of Building at First Floor Level and Provision of a Covered Bike Shelter in Rear Car Park.
<i>R18/0372 Approved 29.10.2018</i>	52 Crick Road Hillmorton Rugby CV21 4DY	Erection of front, side and rear extensions, raising of the roof height and external alterations to create rooms in the roof space.
<i>R18/1648 Approved 29.10.2018</i>	28 Staveley Way Brownsover Rugby CV21 1TR	Garage conversion to study
<i>R18/1736 Approved 29.10.2018</i>	33 Glebe Crescent New Bilton Rugby CV21 2HG	Proposed demolition of existing garage/store and erection of two storey side and rear extension.
<i>R18/0553 Approved 30.10.2018</i>	Land Adjacent To Rosefields Hinckley Road Wolvey LE10 3HQ	Change of use of the land for the siting of one residential gypsy and traveller pitch
<i>R18/1623 Approved 30.10.2018</i>	Corn Drier Flecknoe Station Road Flecknoe	Demolition of existing Corn Dryer Tower and erection of new building, as previously approved R15/1544.
<i>R18/1689 Approved 30.10.2018</i>	89 Yates Avenue Newbold Rugby CV21 1DF	Proposed driveway and 1.2m high retaining wall to front garden.
<i>R18/1786 Approved 30.10.2018</i>	11 Drayton Leys Rugby CV22 5RH	Erection of two storey front extension and external alterations.
<i>R18/1463 Approved 31.10.2018</i>	High Lodge Lutterworth Road Wolvey Hinckley LE10 3HW	Erection of two storey rear/side extension.
<i>R18/1739 Approved 31.10.2018</i>	22 Langton Road Rugby CV21 3UA	Proposed two storey side extension and part two storey part single storey rear extension to dwelling

<i>R18/1738 Approved 01.11.2018</i>	24 Sorrel Drive Brownsover Rugby CV23 0TL	Erection of single storey rear extension.
<i>R17/1804 Approved 01.11.2018</i>	7A Moultrie Road Rugby CV21 3BD	Retention of new compressor housing enclosure at the rear of property in connection with dental practice
<i>R18/1155 Approved 02.11.2018</i>	Seventh Day Adventist Church Wells Street Rugby CV21 3JB	Proposed change of use from community facility (church) to two flats
<i>R18/1710 Approved 05.11.2018</i>	6 Warren Field Ryton-On-Dunsmore CV8 3FB	Retention of a garden shed
<i>R17/0195 Approved 06.11.2018</i>	Crossways Farm Cicey Lane Burton Hastings CV11 6RJ	Proposed conversion of existing barns and workshops with linked extensions for the provision of a new dwelling
<i>R18/1815 Approved 06.11.2018</i>	22 Pennington Mews Rugby CV21 2RG	Erection of two storey side extension.
<i>R18/1413 Approved 06.11.2018</i>	Flecknoe Fields House Flecknoe Station Road Flecknoe Rugby CV23 8AZ	Replacement of an existing timber double door and flanking windows with a uPVC door and windows.
<i>R18/1827 Approved 06.11.2018</i>	28 Kingsley Avenue Hillmorton Rugby CV21 4JY	Demolition of existing conservatory and erection of an single storey side/rear extension to provide an annex for incidental use to main dwelling
<i>R18/1245 Approved 06.11.2018</i>	The Brambles Bourton Road Frankton CV23 9NX	Proposed conversion and extension of existing outbuilding to residential dwelling
<i>R18/0828 Approved 07.11.2018</i>	Land adjacent to new Priory Cottage Priory Road Wolston	Conversion of 2 (no) existing barns; with inclusion of a link; to provide a new dwelling house.

	CV8 3FX	
<i>R18/1779 Approved 07.11.2018</i>	Grange Farm Cottage - Plots 6, 7 & 8 Coventry Road Cawston Rugby CV22 7RZ	Amendment to dwellings approved on plots 6, 7 and 8 including additional rooflight to front elevation.
<i>R18/1729 Approved 07.11.2018</i>	Land adjacent to Grange Farm Sawbridge Road Grandborough CV23 8DN	Provision of a menage and a hardstanding area.
<i>R18/1773 Approved 07.11.2018</i>	1 Regent Place Rugby CV21 2PJ	Change of use ground floor to D1 (non-residential institution) or B1a (office) or A2 (office) use; change of use of first and second floors to D1 (non-residential institution) or B1a (office) or A2 (office) use or for the provision of 3 no. residential apartments; including extension to roof, elevational changes and erection of 2m wall to rear.
Advertisement Consent		
<i>R18/1645 Advertisement Consent 11.10.2018</i>	Europark Unit 3 Watling Street Newton CV23 0AL	Advertisement consent for fascia sign (Retrospective).
Listed Building Consent		
<i>R18/1574 Listed Building Consent 12.10.2018</i>	Gwenarth Main Street Easenhall Rugby CV23 0JA	Listed Building Consent for the erection of a single storey rear/side extension and a detached garage
<i>R18/1485 Listed Building Consent 15.10.2018</i>	Spinney Cottage Main Street Bourton-on-Dunsmore Rugby CV23 9QS	Erection of a rear single storey extension to a Grade II Listed Building.
<i>R17/2082 Listed Building Consent</i>	Newnham Hall Kings Newnham Lane Kings Newnham	Listed Building Consent for the installation of 2 (no) conservation roof lights; replacement of 3 (no) UPVC windows within the dormers;

17.10.2018	CV23 0JT	installation of a timber sash window; internal alterations to include the creation of 4 (no) bath/shower rooms; addition of 1 (no) cast iron external soil pipe; installation of mechanical extractor fans and roof vents, to serve the bathrooms; other internal alterations and works.
R17/2124 <i>Listed Building Consent</i> 24.10.2018	19 Bilton Road Rugby CV22 7AG	Listed Building Consent for erection of a summerhouse.
R18/1704 <i>Listed Building Consent</i> 30.10.2018	Building H Plot 70 7 Coombe Road Coton House Estate Churchover Rugby CV23 0FW	Listed building application for the conversion and extension of a curtilage listed building to form one residential dwelling, including demolition and reconstruction of both gable walls (resubmission of listed building applications R16/2258 & R18/0874 - main change to roofing materials).
R18/1278 <i>Listed Building Consent</i> 02.11.2018	Manor Farm Main Street Easenhall Rugby CV23 0JA	Listed Building Consent for Internal works to the property
Prior Approval Applications		
R18/1566 <i>Prior approval not required</i> 12.10.2018	Land to the rear of Lynton House Withybrook Lane Withybrook CV7 9HY	Prior notification application for the change of use of an agricultural building to 1no. Residential dwellings (use class C3) with associated building operations (part Q(b))
R18/1723 <i>Prior approval not required</i> 17.10.2018	Hill Top Cottage Coalpit Lane Wolston CV8 3GB	Prior Approval application for a single storey rear extension projecting 4.6 metres from the original rear elevation of the dwelling, 2.5 metres to the flat roof with a maximum height to the peak of the roof lantern of 3 metres.
R18/1768 <i>Prior approval not required</i> 26.10.2018	Navigation Farm Longdown Lane Willoughby Rugby CV23 8AG	Prior approval for the change of use of agricultural buildings to 1(no) dwellinghouse under Class Qb.
R18/1772 <i>Prior approval not required</i>	55 Hillary Road Overslade Rugby	Prior Approval for an Orangery

29.10.2018	CV22 6ET	
Certificate of Lawful Use or Development		
<i>R17/0153 Certificate of Lawful use of Development 16.10.2018</i>	Sunrise Cottage Coventry Road Shilton CV2 1NT	Certificate of Lawfulness for the continued use as a residential dwelling house.
Prior Notification		
<i>R18/1646 Prior notification of agriculture or forestry development not required 10.10.2018</i>	Copston Fields Farm Mere Lane Hinckley LE10 3HE	Prior notification for the enlargement of an existing pond for irrigation
<i>R18/1664 Prior notification of proposed demolition not required 17.10.2018</i>	Fetherbed Lane Changing Room and Toilets Fetherbed Lane Hillmorton Rugby CV21 4LB	Prior notification of proposed demolition of changing rooms and sports pavilion building
<i>R18/1809 Prior notification of agriculture or forestry development not required 22.10.2018</i>	The Leys Sawbridge Road Grandborough Rugby	Prior notification for the erection of a cattle shed.
<i>R18/0596 Prior notification of proposed demolition not required 24.10.2018</i>	21 Mill Road Rugby CV21 1BB	Application for prior notification of proposed demolition of existing dwelling.
Approval of Details/ Materials		
<i>R16/2295 Approval of non-material changes 12.10.2018</i>	Grange Farm Cottage Coventry Road Cawston Rugby CV22 7RZ	Submission of Reserved Matters for the erection of 10 residential dwellings with details relating to access, appearance, landscaping, layout and scale, pursuant to Outline planning permission reference R12/1947 granted on 22/05/2015.
<i>R18/0845</i>	Our Ladys RC	Erection of an outbuilding to be used as a

<i>Approval of Details</i> 12.10.2018	Primary School Leamington Road Princethorpe CV23 9PU	classroom
<i>R16/0566</i> <i>Approval of Details</i> 16.10.2018	The Old Hall 24 Lilbourne Road Clifton Upon Dunsmore CV23 0BD	Listed building consent for internal and external alterations to facilitate the works proposed as part of planning application ref: R14/2166 which seeks the conversion and extension of existing dwelling to form 4 dwellings and erection of 2 new dwellings together with the conversion and alterations of lower stable into garages and conversion of upper stable to form a residential unit.
<i>R12/1947 & R17/0984</i> <i>Approval of Details</i> 16.10.2018	Grange Farm Cottage Coventry Road Cawston CV22 7RZ	Erection of one dwelling (Plot 10). (Amendment to plot 10 approved by planning permission R16/2295). Approval of reserved matters in relation to outline planning permission R12/1947: Outline application for the erection of up to 10 dwellings including new access onto Coventry Road (all matters reserved) including the demolition of Grange Farm Cottage and outbuildings.
<i>R15/1890</i> <i>Approval of Details</i> 19.10.2018	Land adjacent to and including Moat House Coton House Lutterworth Road Churchover CV23 0AA	Demolition of existing dwelling and erection of 6 dwellings (including substitution of 4 dwellings) with garaging and associated works.
<i>R15/1892</i> <i>Approval of Details</i> 19.10.2018	Land at Coton House Lutterworth Road Churchover Rugby CV23 0AA	Substitution of two houses and erection of further 6 dwellings with associated garaging, works and formation of an acoustic bund.
<i>R10/1281</i> <i>Approval of non-material changes</i> 19.10.2018	Rugby Gateway Phase R1 Leicester Road Rugby	Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.
<i>R10/1286 & R18/1254</i> <i>Approval of non-material changes</i> 19.10.2018	Rugby Gateway Phase R2 Leicester Road Rugby	Erection of 230 dwellings with associated open space, infrastructure and ancillary works, provision of spine road; (Approval of Reserved Matters in relation to outline planning permission R10/1272.)
<i>R18/1273</i>	Hillcrest Farm	Erection of an agricultural worker's dwelling.

<i>Approval of Details</i> 22.10.2018	Clayhill Lane Long Lawford Rugby CV23 9BG	
<i>R18/0053</i> <i>Approval of Details</i> 23.10.2018	Mayday Trust Hostel 7 Lower Hillmorton Road Rugby CV21 3ST	Change of use from bed sits (C3) to a 10 bedroomed HMO (Sui Generis) including the erection of a two storey rear extension with associated parking.
<i>R17/1660</i> <i>Approval of Details</i> 23.10.2018	Land adjacent to 24 The Locks Hillmorton Rugby CV21 4PP	Erection of a detached dwelling
<i>R18/0025</i> <i>Approval of Details</i> 24.10.2018	31 Livingstone Avenue Long Lawford Rugby CV23 9BU	Substitution of Plot 2 previously approved under R06/0237/PLN.
<i>R16/0391</i> <i>Approval of Details</i> 26.10.2018	Barn off Frankton Lane Frankton Lane Frankton CV23 9PP	Submission of details to vary condition 2 (drawings related to elevational details and floor plans) pursuant to planning permission reference R13/2275, for the proposed conversion of barns to a dwelling, granted on 15/10/2014
<i>R15/1448</i> <i>Approval of Details</i> 26.10.2018	26 Lawford Lane Bilton Rugby CV22 7JP	Erection of six flats.
<i>R18/1320</i> <i>Approval of Details</i> 30.10.2018	Unit 3 Ryton Fields Farm Wolston Lane Ryton on Dunsmore CV8 3ES	Change of use from Agricultural Building to B2 (commercial servicing and repairs)
<i>R12/1353</i> <i>Approval of non-material changes</i> 30.10.2018	Coton House Lutterworth Road Churchover Rugby CV23 0AA	A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and Outline Planning

		Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).
<i>R14/0011 Approval of Details 01.11.2018</i>	Warren Field Warren Close Ryton on Dunsmore CV8 3JZ	Erection of 29 affordable dwellings with access, landscaping and associated works.
<i>R17/0891 Approval of Details 02.11.2018</i>	15 North Street Rugby CV21 2AF	Change of use from Use Class A2 (financial and professional services) to Use Class A5 (hot food takeaway)
<i>R18/0946 Approval of Details 02.11.2018</i>	Amazon Unit 3 Plot 2 Waver Way Rugby Gateway Employment Rugby CV23 0XF	Erection of elevated/decked car park and associated works.
<i>R15/2009 Approval of Details 05.11.2018</i>	Buildings J & K Coton House Lutterworth Road Churchover Rugby CV23 0AA	Demolition of existing buildings J & K and erection of 2 dwellings with associated garaging and works.
<i>R15/1702 Approval of Details 06.11.2018</i>	Land at Wharf Farm Crick Road Hillmorton Rugby	A Hybrid Planning Application consisting of: 1/ Outline planning permission for the erection of up to 380 new homes including a new access from A428 Crick Road; a spine road from Crick Road to northern boundary of the site; a local centre; associated infrastructure including storm water balancing arrangements on land between Moors Lane and the Oxford Canal and the demolition of redundant farm buildings, (all matters except access are reserved) and 2/ Full planning permission for the erection of 88 dwellings including access, appearance, layout and scale. Landscaping is reserved. (phase 1).
Withdrawn		
<i>R18/1462 Withdrawn 29.10.2018</i>	229 Hillmorton Road Rugby CV22 5BD	Extension and alterations to existing dwelling.

<i>R17/1940</i> <i>Withdrawn</i> <i>05.11.2018</i>	133-135 Railway Terrace Rugby CV21 3EY	Prior notification of intention to convert existing premises from offices to 8no.one bedroom flats and 2no.two bedroom flats.
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