

9 July 2018

PLANNING COMMITTEE - 18 JULY 2018

A meeting of the Planning Committee will be held at 6pm on Wednesday 18 July 2018 in the Council Chamber at the Town Hall, Rugby.

Site Visits

Site visits will be held at the following times and locations:

3pm	117 Newbold Road, Rugby, CV21 2NG
3.30pm	Land South East of Brownsover Lane, Brownsover Lane, Rugby
4.15pm	12 and 14 Watts Lane, Hillmorton, Rugby, CV21 4PE

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 20 June 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 – 17 May 2018 – 20 June 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 – 4) 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, Senior Democratic Services Officer (01788 533524 or e-mail claire.waleczek@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

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

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

Planning Committee – 18 July 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	R17/1976	Land adj. to Brookside, Hinckley Road, Ansty Outline planning permission for the erection of 16 residential dwelling house comprising of 11 market housing units and 5 local needs dwelling (all matters reserved except access)	3

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
2	R14/1941	Land South East of Brownsover Lane, Brownsover Lane Erection of 14 dwelling houses, together with the creation of new vehicular and pedestrian access, including the provision of open space, landscaping and surface water drainage	17
3	R18/0900	45 York Street, Rugby, CV21 2BS Change of use of dwelling to large house in multiple occupation (7 residents) sui generis use – retrospective	43
4	R17/2030	12 and 14 Watts Lane, Hillmorton, Rugby, CV21 4PE Demolition of 14 Watts Lane and the erection of four new residential dwellings and associated works	47
5	R17/2113	117 Newbold Road, Rugby, CV21 2NG Residential development comprising Part-3/Part-4 and Part-5 Storey building incorporating 98 no. apartments, re-configuration of existing access, provision of 61 parking spaces, cycle and refuse provision, planting and landscaping	58
6	R17/1251	The Paddocks, Top Road, Shilton, Coventry, CV7 9FS Change of use for the mixed use of land as a paddock and the permanent retention of three residential gypsy pitches including two day rooms with associated access and entrance gates	88
7	R18/0505	Grange Farm, London Road, Ryton On Dunsmore, CV8 3EW Erection of a single organic fertiliser storage tank and compound area	99
8	R18/0465	Land to the East of Coombe Abbey Hotel Temporary use of land to continue as an overflow car park	108

Reference number: R17/1976

Site address: Land adj. to Brookside, Hinckley Road, Ansty

Description: Outline planning permission for the erection of 16 residential dwelling house comprising of 11 market housing units and 5 local needs dwelling (all matters reserved except access). (resubmission for previously refused planning permission ref: R16/2058 dated 22/02/2017)

Case Officer Name & Number: Nathan Lowde 01788 533725

Proposed Development

The application is made in outline with layout, scale, appearance and landscaping reserved for future determination. An illustrative site plan has been included, to indicate how the site could be developed to accommodate 5 no. Local Need Dwellings and 11 Market housing units.

Site Description

The site is an open field lying to the south-east edge of Ansty village, outside of the village boundary within an area of the Borough designated as Green Belt. Ansty village itself is identified within the Core Strategy as a local needs settlement. The pattern of development along the north western side of this part of Main Road/Hinckley Road in Ansty is linear in form with properties only one deep fronting the road. Open fields lie to the east and north of the application site.

Access to the field is via an existing field access off the Hinckley Road. Running through the site is an existing public right of way ref R30a.

Relevant Planning History

R14/1741

Outline application for the erection of 4 local need dwellings, together with the creation of a vehicular access (access not reserved)

Withdrawn 03/03/2015

R15/1311

Outline application for the erection of 4 local need dwellings, together with the creation of a vehicular access (access not reserved) (Resubmission of previously withdrawn application R14/1741 dated 03/03/15)

Refused 19/08/2015

R16/2058

Outline planning permission for the erection of 16 residential dwelling house including 4 local needs dwelling (all matters reserved except access).

Refused 22/02/2017

Third Party Comments

Neighbours Objections (30 objections)

Principle

- Impact upon the purposes of including land within the Green Belt
- No local housing need in Ansty
- Opposed to development on the Green Belt.
- Since the publication of the Housing Needs Survey 2 bungalows have been offered for sale
- Encroachment into the Green Belt
- No attempt to demonstrate alternative site within the village boundary
- Outside of the village boundary
- Set a precedent for further applications
- Contrary to the NPPF
- The area has poor public transport links and limited services/facilities
- Ansty business park has had very little effect on housing need

- Previous applications refused
- Currently Local Housing Needs Survey is not an independent study
- No special circumstances
- Contrary to policies CS1 and CS21
- Affordable housing is not required in the village.
- Land within the Green Belt should only be removed as part of the Local Plan and not be speculative applications
- Impact upon openness
- Ansty Park is a separate issue and should not be considered
- 10 houses for sale in Ansty
- 7 affordable housing (priced 150,000 to £200,000) within 1 mile from the application site
- Bring Ansty closer to Coventry
- Harm is not outweighed by other material considerations
- No housing deficiency in the area

Character and Appearance

- Impact upon character and appearance of Ansty
- Impact upon character and appearance entering the village
- Loss of green space
- Impact upon street scene
- Does not reflect the existing pattern of development
- Alter the rural character of the area
- Impact upon surrounding landscape

Traffic

- Increase in volume of traffic within the village
- Increase in traffic accidents
- Increase in congestion
- Access next to Children's Playground would cause fatalities

Drainage

- Flood risk area
- Will increase flooding in the area
- Drains within the village are currently inadequate
- Limited information about runoff water
- Impact upon current sewage system
- The brooks frequently floods

Other Matters

- Impact upon views currently enjoyed from along the public right of way of open countryside and wildlife. This would result in a loss of amenities
- Footpath diversion is not acceptable
- The proposed development would fail to protect and enhance the Green Infrastructure Network
- Fail to create a safe and accessible environment

Parish Council

- Located within the Green Belt
- Inappropriate development
- No special circumstances
- No bus service within Ansty
- Ansty not in walking distances to surrounding villages
- Local need survey has not been produced through local engagement with the community
- Run counter to the purposes that Green Belt is for
- Adverse impact upon the character and appearance of the area.
- Erode the open character of the area
- Impact upon the openness of the Green Belt
- Adverse impact upon the existing pattern of development
- The land provides an impact green buffer between Ansty and Coventry
- Site not allocated within the Emerging Local Plan
- Piecemeal development

- Adverse impact upon highway and pedestrian safety
- Within the Green Infrastructure Network and therefore contrary to Policy CS14
- The proposed attenuation ponds could fail causing major flooding disruption for the village
- Has failed to design out crime
- Proposal would fail to enhance the existing right of way
- Insufficient details relating to foul sewage.

Technical Consultation Responses

WCC Highways

No objection subject to conditions relating to highway works

Tree Officer

No objection subject to conditions requiring the submission of a tree report

WCC Rights of Way Team

No objection

Environmental Services

No objection subject to conditions relating to the submission of a contamination report, CEMP, Noise Survey and assessment, Air Quality assessment, and external lighting details.

WCC Flood Management Team

No objection subject to conditions

WCC Water Officer

No objection subject to a condition requiring the submission of a hydrant plan

WCC Ecology

No objection subject to the submission of a combined ecological and landscaping scheme

Severn Trent

No objection subject to conditions relating to the submission of drainage plans

Relevant Planning Policy/Guidance

RBC Core Strategy

CS1	Development Hierarchy
CS14	Green Infrastructure Network
CS16	Sustainable Design
CS17	Reducing Carbon Emissions
CS19	Affordable Housing
CS21	Rural Exceptions Sites

Saved Local Plan Policies

E6	Biodiversity
GP2	Landscaping

Other material considerations

Ansty Local Housing Needs Survey 2014

National Policy

National Planning Policy Framework (NPPF)
Part 7 – Requiring good design

Rugby Borough Local Plan Draft Publication 2011-2031:

At the present time, the policies in the emerging Draft Local Plan carry some weight, although this is limited as the examination process has only recently ended and there will be another public consultation process on the proposed modifications prior to the receipt of Inspector's final report. Whilst emerging policies are a material consideration, the key document to determine planning applications remains the adopted 2011

Core Strategy and the NPPF. It is not considered any emerging policies in the Draft Local Plan conflict with the planning proposal for the reasons set out below.

Assessment of Proposal

1 Principle of development

Core Strategy Policy CS1 sets a settlement hierarchy for locations within the Borough and seek to locate development sustainably within this hierarchy based on a sequential preference. CS1 states "It must be demonstrated that the most sustainable location are considered ahead of those further down the hierarchy. The application site is located outside of the Ansty village settlement boundary, a village identified as a local needs settlement, and within an area of Borough designed as Green Belt. Policy CS1 states that only where National Planning Policy allows will development be permitted within the Green Belt. Section 9 of the NPPF paragraphs 79-92 provides guidance on development within the Green Belt. Paragraph 87 of the Framework stresses that inappropriate development is, by definition, harmful to the Green Belt and paragraph 89 states that, with certain exceptions, the construction of new buildings should be regarded as inappropriate. It is not considered that the proposed development would fall within one of the limited exceptions listed within this paragraph and therefore is judged to be inappropriate development within the green belt which is by definition harmful to the Green Belt.

Within the supporting text of policy CS1 paragraph 2.7 states that in exceptional circumstances, affordable housing developments will be permitted through the application of Rural Exception Site Policy, on the edge of Local Needs Settlements in the Countryside or Green Belt where it can be demonstrated that there are no suitable sites within existing boundaries.

Policy CS21 relates to Rural Exception Sites, which permits Rural Exception Site adjacent to defined rural settlement boundaries, where development would normally be resisted. Within Annex 2 of the NPPF defines Rural Exception Sites as: '*small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural Exception Sites seek to address the need of the local community by accommodation households who are either current residents or have an existing family or employment connection. Small number of market homes may be allowed at the local authority's discretion...*'

Paragraph 54 of the NPPF indicates the important of local planning authorities being responsive to local circumstances, particularly affordable housing, through Rural Exception Sites where appropriate. Taking into account the scale of the proposed development and the number of marketing houses proposed; it is considered that the proposed development would not fall within the definition of a Rural Exceptions Site as set out in the Core Strategy or NPPF. The applicants have not advanced within their supporting evidence that the proposed development is to be considered as a Rural Exception Site. It is therefore considered that this policy is not engaged.

The NPPF establishes that sustainable development should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. However it goes on to say that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a 5 year supply of deliverable housing sites. That is the case here and in such circumstances the housing supply policies in the Core Strategy are not up-to-date, including those relating to the location of housing such as policies CS1 and CS21. The weight to be given to the policy conflict is therefore reduced. In such circumstances the relevant policy comes from Paragraph 14 of the Framework.

Paragraph 14 contains two limbs and it is clear from the word "or" that they are alternatives.

The first limb requires a balance to be undertaken whereby permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole.

The second limb indicates that the presumption should not be applied if specific policies indicate development should be restricted. Footnote 9 includes land designed as Green Belt.

Given the sites location within the Green Belt a presumption in favour of sustainable development does not exist.

2 Case of Very Special Circumstances

The NPPF advises that inappropriate development should not be approved except in very special circumstances. Paragraph 88 of the NPPF confirms that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The substantial harm caused by reason of inappropriateness carries significant weight against the proposed development.

As a form of inappropriate development, it is necessary to consider whether 'very special circumstances' exist to outweigh the potential harm to the green belt by reason of inappropriateness and harm to openness, and other harm, such as encroachment into the countryside. The conflict with development plan policies adds further weight against the development.

The special circumstances advanced by the applicant's agent are:

- the Council's lack of five year land supply,
- the sites location adjacent to Ansty Park,
- its proximity to Home Farm and Crowner Fields Farm,
- meeting an identified Local Need,
- sustainable location to assist in Coventry's housing need,
- address the cross-boundary deficit and requirement for south of Coventry provision,
- scheme to prevent flooding of the site,
- provision of affordable housing
- Resolution of existing drainage issues
- The Draft Local Plan has allocated sites within the Green Belt

The Council's lack of five year land supply

It is acknowledged that the Council is unable to demonstrate a five year housing land supply. When housing policies within the Development Plan are not considered up to date the proposed development should be considered in the context of paragraph 14 of the NPPF. This states that where the development plan or relevant policies are out-of-date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted. The Framework gives, as an example of situations where development should be restricted, land designated as Green Belt.

Additionally, PPG states that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt.

The applicant's agent stipulates that the proposal is consistent with the findings of GL Hearn's Housing Delivery Study. However, GL Hearn recognise that the National Planning Policy Framework requires the Council to meet its own objectively-assessed housing need (OAN), and to contribute positively to meeting unmet needs from adjoining areas where it is sustainable to do so. It is considered that a presumption in favour of sustainable development does not exist, and therefore, arguably, is not consistent with the objectives of this report.

The applicant's agent also contends that a number of sites identified within the Local Plan are within the Green Belt. These sites are being delivered as part of a planned approach through the Emerging Local Plan, having regard to the principles of sustainable development.

Therefore, the Council' shortfall in its five year housing land supply should be afforded limited weight and would not, on its own constitute the very special circumstances necessary to outweigh the harm caused by the inappropriate development in the Green Belt.

The sites location adjacent to Ansty Park

The applicant's agent asserts that the site is well related to Ansty Park which is a major strategic employment site, and therefore there is a direct relationship between the two sites. The application site is located some 1.5 miles from Ansty Business Park, and there is no public transport directly from Ansty village to Ansty Business Park. Furthermore, having regard to the Chartered Institute of Highways and Transportation published Guidelines for Providing Journeys on Foot; table 3.2, it is not considered that the application site is within an acceptable walking distance to Ansty Business Park. The applicants have suggested that the proposed is within cycling distance to Ansty Business Park. However, it is unlikely that cycling to Ansty Park would be particularly attractive to residents of the development as it would require navigating the Ansty Interchange.

It is concluded that the opportunity to substitute walking, cycling or buses to Ansty Park is limited on this site, and as a result the site is not sustainability located to assist in providing housing for employees of Ansty Business Park. The weight attributed to this matter is limited.

Its proximity to Home Farm and Crouner Fields Farm

The applicant's agent contend that when assessing the application site against a neighbouring piece of land known as Home Farm and Crouner Fields Farm, which was assessed as part of the Strategic Housing Land Availability Assessment (SHLAA), the application site is better in terms of wildlife, accessibility and its relationship to settlement. Home Farm and Crouner Fields Farm, has not been allocated within the draft Local Plan as it has been assessed as being unsuitable due to landscape sensitivity and conservation area impacts. Therefore no weight is given to this relationship between this site and the application site. In addition to this, for reasons expanded upon below, this application site would not score green/amber in respect to accessibility and relationship to settlement.

It is therefore considered that limited weight is attached to the proximity to Home Farm and Crouner Fields Farm.

Meeting an identified Local Need

The applicant's agent have advance that four of the dwellings would meet the identified need set out within the Ansty Housing needs survey undertaken by the applicant which demonstrated a need of

- **1 was assessed as being in need of affordable housing:**
 - 1 x 2 bed house – affordable rented

- **3 were as being in need of open market housing:**
 - 1 x 2 bed housing – open market purchase
 - 1 x 2 bed bungalow - open market purchase
 - 1 x 3 bed bungalow - open market purchase

Since this housing needs survey has been produced in 2014, development has come forward within the village boundary to meet this need. This includes approved planning permission ref: R15/2147 which granted consent for an open market two bed house as identified within the housing needs survey. The need for this identified dwelling house has, therefore, already been met and there is no longer a need for this dwelling house. As part of this planning application the applicant's agent has not demonstrated, within the supporting documents, that the identified need cannot be accommodated within the confines of the village boundary.

It is therefore considered that limited weight is attached to the proposed development meeting the identified local need.

Coventry's Housing Need

The applicant's agent suggests that the site is sustainably located in terms of supporting the housing need of Coventry. The site is approximately 1 mile from the edge of Coventry, (taken from the application site to the Showcase Cinema complex (this being the nearest services/facilities)). Having regard to the Chartered Institute of Highways and Transportation published Guidelines for Providing Journeys on Foot; table 3.2, it

is not considered that the application site is within an acceptable walking distance to the nearest services/facilities within Coventry. Furthermore the bus service from Nuneaton to Coventry which runs through Ansty is limited with only 5 stops per day.

It is concluded that the opportunity to substitute walking, cycling or buses to Coventry is limited on this site, and as a result the site is not sustainability located to assist in the housing needs of Coventry. The weight attributed to this matter is limited.

Flooding alleviation

The supporting documents highlight that the proposed development would assist in alleviating an existing, on-going flooding issue affecting the application site. The information submitted in support of the application demonstrates that this flooding issue is as a result of inadequate culverts within the locality. It is recognised that the proposal would alleviate this flooding issue which would be of benefit to the immediate area. However, it is not considered that the solution to this existing problem lies fundamentally with the proposed development, but is rather a matter for the relevant authorities to address.

Overall it is concluded on this issue that whilst the proposed development would assist in alleviating an existing flooding issue, this issue is not intrinsic on the proposed development and for that reason any moderate weight is attached to this factor.

Conclusion

It is the opinion of the Local Planning Authority, that no 'very special circumstances' either individually or collectively, have been demonstrated by the applicant which would clearly outweigh the substantial harm to the Green Belt through inappropriateness and other harm identified.

3 The purposes of including land within the green belt

The five purposes of including land within the green belt are set out within paragraph 80 of the NPPF.

These five purposes include:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed development would conflict with the purposes of including land within the Green Belt in respect to restricting sprawl of built-up areas and safeguarding the countryside from encroachment.

4 Impact upon character and appearance and openness

The appeal site is not a 'valued' landscape in the terms referred to by paragraph 109 of the NPPF. The Landscape Character Assessment 2006 identifies this area as Landscape Character Type: Dunsmore, Parklands. Looking at its local landscape value, this field forms part of the rural setting of the village. Furthermore as it is a relatively small field unit on the village edge. This contrasts with more open field patterns further west. In these localised terms this site, could be described as a site of medium landscape value.

In respect to the impact upon the character and appearance of area and surrounding countryside, it is noted that the application is made in outline with details relating to layout, scale and appearance reserved for consideration at the reserve matters stage. However, an indicative plan has been submitted to show how such a development could be arranged. It is considered that development on this land for 16 dwelling, would not reflect the character and pattern of housing development along the north western side of this part of Main Road in Ansty which is linear in form with properties only one deep fronting the road. It is therefore considered that the development of this site would have an adverse impact upon the character and appearance of the streetscene and would not reflect to the existing pattern of development.

The site is outside of the village boundary and as such falls within the West Midlands Green Belt. The site is an open grass field, devoid of any permanent structure on the land, (with the exception of a small timber store) and contributes to the green corridor leading into the village of Ansty. Brookside Cottage provides a key function in terms of forming an end stop to buildings within the village, demarcating the point between the village and the open countryside beyond. The proposal would erode the open character of the area.

The further incursion of built form into what is a typically pleasant green field, providing part of the rural setting of this side of Ansty, would have a harmful effect upon the visual amenities of the area.

The openness of the green belt beyond Brookside Cottage is considered to be an important part of the character of the streetscene and accordingly the proposal is considered to be unacceptable and contrary to policy CS16 which seeks to ensure that development 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 79 of the Framework states that the essential characteristics of Green Belts are their openness and permanence. The concept of openness relates to the lack of development or built form. The NPPF outlines that the government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and permanence. The proposed development would significantly reduce the openness of the Green Belt contrary to paragraph 79 of the NPPF.

5 Green Infrastructure (GI) Network

The site is located within a Green Infrastructure Network as identified within the Green Infrastructure Proposal Maps. Policy CS14 indicates the need to protect and enhance existing GI assets. It is apparent from the wording of this policy that the term 'green infrastructure' is multi-functional and has many facets that contribute to it, landscape being one as well as river corridor, canals, disused railway line and biodiversity sites. The essential function of green infrastructure is connectivity. The proposals map shows the site to be within an existing GI network. The 2009 Entec Final Report on Green Infrastructure lists GI functions at page 6 and includes 'contributing an attractive green element to the image of an area'. Environmental benefits include reinforcing and enhancing landscape character and local distinctiveness. Policy recommendations on page 67 discourage the compromise, degradation or reduction in the quality and/or function of GI. The application site assists in contributing an attractive green element to the image of an area, contributing to the green corridor leading into the village of Ansty. It is not considered that the proposal would fit in with these objectives. It further states that all outline and detailed planning application should demonstrate consideration of the development's potential impact upon the existing GI network. This has not been demonstrated. The applicant contends that this previous reason for refusal as now been overcome with the inclusion of 2 ponds. However, these ponds have been created for flood attenuation purposes and biodiversity offsetting and do not address the landscape concerns, of which landscaping forms part of the 'green infrastructure'.

It is therefore considered that the proposal is contrary to policy CS14.

6 Sustainable Design and Construction

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

This policy also states that all new residential development should meet the water conservation standards in Level 4 of the Code for Sustainable Homes. However, it goes on to state that the actual provision will be determined through negotiation, taking account of individual site characteristics and issues relating to the viability of development.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that as a minimum all new development of 10 dwellings or more shall incorporate

decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%. This policy also goes on to state that the actual provision will be determined through negotiation, taking account of individual site characteristics and issues relating to the viability of development.

The applicants have submitted a Sustainable Statement setting out how the development would incorporate sustainable technology in accordance with policy CS17.

7 Planning obligations

Affordable Housing Contribution

Policy CS19 sets out a target affordable housing provision of 33.3%. The applicants have agreed to meet this target provision in accordance with policy CS19.

Open Space Contributions

The Planning Practice Guidance Planning Obligations, stipulates when infrastructure contributions can be sought from developers. Given the size of the development proposed, the applicant is required to provide contributions towards open space. The Council's Planning Obligations SPD stipulates that there is a deficiency within Ansty of the provision for young people and children. This deficiency can either be met on site through an on-site LEAP of 0.4ha in size or on off-site contribution towards the nearby Ansty play area.

The applicant has agreed to make an off-site financial contribution toward the existing open space within Ansty in accordance with the Planning Practice Guidance Planning Obligations.

Heath Contributions

University Hospitals Coventry and Warwickshire NHS Trust have requested a contribution of £8,692.00 towards health care services. This is considered a reasonable request in offsetting the addition demand the proposed development would have upon heath care services within the area.

8 Agricultural land classification

The NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile land. Where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality. This implies that a sequential approach should be considered where poorer graded land is potentially considered in advance of the higher quality land. Although no sequential approach has been undertaken by the applicants with regard to agricultural land, the NPPF indicates that it is for Local Planning Authorities to judge the economic and other benefits of the best and most versatile agricultural land.

The best and most versatile land is defined as Grade 1 (excellent), 2 (very good) and 3a (good) with remaining agricultural land graded as 3b (moderate), 4 (poor) and 5 (very poor). According to Natural England's statistics approximately 12% of land, 23,692ha in Warwickshire is Grade 1 or 2. In Rugby Borough there is no Grade 1 land but there is 4,186 ha of Grade 2 land which equates to 11.8% of land within the Borough. The figures for Grade 3 land provided by Natural England do not split Grades 3a & 3b but indicate that approximately 75.5% of land, 26,686 ha is Grade 3 land.

The agricultural land grading of the application site is considered to be of a 3b (moderate) and therefore not of higher quality land.

9 Ecology

Policy E6 of the Local Plan seeks 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 NPPF which sets out the need for planning to 'contribute to conserving and enhancing the natural environment'. The NPPF 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.

Impact on Statutory and Non-Statutory Ecological Sites

The site is not covered by any statutory designated site of international or national nature conservation importance. There are no statutory designated sites of international nature conservation importance present within 10km of the site. The site is within 1km of a small number of non-statutory designed sites.

Habitats

The application site comprises an amenity grassland field, linear scrub and trees along the boundaries, a boundary watercourse and small areas of dense scrub.

A Biodiversity Impact Assessment (BIA) has been submitted to quantify the value of the existing habitats and establish what impact there would be from the loss of those habitats. The BIA concludes that the development would result in a slight loss to biodiversity.

Protected and Priority Species

In relation to protected and priority species, an ecological appraisal of the site has been submitted. This appraisal concludes that a number of mature and semi-mature trees within the site have potential to support roosting bats. WCC Ecology have recommended that a condition is imposed requiring a full bat survey to be undertaken.

Ecology Conclusions

It has been found that the findings of the appraisal, surveys and assessment are acceptable and form a robust basis for considering the ecological impacts arising from the proposed development. In the first instance it has been established that the proposed development would not give rise to detrimental and adverse impacts at statutory and non-statutory ecological sites. The proposal would result in a small net loss of biodiversity, however, this can be compensated through the use of appropriate conditions, should planning permission be granted. Equally, the potential impact on these species could be mitigated against through the use of planning conditions. It is consequently considered that the proposed development would not have an adverse impact upon habitats and species whilst ensuring that biodiversity is enhanced. This position is also supported by Warwickshire County Council Ecology.

10 Highway Access, Parking and Public Right of Way

One of the core principles outlined within paragraph 17 of the NPPF sets out the need for planning to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'. This is then further expanded upon in section 4 of the NPPF which also sets out the need to consider the suitability and safety of accesses. Paragraph 32 of the NPPF is particularly important and indicates that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. It further indicates the value of travel plans and the promotion of a mix of uses on larger residential developments (paragraphs 17, 36 and 38). Policy CS11 of the Core Strategy is consistent with this and states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. The Planning Obligations SPD expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability

of development proposals. Policy CS11 and policy T5 of the Local Plan also state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD.

a. Access

WCC Highway Authority has raised no objection to the proposal subject to conditions

b. Parking

The application is outline at present and therefore the scale of dwellings and layout is reserved to further consideration. It would be at this stage that the proposal would be assessed against the Council's parking standards.

c. Public Right of Way

The NPPF establishes the need for planning to protect and enhance public rights of way and access (paragraph 75).

As existing a public right of way R30a currently runs through the site. The applicants have demonstrated how the footpath could be accommodated as part of the proposal, to which WCC Right of Way Team have raised no objection.

As existing, from this public right of way, open views of the countryside can be obtain and appreciated. The proposed development would cause an urbanising effect upon views from the public footpath. The indicative layout would not maintain views of the countryside from the public footpath, which would run through the site following the internal access road. The result of which is a stark contrast to the experience currently enjoyed along the public footpath. As a result, the adverse visual effects seen from the right of way would be significant. It is therefore considered that the proposal would have an adverse impact upon the existing footpath. The applicants have failed to demonstrate how the existing public right of way would be enhanced.

11 Flood Risk and Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraphs 100-103). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Policy CS16 of the Core Strategy and policy GP2 of the Local Plan are consistent with this and set out that sustainable drainage system (SUDS) should be proportionality incorporated into new development where practical.

Flood Risk

The Flood risk Assessment (FRA) was submitted with the application confirms that the site falls within Flood Zone 1 (low risk) and therefore passes the requirements of the sequential and exception tests outlined within the Framework.

The South Eastern third of the site is classed as being in an area with a High risk of surface water flooding (equivalent to fluvial flood zone 3) and part of the developed area of the site in an area with a medium risk of flooding (equivalent to fluvial flood zone 2). It has been identified within the FRA report that the risk is, in part, due to an inadequate culvert to the East of the site.

Surface Water Drainage

In respect of surface water drainage, it is proposed that the attenuation will be provided in the form of two connecting pond. This is considered to be the most appropriate type of attenuation facility for a development of this type and Warwickshire County Council Flood Risk Management team has raised no objection subject to condition.

12 Trees and Hedgerows

Paragraph 118 of the NPPF sets out that permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. Three of the core planning principles outlined within paragraph 17 of the NPPF establish the need to 'seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings', 'take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside' and to 'help conserve and enhance the natural environment'. Policy CS16 of the Core Strategy is consistent with this and requires proposals to not cause material harm to the qualities, character and amenity of the areas in which they would be situated. Policy GP2 of the Local Plan also sets out the need for proposals to retain and enhance the landscape character of an area, retain important site features and incorporate new landscape planting.

The Council's Tree Officer has assessed the applicant and content that the existing trees would not be adversely impacted on as a result of the proposed development.

13 Residential amenity

Policy CS16 of the Core Strategy requires new development to safeguard the amenities of existing neighbouring occupiers. Paragraph 7.4 of the Core Strategy allows for consideration of the Sustainable Design and Construction SPD which further expands on this policy. Paragraph 3.2 of this SPD refers to Appendix B – Residential Extension Design Guide (REDG), which at paragraph 4, provides guidance on the way buildings relate to each other and the consequential impact of this on levels of acceptable amenity for both existing and future occupiers. Although directed at householder extensions, the principles of this SPD can equally be applied to applications for new commercial building within close proximity to residential dwelling houses. Paragraph 17 of the Framework is also relevant and sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings.

Impact to Existing Properties

To the southeast of the application site the nearest property includes Brookside Cottage. Whilst the proposal has been submitted in outline form, the indicative proposed site plan submitted shows that the site could accommodate 16 dwellings without having an adverse impact upon the amenities of this neighbouring property in accordance with policy CS16.

Residential Amenity (Light, Aspect and Privacy) Conclusions

It is considered that the proposed development could be designed so as to ensure that it would not have a significant and detrimental impact upon the residential amenity of existing properties in accordance with policy CS16.

14 Planning Balance

It is considered that substantial weight should be accorded to the harm to the Green Belt by reason of inappropriateness, loss of openness and encroachment into the countryside. There would also be adverse harm to the character and appearance of the area and landscape. There is further harm by reason of impact upon the Green Infrastructure Network and failure to enhance the existing public footpath attracts further weight against the proposal.

It is acknowledged that the Council cannot demonstrate a 5 year supply of housing sites. In these circumstances paragraph 49 of the NPPF states that relevant policies for housing should not be considered up-to-date and paragraph 14 of the NPPF is engaged. However, it is considered that the proposal would conflict with national policy on Green Belt, as set out within the NPPF. Green Belt is listed in footnote 9 as one of the examples of specific policies that may indicate that development should be restricted. It follows that the balance set out in the second bullet point (first indent) of the decision-taking part of paragraph 14 is not engaged. Taken as a whole, the policies of the NPPF do not indicate a decision other than in accordance with the development plan.

To weigh with the harm the applicant cites a number of considerations that constitute very special circumstances. These have been considered within this report, and would not either individually or collectively, outweigh the harm to the Green Belt through inappropriateness, loss of openness and encroachment into the countryside and other harm identified. Further benefits include affordable housing provision and financial contribution to Ansty Public Park and UHCW NHS Trust. However, the overall conclusion is that these benefits are not sufficient to indicate a decision other than in accordance with the development plan.

Recommendation

Refusal

APPLICATION NUMBER

R17/1976

DATE VALID

27/11/2017

ADDRESS OF DEVELOPMENT

LAND ADJACENT TO BROOKSIDE
COTTAGE
HINCKLEY ROAD
ANSTY

APPLICANT/AGENT

Hb Architects
The Old Telephone Exchange
Albert Street
Rugby
Warwickshire
CV21 2SA
On behalf of Steve Tayton

APPLICATION DESCRIPTION

Outline planning permission for the erection of 16 residential dwelling houses comprising of 11 market housing units and 5 local needs dwelling (all matters reserved except access). (resubmission for previously refused planning permission ref: R16/2058 dated 22/02/2017)

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

RBC Core Strategy

CS1 Development Hierarchy
CS14 Green Infrastructure Network
CS16 Sustainable Design

Saved Local Plan Policy

GP2 Landscaping

National Planning Policy

National Planning Policy Framework 2012

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

REASON FOR REFUSAL: 1

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to the NPPF not to grant planning permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages. Therefore the proposal which seeks the erection of 16 residential dwelling houses constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have

adverse impact on the openness of the Green Belt. Furthermore the proposed development would conflict with the purpose of including land within the Green Belt which is to safeguard the countryside from encroachment.

In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for a scheme for residential development in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policy CS1 of the Rugby Borough Core Strategy 2011 and the NPPF.

REASON FOR REFUSAL: 2

It is considered, taking into account, the location of the site, together with the scale of development proposed, and having regard to the illustrative masterplan submitted, that the proposed development would have an adverse impact upon the character and appearance of the streetscene and would not reflect the existing pattern of development within the area. It is therefore considered that the proposal would conflict with policy CS16 of the Rugby Borough Core Strategy 2011 and the NPPF.

REASON FOR REFUSAL: 3

The site is located within a Green Infrastructure Network as identified within the Green Infrastructure Proposal Maps. Policy CS14 indicates the need to protect and enhance existing GI assets. The term 'green infrastructure' is multi-functional and has many facets that contribute to it, landscape being one. It is considered that the proposed development would fail to protect and enhance this Green Infrastructure Network contrary to policy CS14.

REASON FOR REFUSAL: 4

The NPPF establishes the need for planning to protect and enhance public rights of way and access (paragraph 75). The applicant has failed to demonstrate that the proposal would enhance the existing public right of way ref R30a contrary guidance contained within the NPPF.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF. However, for the reasons given, and the clear conflict with local and national planning policy, it is not possible to grant planning permission for the development proposed.

Reference number: R14/1941

Site address: Land South East of Brownsover Lane, Brownsover Lane

Description: Erection of 14 dwelling houses, together with the creation of new vehicular and pedestrian access, including the provision of open space, landscaping and surface water drainage.

Case Officer Name & Number: Nathan Lowde 01788 533725

This application is to be determined by members of the planning committee at the request of Cllr Edwards.

Description of Site

The site, extending to some 2.21 hectares, is located on the northern edge of the Rugby urban area within the open countryside, and to the north east of Old Brownsover. The site is currently agricultural pasture land, comprising of three unused field components with numerous trees within and around the site boundary. Ground levels within the site are at a level of between 105.43mOD along the east boundary adjacent to Leicester Road rising up to 113.5mOD at the northern corner of the site. The south eastern boundary of the site is defined by the Leicester Road (A426) with the northern boundary of the site being defined by the Brownsover Lane. An existing field access off the Brownsover Lane allows for access into the site. To the north of Brownsover Lane are the grounds of Brownsover Hall (Grade II*) which falls within the Old Brownsover Conservation Area. The western boundary of the site is bounded by residential properties within the Old Brownsover Conservation Area include the Church of St Michael and All Angels which is a 13th Century building (largely rebuilt in 1877) and is Grade B (grade II*) listed. The south-western part of the site also falls within the Conservation Area boundary. To the north-east of the site is the former ambulance station which has been redeveloped for housing providing 29 affordable housing units. Further north of Brownsover Lane is the Rugby Gateway Site, which is still in the process of being developed, in a phased approach, in accordance with a coherent planning strategy as part of a Sustainable Urban Extension to Rugby as detailed within policy CS3 of the Core Strategy.

Description of Proposal

The original application sought permission for 36 dwelling houses. Following comments from technical consultees, this has been reduced to 14 dwellings. As such this application is for full planning permission for the erection of 14 dwelling houses. A range of 2 storey properties are proposed ranging from 2 bed semi-detached houses to 4 bed detached properties. A total of 7 different house types are proposed, providing a mixture of dwellings of varying character and appearance, with a number of keynote buildings at focal points within the site. The design, character and appearance of these dwellings have been informed by the architectural style of existing dwellings within the Old Brownsover Conservation Area.

A breakdown of the properties is provided below:

House Type	Beds	Total Number
Type A	2	4
Type B	3	4
Type C [W]	3	1
Type C[N]	3	1
Type D	4	2
Type E	4	1
Type F	4	1
		14

Proposals to access the site include the formation of a “T-Junction” which will include a 5 metre wide carriageway access road from the Brownsover Lane with a 1.8m wide pedestrian footpath either side. It is also proposed that the north-eastern footpath connects to the end of the existing footpath along Brownsover Lane which was formed as part of the Former Ambulance Site redevelopment. Internal road layout includes a main spine road with private drives served off it.

A surface water balancing pond is proposed at the edge of the site to facility for the development of the site. The proposal also includes a new area of open space across the site.

Third Party Comments

Original Scheme for 36 dwellings

Neighbours (16 objections)

Traffic

- Increase in traffic noise
- Increase traffic will lead to an increase in welfare issues for pedestrians, cyclists and children
- Cars currently speed along Brownsover Lane
- Brownsover Lane is a rat-run and this will exuberate the issue
- Increase in traffic
- No footpaths along Brownsover Lane
- Lack of street lighting
- Concerns about cumulative traffic impact with Eden Park
- Brownsover Lane is a narrow country lane where to vehicles are barley passable
- The lack of parking provisions on the Old Ambulance Sites results in trade vehicles parking along Brownover Lane and delivery lorries blocking this Lane

Heritage

- Impact upon Old Brownsover Conservation Area
- Impact upon listed church
- The scheme needs to be scaled down to provide breathing space to the Church and listed buildings and areas with potential for archaeology
- Site within the Conservation Area
- Area has special interests
- The heritage assets have already been eroded by the development of the old Ambulance site
- Destroy archaeology within the site
- Impact upon pre-historic and defensive earthworks
- Recent new development has dissolved the special character of the area with new inward looking and unconnected schemes. This does not create community, place or enhancement to what is actually a locally significant and special Conservation Area. Unfortunately this scheme will only make this worse with another unconnected inward and insular scheme, with no street improvements or additional connections.

Ecology

- Wildlife impact
- Removal of vegetation and trees

Landscape

- Impact upon landscape and character of the area

Design

- Proposed dwellings facing the Leicester Road
- Finished level details required together with site sections to assess the impact on views and massing and the level of harm to heritage assets
- high quality development in some aspects with consideration to character through the proposed house types, density and street typologies
- Doesn't provide natural surveillance along Brownsover Lane
- All houses should be affordable

Amenity

- Impact upon existing residents in terms of noise and disruption during construction
- Loss of amenity to existing residents

Cllr Claire Edwards

- Impact Conservation Area

- Impact upon key heritage assets within the Conservation Area, including important buildings and gravestones
- Impact upon the rural aspect of Brownsover Lane
- Overlook the Conservation Area and homes in Brownsover Lane
- Overdevelopment
- Traffic Pressure
- Supports Historic England's objection

Amended Scheme for 14 dwellings (14th August 2017)

Neighbours (8 Objections)

- Traffic impact remains a concern
- Loss of Heritage asset
- Not an appropriate location
- Wildlife impact
- Brownsover Lane unlit and narrow lane
- House Type F is incredibly contrived and completely undermines the character of the Conservation Area, and does not complement Lawrence Sherriff House.

Amended Scheme (25th May 2018)

Neighbours (4 Objections)

- Loss of views along Wilf Brown Close
- Impact upon traffic along Brownsover Lane
- Increase in litter problems
- Impact upon views from the Brownover Hall Hotel garden
- Impact upon wildlife as a result of increase traffic and road collisions
- Area should be kept preserved
- Traffic and noise impact from construction traffic and constructing the houses
- Doesn't benefit the area.
- Impact upon Conservation Area
- Excavation of a conserved area i.e. the attenuation pond
- The informal recreation area would damage the asset
- Inadequate car parking provisions
- The reduction of dwellings would not material change the damage to the heritage assets
- Does not preserve or enhance the quality of the Conservation Area
- Prevent the visual amenity of the Conservation Area being appreciated
- Flooding impact
- Air quality impact
- Dangerous T junction with the Brownsover Road

Cllr Claire Edwards

- Transport Plan uses data from 2015 and therefore out of date
- Still have a significant and detrimental effect on the Brownsover Conservation Area
- detrimental impact on the local roads
- impact on lack of green space in this area
- Loss of trees

Technical Consultation Responses

Original Scheme for 36 dwellings

WCC Highways objection
Concerns raised regarding the layout of the site.

WCC Flood Authority no objection subject to conditions

WCC Ecology objection
Biodiversity Impact Assessment required

Warwickshire Wildlife Trust objection
- Trees to be removed which have potential to support roosting bats should be retained.
- Biodiversity Impact Assessment is required
WCC Infrastructure Team comments received
Financial contribution towards Sustainable Travel Packs, education and library service

WCC Archaeology comments
Archaeological evaluation required prior to any decision on the planning application is taken.

WCC Water Officer no objection subject to conditions

Severn Trent Waters no comments received

RBC Tree Officer comments received

RBC Parks and Open Space comments
Financial contribution towards the Swift Valley Nature Reserve required.

RBC Works Service Unit no objection

RBC Environmental Services no objection subject to conditions

RBC Housing Department low affordable housing provision

Historic England objection
The site lies partially within the Old Brownsover Conservation Area and includes the earthworks remains of a shrunken medieval village. The scheme will destroy much of the archaeology and also affect the setting of the nearby listed buildings. The scheme is so harmful to the heritage assets that it should be refused.

Warwickshire Police comments received on designing out crime

National Grid no comments received

Amended Scheme for 14 dwelling

RBC Environmental Services no objection same suggested conditions to be attached

WCC Flood Authority no objection

Historic England comments
The original version of this scheme was for 36 houses which would have destroyed much of the archaeology and would have had a serious impact on the setting of the nearby listed buildings. However, the reduced version with the proposed houses standing outside the Conservation Area has a much smaller impact on the setting of the listed buildings, and similarly with respect to the impact upon the Conservation Area.

The policy position is much less stark than previously, and although there is some impact the level of harm now lies in the area of less than substantial harm, and has to be judged in terms of paragraph 134 of the NPPF, balancing the public benefits against the limited heritage harm.

UHCW NHS Trust no objection
Financial contribution to provide additional health care services to meet patient demand is required.

Tree Officer no objection subject to conditions

RBC Parks and Open Space comments
Based on the amount of on-site amenity space no off-site contribution is required.

WCC Highways no objection subject to conditions and financial contributions

WCC Archaeology no objection subject to conditions

WCC Ecology no objection subject to conditions

Relevant planning policies/guidance

Rugby Borough Core Strategy, 2011

CS1 Development Strategy
CS10 Developer Contributions
CS11 Transport and New Development
CS16 Sustainable Design
CS17 Reducing Carbon Emissions
CS19 Affordable Housing

Rugby Borough Local Plan, 2006 – Saved policies

GP2 Landscaping
E6 Biodiversity
T5 Parking facilities
H11 Open space provision in residential developments in the urban area
LR1 Open space standards

Emerging Local Plan

At the present time, the policies in the emerging Draft Local Plan carry some weight, but as the examination process has only recently ended and the Inspector's report is awaited, this is very limited, and whilst emerging policies are a material consideration, the key document to determine planning applications remains the adopted 2011 Core Strategy and the NPPF. It is not considered any emerging policies in the final Local Plan would alter the planning balance for the reasons set out below.

National Policy and Guidance

National Planning Policy Framework (NPPF)
Rural Housing Planning Practice Guidance

Background

During the course of this application, the Council had approached Historic England to consider adding the application site to the Schedule of Monuments. It was concluded that although of some local interest as a reflection of the history of this community, the settlement remains, within the application site, that represent part of the medieval settlement at Brownsover are fragmentary and do not survive sufficiently well to merit scheduling.

The settlement remains that represent part of the medieval settlement at Brownsover are not recommended for scheduling for the following principal reasons:

- Diversity: the range of features present at the site is limited compared to more complete and complex medieval settlement sites;
- Rarity: in the national context, the presence of abandoned areas of settlement on the margins of or within nucleated villages is not rare;
- Potential: archaeological investigations have indicated that the site retains limited information relating to the historical development and occupation of the settlement;
- Group value: there is a close historical and spatial relationship with the Grade II listed church, but this does not add significantly to the archaeological importance of the site.

Assessment of proposal

1. Principle

Policy CS1 addresses locational strategy and indicates that most new development will be accommodated in the Rugby Town Centre and Rugby Urban Area. This is in accordance with sustainable principles whereby homes, employment and other uses are directed to places where there is the best infrastructure, facilities and services to support them. The policy does though also recognise that a proportion of this development should go to Main Rural Settlements, in order to maintain the vitality of the local communities. These basic principles are in accordance with the Framework. This policy as well as directing development to the most sustainable locations, seeks to safeguard countryside resources from unwarranted development, and states that only where national policy on countryside locations allows will development be permitted.

In this case the application site is located within the countryside as identified on the Core Strategy Proposals Map, and adjoins the urban boundary for Rugby. In accordance with the settlement hierarchy outlined within policy CS1 the countryside is classified as being the fifth out of six sequentially preferable locations for development. Since the adoption of the Core Strategy, the Government published the National Planning Policy Framework (NPPF) and updated the way in which local planning authorities can apply their local policy if they cannot demonstrate a five year housing land supply. That is the case here and in such circumstances the housing supply policies in the Core Strategy are not up-to-date, including those relating to the location of housing such as policy CS1. The weight to be given to the policy conflict is therefore reduced. In such circumstances the relevant policy comes from Paragraph 14 of the Framework.

The NPPF paragraph 14 sets out a presumption in favour of sustainable development, stating permission should be granted for proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where specific policies in the NPPF indicate development should be restricted. The NPPF is clear that policies 18 to 219 taken as a whole constitute the Government's view of what sustainable development is and a balance must be weighed against the proposal in question.

As a site on the edge of the Rugby Urban Area, the location represents a sustainable location for residential development. The site is bordered by the urban boundary, within close proximity to new housing development including the recent redevelopment of the Former Ambulance Site and the Rugby Gateway development. The site is also within close proximity to a wide range of services and facilities. The location will also benefit from improved public transport services and new facilities to be provided as part of the Rugby Gateway development. The proposal includes the provision of a north-eastern footpath connecting to the end of the existing footpath along Brownsover Lane which was formed as part of the Former Ambulance Site redevelopment. This will provide better connectivity of the site by foot and to the Rugby Gateway development.

On this basis the proposal complies with NPPF Core Principle to *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*. It is considered all the services and facilities necessary to meet the needs of future residents would be accessible from the application site either on foot, by bicycle or by bus. As a consequence, the location of the site could not reasonably be considered likely to be the cause of any over-reliance by future occupiers on the use of private motor vehicles. In this respect, the location of the site can be considered to be accessible and therefore sustainable.

In addition, NPPF paragraph 34 states that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

However, whether a proposal constitutes sustainable development is not simply a matter of location and accessibility. Paragraph 7 of the NPPF states that there are 3 dimensions to sustainable development: an economic role, a social role and an environmental role. These factors will be considered in relation to the overall balancing of the proposals later in this report.

2. Highways and parking:

Proposals to access the site include the formation of a “T-Junction” which will include a 5 metre wide carriageway access road from the Brownsover Lane with a 1.8m wide pedestrian footpath either side. It is also proposed that the north-eastern footpath connects to the end of the existing footpath along Brownsover Lane which was formed as part of the Former Ambulance Site redevelopment. Internal road layout includes a main spine road with private drives served off it.

A Transport Statement has been undertaken and submitted by the applicant, which demonstrates that the proposed development would not result in any significant increase in traffic movements, and no significant off-site impact would occur as a result of the development. Warwickshire County Council Highways have assessed the proposal and have raised no objections subject to conditions together with a financial contribution towards Sustainable Travel Packs.

Concerns have been raised by third parties relating to the capacity of further traffic on Brownsover Lane. WCC Highways have reviewed this and consider that there is no evidence to suggest that Brownsover Lane is at capacity and cannot accommodate further traffic. DMRB Volume 5 Section 1 Part 3 TA46/97 (Traffic Flow Ranges for Use in the Assessment of New Rural Road) indicates that a single two-way carriageway (Brownsover Lane) should be able to accommodate up to 13,000 vehicles per day. DMRB Volume 6 Section 2 Part 6 TD42/95 (Geometric Design of Major/Minor Priority Junctions) also suggests that a simple priority T-junction is acceptable to accommodate flows approximately 500 vehicles on the minor road and approximately 13,000 vehicles on the major road. The Automatic Traffic Count (ATC) survey that was carried out along Brownsover Lane for the planning application in March 2015, indicated that there was a weekday average of 628 two-way vehicle flows along Brownsover Lane. The Highway Authority acknowledges that a substantial part of the Eden Park development will have been constructed and generating vehicle trips since the ATC survey was carried out however, it will not be generating a significant number of vehicle trips so that the number of vehicle flows along Brownsover Lane exceeds 13,000 two-way flows.

When originally submitted, the development proposals were for the construction of 36 dwellings, which would have generated approximately 24 two-way trips in the AM peak hour (08:00-09:00) and 26 two-way trips in the PM peak hour (17:00-18:00). The number of vehicle trips likely to be generated by the original proposals were considered to be acceptable and would not have detrimental impact on the operation or capacity of Brownsover Lane or the immediate surrounding local highway network. The development proposals have since been reduced to 14 dwellings being constructed, which would have even less of an impact on the operation or capacity of Brownsover Lane or the immediate surrounding local highway network.

The Highway Authority has reviewed the accident data for the last 5-year period, which indicates that there have been no reported accidents along Brownsover Lane within the vicinity of the application site.

The incorrect use of the Brownsover Road / Brownsover Lane priority T-junction is an enforcement matter which the police would deal with. There is nothing to suggest that future occupants of the proposed development will incorrectly use this junction.

The provision of satisfactory car parking facilities is covered by Local Plan saved policy T5 and the standards set out in the Council’s Planning Obligations SPD. This SPD stipulates that, as a minimum, 1-2 bedroom dwellings should provide 1.5 parking spaces, 3 bedroom dwellings should provide 2 parking spaces and 4+ bedroom dwellings should provide 3 parking spaces. The proposal site layout plan shows that appropriate provision of car parking is provided within the site. The proposed layout of the development ensures that vehicles do not dominate the streetscene, and this has been achieved through set back garages, plot design, orientation and landscape treatment.

The proposed scheme seeks to provide a public footpath linking the existing footpath adjacent to the former Ambulance site to the application site. This will increase public highway safety by providing a footway, rather than pedestrians having to walk along the carriageway.

Warwickshire County Council have assessed the proposal and raised no objection subject to conditions. It is therefore considered that the proposal would not adversely impact upon the highways network.

3. Heritage

The subject site does not contain any designated or non-designated Heritage Assets, however lies within close proximity to a number of surrounding heritage assets.

Heritage Assets

The south-western part of the application site lies within but on the periphery of the Old Brownsover Conservation Area. The Conservation Area include a number of designated heritage assets including Brownsover Hall and St Michaels Church which are both grade II* listed.

The site includes the earthwork remains of a shrunken medical village.

Policy background

Policy CS16 also refers to the historic environment. It states that new development should seek to complement, enhance and utilise where possible, the historic environment and must not have a significant-impact on existing designated and non-designated heritage assets and their settings.

The statutory background is provided by the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1) of the Act states that special attention must be paid to the desirability of preserving or enhancing the character of appearance of a conservation area. Section 66(1) of the Act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving its setting. The *Barnwell Manor Wind Energy Ltd v East Northants DC* [2014] EWCA 137 judgement indicates that considerable weight should be given to these provisions.

There is no statutory duty, equivalent to those imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to the determination of planning applications for proposals affecting the setting of a Conservation Area, ancient monuments or other archaeological deposits. However any planning application should be determined in accordance with the development plan and all other material considerations. Government guidance set out in the National Planning Policy Framework (NPPF) is clear that the effect of the proposed development on 'heritage assets' including scheduled monuments is material to the consideration of planning applications.

Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the conservation of the asset. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Setting is defined in the Framework as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.

National Planning Policy Framework: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.' Paragraph 131 of the National Planning Policy Framework (the Framework) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

Heritage Assessment - Conservation Area

The south-western part of the application site lies within but on the periphery of the Old Brownsover Conservation Area.

The adopted 'Old Brownsover Conservation Area Appraisal' SPD identifies the key components of the landscape and townscape which constitute the area's special historical/architectural interest which justifies the designation of the Conservation Area. It is intended to assist in informing the planning process in design considerations and in determining planning applications. The Conservation Area boundary encapsulates the buildings of Brownsover Hall and a cluster of residential dwellings to the south of Brownsover Lane, including St Michaels Church. The Conservation Area boundary incorporates a proportion of the application site, recognising its contributions to the character and appearance of the Conservation Area in creating a rural fringe to the edge of the Conservation Area. The Conservation Area Appraisal describes buildings as low density comprising a rural appearance set in an agricultural landscape. Existing boundary treatment along the application site boundaries limits view of existing building within the Conservation Area.

The Conservation Area appraisal acknowledges that the fields to the southern side of Brownsover Lane prior to Woodlands provides an attractive rural fringe to the Conservation Area and places the settlement within its rural context. This appraisal also acknowledges that it provides a distinctive strong rural setting which is continued into the settlement.

Since the publication of the Old Brownsover Conservation Area Appraisal, significant development has been undertaken which has contributed towards suburbanising the Conservation Area, and altering its landscape. This is prevalent when approaching the site from the east with the widening of the road as part of the Rugby Gateway development and the introduction of footpath along Brownsover Lane with streetlights as part of the Former Ambulance site redevelopment, which has altered what is described in the Appraisal as a narrow country lane, further enhanced with the absence of street lighting. This has significantly altered the landscape shown within Photo 2 of this Appraisal.

The recent development of St Michaels Close has also contributed to suburbanising the character of the Conservation Area as described within this appraisal, increasing the residential area of the southern part of Brownsover Lane on the edge of the Conservation Area. This development is a residential cul-de-sac which creates a slight discord with the existing development along the south of Brownsover Lane which is described with the Conservation Area Appraisal as low density and rural in appearance, with limited modern residential development.

These modern housing developments have contributed towards altering the nature of the settling of the Conservation Area in terms of its isolation, tranquillity and rural context. Whilst the application site is open, it contributes little to the sense of isolation because of the proximity of other introduced modern features. The past isolation has therefore been eroded. The site does provide an attractive rural backdrop to the Conservation Area, with attractive natural hedgerows and vegetation and openness. The application site also contributes towards an understanding of the agrarian past of the village.

The amended scheme, with the proposed houses standing outside the Conservation Area, has a reduced impact upon the Conservation Area. The bulk of the development is concentrated towards the eastern boundary of the site, with 10 of the 14 dwellings along this boundary. The boundary along the Conservation Area is less developed with a large section of this boundary being retained as undeveloped. The Conservation Area appraisal does not identify the area where the proposed dwellings would be positioned as a key view into the Conservation Area. As a result the proposal would not impede upon key views into the Conservation Area.

Nevertheless, the effect of the development will be upon the general character of the area, creating a further suburbanising element to those already established along Brownsover Lane. This would increase the existing suburbanisation of the Brownsover Lane, bring it closer to the edge of Conservation Area. The effects of which would result in a loss of the soft edge to the Conservation Area with a more built up environment.

The level of harm placed by the applicants is negligible which is defined, within the Heritage Assessment submitted as 'Partial loss or alteration of the assets or change in its setting leading to the partial loss or reduction in the significances of the asset.'

It is acknowledged, and accepted by Historic England, that the degree of harm is much smaller when compared against the original version of this scheme. Indeed, the amended scheme confines the built form

of development to the north-eastern quadrant of the site and therefore outside of the defined Conservation Area boundary. Whilst the proposed development will be a new addition within the setting of the Conservation Area, its scale and proximity to the development on the former ambulance station suggests that its impact will be a marginal addition to the peripheral development already in place.

Heritage Assessment - Church of St Michael

This is a grade II* listed church originating from the 13th Century and largely rebuilt in 1877. The significance of the church mainly derives from its architectural. The proposed development would not impact upon the architectural significance of the church itself. The setting of the church is described as rural and the lack of surrounding development reinforces the sense of isolation.

It is acknowledged, and accepted by Historic England, that the degree of harm is much smaller when compared against the original version of this scheme. Indeed, the amended scheme confines the built form of development to the north-eastern quadrant of the site away from the south-western boundary with this heritage asset. Whilst the proposed development would be closer than existing development, due to the separation distance, the retained area of open space, the retained boundary planting, together with limited views of the church from within the application site, and limited views of the application site from the graveyard, ensures that the proposed development would only have limited harm upon this designed heritage asset. The proposed development would result in only a small reduction in the overall rural backdrop, and consequently very minor impact on setting. Nevertheless, there would be harm to the setting of this heritage asset. This harm is considered to be 'less than substantial'.

Heritage Assessment - Brownsover Hall

Brownsover Hall is a grade II* listed building, built in the 1850s, designed by Sir George Gilbert Scott. The setting of Brownsover Hall can be divided conventionally into three elements, the immediate setting, the intermediate setting and the wider setting. The latter comprises the village surrounding countryside and hinterland. The proposal would not impact upon the immediate or intermediate setting as it will not be seen within the grounds of Brownsover Hall. In respect to the wider setting, the construction of the Rugby Gateway and redevelopment of the former ambulance station site has created a stronger urbanised aspect within this wider setting. The construction of residential buildings along Brownsover Lane as proposed will contribute towards increasing this suburbanising effect of the present development.

It is considered that the proposal would result in a level of harm to the wider setting of this heritage asset with the increased suburbanising effect. This harm is considered to be 'less than substantial'.

Heritage Assessment - Medieval Remains (non-statutory designation)

The settlement remains within the application site to the north-east of the Church of St Michael and All Angels (Grade II), which are the subject of this assessment, formed part of a medieval settlement established at Brownsover in around the C10, but were abandoned in the C14, or shortly afterwards, when the settlement appears to have contracted.

Historic England have formally assessed these settlement remains and concluded that they are not of national importance that would warrant being added to the list of Scheduled Ancient Monuments.

The amended scheme concentrates the dwelling houses to the north-eastern proportion of the application site, away from the most sensitive areas of earthworks and archaeology. The area where the most sensitive areas of earthwork and archaeology are located would be used as an area of amenity space.

Conclusions

Whilst there would be no direct physical impact to any asset, it is considered that there would be an effect on setting upon a number of heritage assets. Paragraph 134 and 135 of the NPPF states when 'where a development proposal will lead to less than substantial harm to the significance of a designed/non-designed heritage asset, this harm should be weighed against the public benefits of the proposal'.

4. Landscaping, Visual Impact & Character of Area:

The landscape is not considered to be a '*valued landscape*' in the terms of paragraph 109 of the NPPF. Nevertheless it is countryside for the purposes of planning policy and paragraph 17 of the Framework enjoins the recognition of the 'intrinsic character and beauty of the countryside'.

The character and appearance of the proposed dwellings are indicative of the general form and character of the Conservation Area. The fenestration detailing within the proposed dwelling have been heavily influenced by the architectural style of dwellings within the Conservation Area, in terms of stone/timber mullions and arched brick headers. The majority of the dwellings are rural in appearance with simple detailing. House Type F is a keynote building, the design of which is influenced by Lawrence Sherriff Cottage. Other common details include the use of casement windows, corbelling at eaves, brickwork arching around windows and doors, high level first floor windows close to eaves. It is therefore considered that the proposed character and appearance of the dwellings is appropriate within this location.

Whilst the proposal would result in an extension of the existing built form, when viewed in context to the neighbouring housing development on the former Ambulance Station, it would not appear isolated within this location, nor would it create an alien feature within this landscape. The layout of the proposal concentrates the development towards the existing built form which exists along Brownsover Lane. The proposal would have an urbanising influence on the site, however, the built form represents a small proportion of the site circa 0.49ha with 1.7ha being retained as green amenity space, and therefore this urbanising influence on the site is confined to a small proportion of the overall site. The recent housing development on the Ambulance site reduces the rural feel of the site. Taking these factors into account, the impact of the proposed development upon the character and appearance of the area is not judged to be adverse and therefore would not be contrary to policy CS16 and saved policy GP2.

5. Trees and Hedgerows

Paragraph 118 of the Framework sets out that permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. Three of the core planning principles outlined within paragraph 17 of the Framework establish the need to 'seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings', 'take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside' and to 'help conserve and enhance the natural environment'. Policy CS16 of the Core Strategy is consistent with this and requires proposals to not cause material harm to the qualities, character and amenity of the areas in which they would be situated. Policy GP2 of the Local Plan also sets out the need for proposals to retain and enhance the landscape character of an area, retain important site features and incorporate new landscape planting.

Existing Trees and Hedgerows on Site

An arboricultural report has been prepared which identified a total of 21 individual trees and nine groups of trees within and around the site. This includes 3 individual trees which are considered to be graded as Category A (High Quality/Value), 8 individual trees and 2 tree groups being considered to be graded as Category B (Moderate Quality/Value), 8 individual trees and 8 tree groups being considered to be graded as Category C (Low Quality/Value), and 2 individual trees and 8 tree groups being considered to be graded as Category U (Unsuitable).

Proposed Tree and Hedgerow Planting and Removal

The development requires a number of trees to be removed in order to facilitate this development a total of 6 individual trees (2, U graded and 2, A graded, and 2 C graded) and 1 tree group (C graded) and part of another tree group (C graded).

To mitigate this loss and to mitigate against the impact of the proposed development, a mitigation strategy has been proposed for the loss of these Grade A trees, which includes new tree planting that will incorporate high quality i.e. "extra heavy" or "semi-mature" specimens.

Assessment of Impact on Trees and Hedgerows

The Council's Arboricultural Officer has assessed the Arboricultural Report and raised no objection to the impact the proposed development would have on existing trees and hedgerows on and immediately adjacent to the site. The proposed landscaping and the submitted mitigation strategy would mitigate this impact and would actually result in more trees on the site than is currently the case.

6. Sustainable Design & Construction

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

Water Efficiency

Policy CS16 and SDC SPD specifically state that all non-residential developments should demonstrate water efficiency of the relevant BREEAM very good standard. This is consistent with paragraph 94 of the Framework which outlines the need to take account of water supply and demand. A condition will be attached to ensure that measures are in place to reduce energy demand through energy efficiency measures, supply of energy through low carbon technologies and use of renewable energy generation.

Policy CS16 states that sustainable drainage systems (SUDs) should be used and development should meet specified water conservation levels. Opportunities for utilising SUDs are also referred to in saved policy GP2. The submitted Flood Risk Assessment (FRA) indicates that the most appropriate attenuation facility for a development of this type is through the provision of a single large pond with a restricted rate of discharge to the public sewer.

Carbon Dioxide Emissions

Policy CS17 and SDC SPD specifically state that development must comply with the Building Regulations relevant at the time of construction. It also sets out that as a minimum all new non-residential development of 1000sqm or more should incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%. A condition would be attached to ensure that the provisions outlined within this policy are met.

Sustainable Design and Construction Conclusions

It is considered that the proposed development would be able to reduce carbon emissions through improving energy efficiency in construction and design whilst also increasing water efficiency. Planning conditions would need to be imposed to ensure that this is provided.

7. Ecology (including Green Infrastructure Network Policy CS17):

Policy E6 of the Local Plan seeks 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.

Impact on Statutory and Non-Statutory Ecological Sites

The site is not covered by any statutory designated site of international or national nature conservation importance. There are no statutory designated sites of international nature conservation importance present within 10km of the site. The site is within 1km of nine non-statutory Eco-sites including three Local Wildlife Sites, four Potential Local Wildlife Sites, one site of District Importance and Brownsover Churchyard which has no further designation.

Habitats

The majority of the application site comprises of semi-improved grassland with some areas of increased floristic diversity more indicative of a poor neutral grassland; divided by native outgrown hedgerows and bound by tree groups and woodland.

A Biodiversity Impact Assessment has been submitted to quantify the value of the existing habitats and establish what impact there would be from the loss of those habitats as a result of the proposed development. The BIA shows that the proposed scheme is expected to result in a net gain in biodiversity through on-site habitat creation and management.

Protected and Priority Species

In relation to protected and priority species, an ecological appraisal of the site has been submitted. This appraisal concludes that in respect to Great Crested Newts the presence of these species within the application site is unlikely and this species is not a statutory constraint to the development. The development has the potential to impact on bats, badgers, birds, and reptiles. However, WCC Ecology are satisfied that the potential impact to these species could be mitigated against through planning conditions.

Ecology Conclusions

It has been found that the findings of the appraisal, surveys and assessment are acceptable and form a robust basis for considering the ecological impacts arising from the proposed development. In the first instance it has been established that the proposed development would not give rise to detrimental and adverse impacts at statutory and non-statutory ecological sites. The proposal would result in a net gain in biodiversity through proposed habitat creation and enhancement. In turn this would ensure that the habitats available for protected and priority species would not be lost. Equally, the potential impact on these species could be mitigated against through the use of planning conditions. It is consequently considered that the proposed development would not have an adverse impact upon habitats and species whilst ensuring that biodiversity is enhanced. This position is also supported by Warwickshire County Council Ecology.

8. Flood Risk and Drainage

The Framework requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraphs 100-103). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Policy CS16 of the Core Strategy and policy GP2 of the Local Plan are consistent with this and set out that sustainable drainage systems (SUDS) should be proportionality incorporated into new development where practical.

Flood Risk

The Flood risk Assessment (FRA) was submitted with the application confirms that the site falls within Flood Zone 1 (low risk) and therefore passes the requirements of the sequential and exception tests outlined within the Framework. It also outlines that there would be no increased flood risk to the site itself or adjacent developments, and is not susceptible to flooding by other techniques.

The FRA recommends that:

- for internal ground floors to be elevated at least 100mm above the adjacent road level to reduce the risk of flooding from surface water flooding.
- dry emergency access and egress during extreme flood events to be achieved onto Brownsover Lane to the north west of the site.
- incorporation of SUDs including an attenuation pond.

Surface Water Drainage

In respect of surface water drainage, it is proposed that the attenuation will be provided in the form of a single large pond. This is considered to be the most appropriate type of attenuation facility for a development of this type and Warwickshire County Council Flood Risk Management team has raised no objection subject to condition.

9. Noise

Paragraph 123 of the Framework outlines the need to consider the impact of noise resulting from new development on health, quality of life and areas of tranquillity. It also indicates the need to consider measures, including the use of conditions, to minimise noise and mitigate against the impact from it. Paragraph 17 of the Framework and policy CS16 of the Core Strategy is consistent with this in outlining that planning should seek a good standard of amenity for all existing and future occupants of land and buildings.

Impact of Noise to Proposed Development

A Noise Impact Assessment has been prepared and submitted by the applicant. The main source of existing noise affecting the proposed properties derives from, the road traffic noise from the A426 Leicester Road along the eastern land area boundary and local intermittent road traffic noise travelling along Brownsover Lane. The reports sets out appropriate mitigation, to mitigate against the noise which includes: (1) layout and orientation of the dwellings relative to the identified noise source; (ii) Screening of private gardens along the site boundary to reduce the effects of noise from the local road network; and (iii) suitable glazing and ventilation systems.

Noise Conclusions

The Council's Environmental Services have reviewed the Noise report submitted and are content with the findings contained within the report.

10. Ground Contamination:

The Framework sets out the need to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 109, 120 and 121).

A desk top study to determine potential environmental and geotechnical risk issues and liabilities pertaining to the further development of the site has been undertaken. This concluded that the likely risk is considered low and only further basic investigations and assessment is be required which would include a detailed Phase II assessment.

The Council's Environmental Services have reviewed the report submitted and support the conditions and recommendations contained within it. A Phase II contaminated land investigation is required, and would need to be conditioned should planning permission be granted.

11. Agricultural Land Classification:

The NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile land. Where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality. This implies that a sequential approach should be considered where poorer graded land is potentially considered in advance of the higher quality land. Although no sequential approach has been undertaken by the applicants with regard to agricultural land, the NPPF indicates that it is for Local

Planning Authorities to judge the economic and other benefits of the best and most versatile agricultural land.

The best and most versatile land is defined as Grade 1 (excellent), 2 (very good) and 3a (good) with remaining agricultural land graded as 3b (moderate), 4 (poor) and 5 (very poor). According to Natural England's statistics approximately 12% of land, 23,692ha in Warwickshire is Grade 1 or 2. In Rugby Borough there is no Grade 1 land but there is 4,186 ha of Grade 2 land which equates to 11.8% of land within the Borough. The figures for Grade 3 land provided by Natural England do not split Grades 3a & 3b but indicate that approximately 75.5% of land, 26,686 ha is Grade 3 land.

The applicants have undertaken a desktop survey of the site and found that its classification is as falling within the urban area with the surrounding agricultural land being classified 3b.

It is therefore considered that the proposal would not result in the loss of land considered to be the best and most versatile land.

12. Affordable Housing:

Policy CS19 states affordable housing on all sites of at least 0.5 hectare in size or capable of accommodating 15 or more dwellings. On sites greater than 1 hectare or capable of accommodating more than 30 dwellings a target affordable housing provision of 40% will be sought and these affordable homes will be required to be provided in a range of different sizes, types and tenures.

The development site area is 0.49ha, and 14 dwellings are proposed. Taking into account the size of the development area and number of dwellings proposed, the provision of affordable housing within this scheme is not required.

13. Open Space Provisions:

Saved Policy LR1 in conjunction with the Planning Obligations Supplementary Planning Document seeks the provision of good quality and accessible open space and indoor & outdoor sports facilities, particularly in association with residential schemes.

The application seeks to incorporate an area of green amenity space to the western part of the application site. The provision of this open space will be secured via a Section 106.

14. Planning Obligations:

Policy CS10 and the Planning Obligations Supplementary Planning Document states that financial contributions may be sought to mitigate against the impacts of a development. Guidance contained within Circular 05/05 Planning Obligations and the Community Infrastructure Levy Regulations state that in order for obligations to be taken into account they must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; &
- Fairly and reasonably relates in scale and kind to the development.

If the contribution requests do not comply with these criteria it is not considered that the contribution can be required by the Council.

A request for financial contributions have been received by the NHS. This contribution would offset any potential impact the proposal may have upon healthcare/health provisions in the area.

15. Residential amenity

Policy CS16 of the Core Strategy requires new development to safeguard the amenities of existing neighbouring occupiers. Paragraph 7.4 of the Core Strategy allows for consideration of the Sustainable

Design and Construction SPD which further expands on this policy. Paragraph 3.2 of this SPD refers to Appendix B – Residential Extension Design Guide (REDG), which at paragraph 4, provides guidance on the way buildings relate to each other and the consequential impact of this on levels of acceptable amenity for both existing and future occupiers. Although directed at householder extensions, the principles of this SPD can equally be applied to applications for new commercial building within close proximity to residential dwelling houses. Paragraph 17 of the Framework is also relevant and sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings.

Impact to Existing Properties

To the southwest of the application site the nearest neighbouring properties include The Woodland and The Cottage. To the north-east of the site are the dwelling houses which form part of the redevelopment of the former ambulance site which rear curtilages backing onto the site.

Taking into account the amended scheme it is not considered that the proposal would have an adverse impact upon the neighbouring properties of The Woodland and The Cottage. The main impact would be in respect to dwelling houses which form part of the redevelopment former ambulance site. The rear elevations of plots 2-5 are positioned over 10 metres from the boundary which is considered an acceptable distance to ensure that there is no adverse overlooking into these neighbouring properties. Furthermore the retention of the mature vegetation along this boundary would also assist in preventing any adverse overlooking. In respect to plot 10 this would be positioned at a minimum distance of 2.5m from the boundary. The positioning of this dwelling within the application site, together with the retention of the mature vegetation along this boundary would assist in ensure that this dwelling does not have an adverse impact upon existing neighbouring properties in terms of overbearing and overlooking.

Residential Amenity (Light, Aspect and Privacy) Conclusions

It is considered that the proposed development could be designed so as to ensure that it would not have a significant and detrimental impact upon the residential amenity of existing properties in accordance with policy CS16.

16. Planning Balance

The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The question of whether or not a particular proposal constitutes “sustainable development” is not simply a matter of location; it involves a wide variety of other considerations such as the three dimensions of sustainability. The NPPF at paragraph 7 identifies the three dimensions to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advice that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

In terms of the economic dimension, the NPPF places significant weight on the need to support economic growth through the planning system, and the government has made clear its view that house building plays an important role in promoting economic growth. The NPPF does not, however, identify a straightforward correlation between the construction of houses and ensuing economic growth. Rather, in describing the “economic role” that is to be played by the planning system, paragraph 7 identifies the need to identify and coordinate development requirements, including the provision of infrastructure.

The applicant, within the Planning Statement that accompanies this application, has outlined what they consider to be the economic benefits of the scheme. These include the creation of construction jobs, estimated to be 1.5 full time construction jobs per dwelling built. The construction of houses is also estimated to generate £2.84 of economic activity through direct and indirect multipliers effects for every £1 spent on housing construction. The applicants have also advanced the generation of additional funds to the Local Authority through Council Tax and New Homes Bonuses. In respect of the latter, having regard to recent appeal decisions, limited weight should be given to the potential benefits of Council Tax receipts and the New Homes Bonus.

The provision of new housing, together with the provision of onsite open space, would provide social benefits. The financial contributions toward health care provisions are also considered to be promoting positive social benefits.

The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement. In terms of the environmental role, the scheme would make a contribution through the retention and provision of some natural and archaeological features within the site whilst also resulting in an enhancement of biodiversity within the site. In addition the location of the site close to local shops and services together with its proximity to public transport routes would assist in reducing reliance on the private car.

Notwithstanding the above, it is clear that the proposed development would give rise to some unavoidable harm to the various identified heritage assets. The level of harm is judged of being 'less than substantial'. The most significant harm is to the setting of the Conservation Area taking into account the contribution this site provides as an attractive rural fringe to the Conservation Area placing the setting within its rural context. This impact is judged, on balance, to be marginal and not adverse. It is concluded that the benefits of the scheme, as set out above, clearly and demonstrably outweigh the harm to the identified heritage assets. In accordance with recent case law, paragraph 14 of the Framework is consequently still relevant because a conclusion has been reached that the public benefits of the scheme outweigh the harmful impacts on designated heritage assets.

Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with the development plan without delay. In this case it has been found that the proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Indeed, the proposal would result in a number of positive economic and social benefits. These benefits would consequently outweigh the identified harm to heritage assets. The proposal would also not result in any other significant and detrimental environmental harm. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal should be approved subject to conditions.

Recommendation

Approval subject to conditions and Section 106 agreement relating to the management and maintenance of the proposed open space and financial contributions towards the NHS and Sustainable Welcome Packs.

APPLICATION NUMBER

R14/1941

DATE VALID

28/04/2016

ADDRESS OF DEVELOPMENT

LAND SOUTH EAST OF BROWNSOVER
LANE
BROWNSOVER LANE
BROWNSOVER
RUGBY

APPLICANT/AGENT

Guy Longley
Pegasus Planning Group
4 The Courtyard
Lockington
Derby
Derbyshire
DE74 2SL
On behalf of , Boveton Estates Limited

APPLICATION DESCRIPTION

Erection of 14 dwelling houses, together with the creation of new vehicular and pedestrian access, including the provision of landscaping and surface water attenuation.

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:

Amended Plans/Documents

Planning Layout - DRWG: EMS2526_06 Rev L received by the Local Planning Authority on the 12/06/2018
Waterman Plan A and B (Rev A)
Arboricultural Assessment November 2017
Housing Type Pack Open Market Housing EMS.2526_205B dated 28/07/2017
Design and Access Statement Addendum ref: EMS.2526_206 dated July 2017

Original Submitted Plans/Documents

Location Plan EMS22526_19 Rev: A
Transport Statement Revised March 2016
Housing Type Pack Open Market Housing EMS.2526_205B dated 13/04/2017 (Type A only)
Ecological Appraisal dated March 2016

REASON:

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

CONDITION: 3

No 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 development 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: 6

No works or development shall take place until a final arboricultural method statement/tree protection and removal 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.

REASON:

To ensure retained trees and their Root Protection Areas are not damaged during the development phase and are successfully integrated into the scheme.

CONDITION: 6

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:2010 (Recommendations for Tree Work) and shall be carried out before the commencement of any works.

REASON:

In the interest of visual amenity.

CONDITION: 7

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

REASON:

In the interests of fire safety.

CONDITION: 8

Unless otherwise agreed in writing by the Local Planning Authority the dwellings hereby permitted shall be constructed to achieve a minimum water efficiency standard equivalent to Code Level 4 of the Code for Sustainable Homes (I.e. a maximum indoor water consumption of 105 litres per person per day.)

REASON:

In order to ensure water efficiency through sustainable design and construction.

CONDITION: 9

No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

REASON:

To ensure the preservation of important archaeological remains and that any archaeological history of the site is recorded.

CONDITION:10

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, the garages serving plots 1, 11, 12, 13 and 14 shall not be converted to living accommodation.

REASON:

In the interest of highway safety.

CONDITION: 11

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting those orders, no development shall be carried out in respect of plots 2 to 10 which comes within Classes A, B, C, D, E and F of Schedule 2 Part 1 of the Order, and no development shall be carried out in respect of plots 11 to 14 which comes within Classes B, C, D and F without the prior written permission of the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION: 12

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.

CONDITON: 13

The development shall not be occupied until a scheme for the extension of the existing footway along Brownsover Lane into the development site has been submitted to and approved by the Local Planning Authority. The scheme hereby approved shall be implemented in accordance with the approved details prior to occupation of any proposed dwelling house.

REASON

In the interest of sustainability and highway safety.

CONDITION: 14

The development shall be laid out and constructed in general accordance with drawing no. EMS2526_06 Rev. L (Planning Layout).

REASON

In the interest of highway safety

CONDITION: 15

The construction of the estate roads serving the development including footways, verges and footpaths shall not be constructed other than in accordance with the standard specification of the Highway Authority.

REASON

In the interest of highway safety

CONDITION: 16

No dwelling/building shall be occupied until the estate roads including footways serving it, have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

REASON

In the interest of highway safety

CONDITION: 17

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan must include details:

- to prevent mud and debris being passed onto the highway
- wheel washing facilities
- vehicle routing plan
- parking and loading/unloading of staff/construction/delivery vehicles
- the control of noise and vibration emissions from construction activities including groundwork's the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase
- the control of dust including arrangements to monitor dust emissions from the development site during the construction phase
- measures to reduce mud deposition offsite from vehicles leaving the site.
- appropriate measures to safeguard reptiles during site clearance works.
- appropriate measures to safeguard nested birds during site clearance works.
- details of pre-commencement checks for badgers, bats, and otters and appropriate working practices and safeguards for wildlife.
- development shall be carried out in compliance with the approved Construction Method Statement

REASON

In the interest of highway safety

CONDITION: 18

No development shall commence unless and until a revised Noise Assessment taking into account the revised site layout has been submitted to and approved by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON

In the interest of residential amenity

CONDITION: 19

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

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

produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

REASON:

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

CONDITION: 20

A detailed plan showing habitat enhancement areas as shown on the Illustrative landscape plan dwg. EMS2526_18 Rev F, together with a habitat management plan for these enhancement areas, and timetable of its implementation, shall be submitted to and approved in writing by the LPA prior to commencement of development.

The plan shall include:

- Description and evaluation of the features to be managed;
- Ecological trends and / or constraints on site that may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- Personnel responsible for the implementation of the plan;
- Monitoring and remedial/contingencies measures triggered by monitoring.

The plans shall be carried out as approved, unless otherwise approved in writing by the planning authority. The works shall be carried out in accordance with the agreed timetable.

REASON:

To protect and enhance the ecological character of the area in accordance with the National Planning Policy Framework

CONDITION: 21

No development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- a. Infiltration testing, in accordance with BRE 365 guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS
- b. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus a suitable allowance for climate change) to 5l/s for all return periods
- c. Demonstrate the surface water drainage system accommodates a climate change allowance of 40%, allowing for sufficient capacity to ensure there is no undue risk presented to the proposed development or surrounding development
- d. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in "Science Report SC030219 Rainfall Management for Developments"
- e. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, SuDS features and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- f. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
- g. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing
- h. Demonstrate detailed design (plans, network details and calculations) in support of a foul water drainage scheme, including details of any existing network alterations and outfall arrangements.
- i. Evidence from Seven Trent Water (STW) will be required to determine if there is adequate capacity and connection points for discharge of sewerage to their assets
- j. Provide a Maintenance Plan to the LPA giving details on how the entire foul water and surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible for maintenance and a contact for who will be responsible for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

REASON

To prevent flooding and to ensure sustainable drainage.

CONDITION: 22

The site to be surveyed for the presence of badgers immediately before any development takes place. If evidence of badgers is found at this time, a full badger survey should then be carried out by a badger expert. The results of any badger survey, and recommendations made relating to this to be kept confidential, and taken into account during development design and implementation. N.B. If evidence of badgers is found, Natural England should be consulted, as badgers and their setts are protected under the Protection of Badgers Act 1992.

REASON:

To ensure appropriate measures are taken in relation to protected species

CONDITION: 23

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

REASON:

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

CONDITION: 24

Prior to occupation of any dwellings details of the proposed heritage interpretation board shall be submitted to and approved by the Local Planning Authority. The interpretation board shall be implemented no later than the first planting season following first occupation of the development and shall be retained and maintained in perpetuity.

REASON

To promote the non-designed heritage asset

CONDITION: 25

No 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: 26

Unless otherwise agreed in writing by the Local Planning Authority no above ground development shall commence unless and until details of how the dwellings are to be designed in such a manner to achieve a 10% carbon emissions reduction efficiency, have been submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure energy efficiency through sustainable design and construction.

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 decision is linked to a Section 106 agreement

INFORMATIVE: 2

ECOLOGY

Veteran trees are an important and irreplaceable biodiversity resource therefore it is important that they are not harmed by development. Wood pasture, old parkland and veteran trees is a local BAP habitat for Warwickshire, for which the habitat action plan states that the county's current resource should be maintained and losses should be opposed. This is also in accordance with PPS9, which highlights the particular value for biodiversity of veteran trees and states that planning authorities should "encourage the conservation of such trees as part of development proposals". Also, the Guidance for the Local Wildlife Sites in Warwickshire has Veteran Trees as one of its criteria, meaning that the application site may qualify for LWS designation, which strengthens the need to protect the site's nature conservation resources.

In light of the nearby records and suitable habitat nearby, and the nature of the development, care should be taken when clearing the ground prior to development, and if evidence of otters are found (spraints, footprints, holts), work should stop while WCC Ecological Services or Natural England is contacted. Otters and their holts (place of rest) are protected under the 1981 Wildlife & Countryside Act and the Conservation of Habitats and Species Regulations 2017 so are therefore deemed a European Protected Species.

Details pursuant of condition 20 shall include the whole of the site to include other details of habitat enhancements such as bat boxes, bird boxes etc.

Condition 23 shall seek to achieve the following:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

INFORMATIVE: 3

Environmental Services

In order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site must not occur outside the following hours: -

Monday – Friday	7.30 a.m. – 18.00 p.m.
Saturday	8.30 a.m. – 13.00 p.m.

NO WORK ON SUNDAYS & BANK HOLIDAYS.

If work at other times is required permission should be obtained from the local planning authority.

INFORMATIVE: 4

Highways

Conditions which requires works to be carried out within the limits of the public highway. The applicant / developer must enter into a Minor Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

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

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

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

Reference number: R18/0900

Site address: 45 York Street, Rugby, CV21 2BS

Description: Change of use of dwelling to large house in multiple occupation (7 residents) sui generis use - retrospective.

Case Officer Name & Number: Karen McCulloch, 01788 533623

Description of site

This application relates to a two-storey mid-terraced house located on York Street within the High Access area and close to the Town Centre.

The property has a two storey bay to the front has a pebbledash finish and a concrete tiled roof. There are 5 bedrooms, 3 at first floor and 2 at ground floor with a shared kitchen and 2 shared bathrooms.

There is a small yard to the front enclosed by a wall. There is a garden at the rear of the property, beyond this is an access road. There is a 2m fence to this boundary with high conifer trees adjacent to this.

Many other properties in the area have parking spaces and garages accessed to the rear.

Description of proposals

This is a retrospective application is for the change of use of the property to a large House in Multiple Occupation (HMO) which is a sui generis use.

The Use Classes Order as amended makes a distinction between small HMOs (use class C4) with up to 6 occupiers and large HMOs with 7 or more occupiers. Planning permission is not required to change a dwelling to a small HMO but is required for a large HMO.

Although the property has 5 bedrooms 2 of these are occupied by couples resulting in 7 occupiers, planning permission is therefore required.

During the course of the application an additional plan was provided showing the provision of 2 car parking spaces and cycle parking in the rear garden.

Technical consultation responses

WCC Highways	No objection
Environmental Health	No objection Subject to informatives

Third party comments

Original plans

Neighbours (9) Objection

- Lack of car parking in area, hard to find a parking space, occupiers have 3 cars;
- No parking provided at rear of property;
- Increased traffic;
- Cars are parked in the turning area leading to vehicles dangerously reversing;
- Residents have to park away from homes on nearby streets;
- Pay road tax so the Council should ensure roads are safe;
- Loss of privacy from more people at the property;
- Loss of character of area, this is a family street;
- Lack of outdoor space;
- Noise and disturbance from extra people and residents who work unsocial hours;
- Require good sound insulation;
- Should be used as a family home;
- Property is currently a HMO for 5 residents, also have other HMOs nearby;
- No integration from residents of these properties, loss of community;
- Increase in crime and safety issues;
- Trees overhang garage and damage property, these have not been cut back;
- Alternative parking should be considered;
- Properties will be devalued;

- Loss of light, visual dominance and overbearing impact;
- Fire escapes should not be unsightly;
- Property did not have 4 or more bedrooms;
- All habitable rooms should have an external window;
- House was turned into an HMO in December 2016, no action taken by the Council until now;
- No extra bins provided, occupiers use neighbours' bins;
- Bins may be stored at the front of the property, this is unsightly.

Councillor O' Rourke Objection

- Application should be determined by Committee;
- This is a close knit established community;
- Lack of parking;
- Many elderly residents need direct access to cars due to disabilities;
- Multi occupancy conversions impact on the established community.

Councillor Mistry Objection

- Detrimental to the area and established residents;
- No space for parking, lack of parking in the area.

Amended plans

Councillor Mistry Comment

- There is a narrow private road;
- 2 cars would not fit side by side at a terraced house.

Relevant Planning Policies and Guidance

Rugby Borough Core Strategy, 2011

CS1	Complies	Development Strategy
CS16	Complies	Sustainable Design

Rugby Borough Local Plan, 2006 Saved Policies

T5	Complies	Parking Facilities
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Planning Obligations Supplementary Planning Document, 2012

Sustainable Design and Construction Supplementary Planning Document, 2012

National Planning Policy Framework, 2012 (NPPF)

Rugby Borough Local Plan Draft Publication 2011-2031:

At the present time, the policies in the emerging Draft Local Plan carry some weight, although this is limited as the examination process has only recently ended and there will be another public consultation process on the proposed modifications prior to the receipt of Inspector's final report. Whilst emerging policies are a material consideration, the key document to determine planning applications remains the adopted 2011 Core Strategy and the NPPF. It is not considered any emerging policies in the Draft Local Plan conflict with the planning proposal for the reasons set out below.

Assessment of Proposals

In the assessment of this application, the determining factors are the principle of the development, the impact on the qualities, character and amenity of the area, the amenity of neighbouring properties and impact on highway safety and parking.

The site is located within the Rugby Urban Area and is close to the town centre. Policy CS1 states the Urban Area is the primary focus for meeting strategic growth targets and development is generally directed to this area. It is therefore considered that the principle of the development in this area is acceptable in accordance with policy CS1.

Policy CS16 states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded. Local residents and Councillors have expressed concerns that properties in this area are being changed to HMOs and that this is having an impact on the community and the character of the area.

As detailed above planning permission is not required to use the property as a HMO for up to 6 residents and planning permission is required in this case due to the property being used by 7 residents. Therefore the Council would not be able to prevent the use of the property as a smaller HMO.

It is not considered that the use of the property as a 7 resident HMO will lead to an over intensification of the use of the property and that this is not grounds to refuse the application.

Concerns have been raised regarding the number of HMOs in the area and the changing nature of the area. Not all HMOs require permission and each application must be assessed on its merits. However, the number of HMOs in an area is not grounds to refuse the application.

The Rugby Borough Council Environmental Health Team have no objection to the proposal subject to informatives relating to licencing the property as a HMO and complying with the Council's Standards of Amenities for a house of multiple occupation.

No extensions or alterations are proposed to the property and it is not considered neighbours will be affected in relation to loss of light or privacy. Neighbours have expressed concerns regarding noise and disturbance from increased numbers of occupier who may work nights. Night working may occur with occupiers of dwelling houses and Environmental Health have not raised objections in relation to noise and disturbance.

It is therefore considered that the proposal complies with policy CS1 and CS16.

Concern has been raised regarding increased demand for parking in an area that currently experiences high levels of on street parking.

During the course of the application a plan was provided which shows 2 car parking spaces and cycle parking accommodated within the rear garden of the property. The plan shows each parking space measuring 2.8m by 4.8m which exceeds the recommended width of 2.5m contained within the Parking Standards within the Planning Obligations SPD. The site plan shows the width of the rear garden as 6m and the rear accessway as 6m wide which will allow the spaces to be provided.

As the use of the property as a large HMO is a sui generis use the Council's Parking Standards, contained within the Planning Obligations SPD, state that the parking requirements will be judged individual basis.

The site is in the area defined as the High Access Zone due to the proximity of the site to the town centre and services.

The property was originally a 3 bedroom house and within the high access zone the parking requirement would have been 1 space. The uses within the standards closest to a 7 person HMO are a 3+ bed apartment, which would require 1 space, or a 4 bed house, which would require 1.5 spaces.

The applicant has proposed the provision of 2 car parking spaces and 2 cycle racks within the rear garden. This level of provision is considered acceptable and a condition is suggested to ensure this is provided within 3 months of the decision.

It is therefore considered the proposals comply with saved policy T5 and the Council's Parking Standards.

In terms of highway safety, WCC Highways commented on the application and raised no objection to the proposals. The impact on highway safety is therefore considered acceptable.

Recommendation:

Approval – subject to conditions & informatives

DRAFT DECISION

APPLICATION NUMBER

R18/0900

DATE VALID

19/04/2018

ADDRESS OF DEVELOPMENT

45 YORK STREET
NEW BILTON
RUGBY
CV21 2BS

APPLICANT/AGENT

Mrs U Mistry
51 Highland Drive
Milton Keynes
MK10 7FA

On behalf of Mr K GOHIL

APPLICATION DESCRIPTION

Change of use of dwelling to large house in multiple occupation (7 residents) sui generis use - retrospective.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

This permission shall be deemed to have taken effect on 19 July 2018.

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

The development shall not be carried out other than in accordance with the Site Location Plan and Floorplans received by the Local Planning Authority on 27 March 2018 and the Parking Plan received by the Local Planning Authority on 29 June 2018.

REASON:

For the avoidance of doubt.

CONDITION: 3

Within 3 months of the date of this decision 2 car parking spaces and 2 cycle racks shall be provided at the rear of the property, in accordance with the Parking Plan received by the Council on 29 June 2018.

REASON:

In the interest of the amenity of the area.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

The HMO will require to be licensed with the Council on 1st October 2018. The applicant must contact the Housing Enforcement Team for further information and for an HMO licence application form.

INFORMATIVE: 2

The HMO must comply with the Council's Standards of Amenity which is available at www.rugby.gov.uk.

Reference number: R17/2030

Site address: 12 and 14 Watts Lane, Hillmorton, Rugby, CV21 4PE

Description: Demolition of 14 Watts Lane and the erection of four new residential dwellings and associated works.

Case Officer Name & Number: Lucy Davison 01788 533 696

Introduction

This application seeks full planning permission for the demolition of 14 Watts Lane and the erection of four new residential dwellings and associated works. The proposal requires the demolition of 12 Watts Lane and an application for prior notification of this demolition has already been deemed not required and therefore the demolition of this property is not included in this application (R18/0115). The proposal includes the erection of two three storey dwellings at the road frontage with two, two storey dwellings to the rear of the site.

Plot 1 and Plot 2 are four bedroom, three storey dwellings provided with three parking spaces. Plot 3 and Plot 4 to the rear of the site are three bedroom, two storey dwellings with two external parking spaces and integral garage.

Relevant Planning History

12 Watts Lane

APP. NO	DEVELOPMENT	Planning		Remarks
		Dec	Date	
R17/1216	Remodelling of existing house and two-storey rear extensions	A	19.09.2017	COND
R18/0115	Application for prior notification of proposed demolition of dwellinghouse.	NREQ	16.02.2018	Not required

14 Watts Lane

- No relevant planning history

Technical Consultations

Warwickshire County Council Rights of Way Team: No objection to the proposals but request that an advisory note is carried on any consent stating that public footpath RB24 must remain open and unobstructed at all times.

Warwickshire County Council Ecological Service: Requested an initial bat survey prior to determination. Owing to lack of evidence of any bat activity in agreement with the conclusion of the submitted report, Ecology have no objection subject to informatives.

Severn Trent Water: No objection subject to condition and informative.

Rugby Borough Council Tree Preservation Officer: The nearest proposed plot is located outside of the root protection areas of the three mature Lime trees protected by TPO no.102. The trees may create a canopy impacting on light to Plot 4. Extra space for garden space was recommended however there are

no set space standards for gardens and the site layout is set to address Highway standards for parking and turning areas.

Rugby Borough Council Environmental Health: No objection subject to condition and informative.

Warwickshire County Council Highways: Initial objection's regarding bin storage distances and parking space sizes and turning space area. After submission of revisions and further information the Highways Authority has no objection subject to conditions and informatives.

Rugby Borough Council Work Services: No objection.

Third Party Responses

Councillor Lawrence called in the application for a site visit and determination by committee due to the increase in number of proposed properties, the impact on Watts Lane and adjacent school and the traffic and parking issues.

Neighbours notified and five letters of representation have been received, four raising objections and one in support of the application. The representations raised the following:

- 1) Out of character for the location and surroundings
- 2) Cramped/over development
- 3) Break in the building line
- 4) Style of properties out of keeping with the neighbouring properties which have historic style and character
- 5) Overbearing and intrusive, overlooking neighbouring properties, harming privacy and use of amenity of neighbours
- 6) Impact on traffic at peak school times
- 7) Loss of bungalow for older/ less able residents
- 8) Close proximity of 14 Watts Lane entrance and the school

Relevant Planning Policies and Documents

National Planning Policy Framework – 2012

Policy 7: Requiring Good Design

Core Strategy – 2011

Policy CS1: Development Strategy
Policy CS16: Sustainable Design
Policy CS17: Sustainable Buildings

Saved Local Plan Policies – 2011

Policy T5: Parking Facilities

Supplementary Planning Document – 2012

Planning Obligations

Rugby Borough Local Plan Draft Publication 2011-2031:

At the present time, the policies in the emerging Draft Local Plan carry some weight, although this is limited as the examination process has only recently ended and there will be another public consultation process on the proposed modifications prior to the receipt of Inspector's final report. Whilst emerging policies are a material consideration, the key document to determine planning applications remains the

adopted 2011 Core Strategy and the NPPF. It is not considered any emerging policies in the Draft Local Plan conflict with the planning proposal for the reasons set out below.

Determining Considerations

The main considerations in respect of this application are the principle of development, design and character of the dwelling, impact on residential amenity and highway and parking standards.

Principle of Development

Policy CS1 states that the location and scale of development must comply with the settlement hierarchy and must be demonstrated that the most sustainable locations have been considered.

The application site is located within the Rugby Urban Area as defined in Policy CS1 of the Core Strategy; as such there is a principle in favour of development subject to all planning matters being appropriately addressed.

Since the adoption of the Core Strategy, the Government published the National Planning Policy Framework (NPPF) and updated the way in which local planning authorities can apply their local policy if they cannot demonstrate a five year housing land supply. That is the case here and in such circumstances the housing supply policies in the Core Strategy are not up-to-date, including those relating to the location of housing such as policy CS1. The weight to be given to the policy conflict is therefore reduced. In such circumstances the relevant policy comes from Paragraph 14 of the Framework.

The NPPF paragraph 14 sets out a presumption in favour of sustainable development, stating permission should be granted for proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where specific policies in the NPPF indicate development should be restricted. The NPPF is clear that policies 18 to 219 taken as a whole constitute the Government's view of what sustainable development is and a balance must be weighed against the proposal in question.

Character and Design

Policy CS16 states that development 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 area.

Section 7 of the National Planning Policy Framework (NPPF) states that high quality and inclusive design is a key factor in making places better for people in terms of quality and character of the environment and private amenity. Paragraph 58 also mentions that proposals should add to the overall quality of the area, not just for the short term but over the lifetime of the development and respond to local character.

The new dwellings have been designed in conjunction with the application site offering adequate amenity space for the future occupants and set back from the access road and neighbouring properties. The immediate surrounding properties are two storeys or bungalow in nature and vary in style ensuring that the proposal would not be out of keeping with the surrounding area. Whilst the application proposes three storey properties with velux windows being proposed to the front, rear and side elevation a floor to cill height of 1.6 metres is proposed to avoid overlooking.

The design of the proposal demonstrates two larger more dominant dwellings to the front of the site and two smaller subservient dwellings to the rear. This design is considered acceptable as it ensures the line of larger detached dwellings along the top section of Watts Lane closest to Crick Road is continued, whilst still utilising the site by providing smaller units to the rear.

The two styles of dwellings have been proposed with large open glazing at the front elevation. Such design features are considered acceptable and create an attractive design that will promote a high quality development. A condition will be attached to any permission granted requiring a full schedule of materials to be submitted to the LPA prior to the commencement of above ground development. This will ensure the materials used are sympathetic to the immediate and wider surroundings and are visually acceptable.

It is therefore considered that this proposal is in accordance with Policy CS16 of the Core Strategy.

Impact on Residential Amenity

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

No. 2 Archers Spinney is located to the east of the application and is a detached bungalow with conservatory. There are windows located on the elevation looking towards the application site including the main bedroom. From the first floor Juliet window proposed at Plot 4 of the application site there is a distance of 10metres to the close boarded boundary fence. The lime tree canopies at 2 Archers Spinney and the separation distance mitigate against overlooking.

No. 10 Watts Lane is located to the south of the application site and is a two storey detached dwelling. The proposed dwelling at Plot 3 and Plot 4 have been designed with a shutter design feature at the first floor front elevation to protect amenity and reduce overlooking. The proposed dwelling at Plot 4 is in close proximity with the boundary at the bottom of the garden of 10 Watts Lane. Although the proposal at Plot 4 could be overbearing on the amenity of 10 Watts Lane it is limited to a section of the garden and not all of the approx. 40m of amenity space. Plot 4 has been proposed with a roof design to limit the impact of being overbearing to this area of amenity space. The proposed dwellings on the application site are situated north of 10 Watts Lane and therefore will not overshadow.

No. 20 Watts Lane is located to the north of the application site and is a detached dormer bungalow. On the south elevation of this property there are secondary windows to habitable rooms of the bungalow, the principal windows are on the east and west windows. Due to the separation distance and school entrance drive between 20 Watts Lane and the application site there will be no materially adverse impacts on the residential amenity of this property.

This application is therefore considered to be in accordance with Policy CS16 of the Core Strategy.

Highway Safety

Saved Local Plan Policy T5 along with the SPD on Planning Obligations states that planning permission will only be granted for development incorporating satisfactory parking arrangements.

For a dwelling consisting of 4 beds unit a minimum of 3 parking spaces are required whereas for a dwelling consisting of 3 bed units a minimum of 2 parking spaces are required. The proposal indicates parking for 12 vehicles to be parked, as such; it is therefore considered that there will not be an adverse impact on parking within the vicinity.

Following initial objections received from Warwickshire County Council (Highways) regarding bin storage distances and parking space sizes and turning space area. After submission of revisions and further information the Highways Authority has no objection subject to conditions and informatives.

This application is therefore considered to be in accordance with Saved Local Plan Policy T5.

Ecology

Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern.

Following the undertaken of pre-determinative bat survey as requested by Warwickshire County Council (Ecology) agree with the conclusion of the report that the proposed works are unlikely to have an effect on bats. The building may undergo physical changes from year to year, and provide opportunities for roosting bats in this time. Therefore, if the proposed work is not carried out within two years of the date of the survey, ie. by May 2020, further survey work may be necessary in order to ensure bats have not been present in the interim period. To aid the protection of any protected species Ecology have recommended informatives.

This application is therefore considered to be in accordance with Saved Local Plan Policy E6.

Planning Balance

Located within the Rugby Urban Area, with a range of services and facilities such as shops, schools, cultural services etc. within walking distance from the application site, the site is considered to be sustainably located. Furthermore, Hillmorton also benefits from a regular bus service into Rugby town centre.

The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The question of whether or not a particular proposal constitutes “sustainable development” is not simply a matter of location; it involves a wide variety of other considerations such as the three dimensions of sustainability. The NPPF at paragraph 7 identifies the three dimensions to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advice that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

In terms of the economic dimension, the NPPF places significant weight on the need to support economic growth through the planning system, and the government has made clear its view that house building plays an important role in promoting economic growth. The NPPF does not, however, identify a straightforward correlation between the construction of houses and ensuing economic growth. Rather, in describing the “economic role” that is to be played by the planning system, paragraph 7 identifies the need to identify and coordinate development requirements, including the provision of infrastructure.

The proposed development would seek to provide high quality homes within the area and the additional residents that this proposal would generate would seek to support local services and facilities. The proposal would therefore seek to promote positive economic and social benefits. This site is in an excellent location from accessibility standpoint where the need to travel can be minimised and the use of sustainable transport modes can be maximised. The sustainability of the site reduces the reliance of future occupiers on the private car which encourages reductions in greenhouse gas emissions, which in turn has a positive environmental benefit.

Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with the development plan without delay. In this case it has been found that the proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal should be approved subject to conditions.

Conclusion

The proposal would respect the scale and character of the surrounding area, would not adversely affect the amenities of the occupiers of neighbouring properties, and would not impact upon highway safety. Accordingly, the application is to be considered to be in accordance with the National Planning Policy Framework and the Core Strategy and is therefore recommended for approval subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R17/2030

DATE VALID

14/02/2018

ADDRESS OF DEVELOPMENT

12 and 14 WATTS LANE
HILLMORTON
RUGBY
CV21 4PE

APPLICANT/AGENT

Mr Richard Palmer
Hb Architects Limited
The Old Telephone Exchange 32-42
Albert Street
Rugby
Warwickshire
CV21 2SA
On behalf of Mr Adam Thomas, AMT Bespoke
Homes Ltd

APPLICATION DESCRIPTION

Demolition of 14 Watts Lane and the erection of four new residential dwellings and associated works.

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 and Block plan Dwg No 68-17-20
- Site plan Dwg No 68-HBA-02 Rev G
- Street Scenes Dwg No 68-HBA-21 Rev A
- Bungalow Plans/ Elevations Dwg No 68-HBA-17-08 Rev C (Plot 4)
- Bungalow Plans/ Elevations Dwg No 68-HBA-17-08 Rev D (Plot 3)
- House Plans/ Elevations Dwg No 68-HBA-17-09 Rev D
- Garage/ Garden Room Dwg No 68-HBA-22
- Timber Screen Detail Dwg No 68-HBA-23
- Bat survey of 14 Watts Lane, Rugby by Crossman Associates

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:

Access for vehicles to the site from the public highway, D33170, Watts Lane shall not be made other than at the position identified on the approved drawing number 68 - HBA - 02, revision G.

REASON:

In the interest of highway safety

CONDITION 5:

The development shall not be commenced until 2 (two) accesses for vehicles have been provided to the site not less than 5 wide metres in width as per drawing 68 - HBA - 02, revision G, as measured from the near edge of the public highway carriageway.

REASON:

In the interest of highway safety

CONDITION 6:

The accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for their whole length as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority.

REASON:

In the interest of highway safety

CONDITION 7:

The accesses to the site shall not be reconstructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

REASON:

In the interest of highway safety

CONDITION 8:

The development shall not be commenced until all parts of the existing accesses within the public highway not included in the permitted means of accesses have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority.

REASON:

In the interest of highway safety

CONDITION 9:

No gates or barriers are to be erected at either access/egress.

REASON:

In the interest of highway safety

CONDITION 10:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON:

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

CONDITION 11:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, the garages serving plots 2-4 shall not be converted to living accommodation.

REASON:

In the interest of highway safety.

CONDITION 12:

Prior to occupation a plan showing site boundary treatments, including full details of acoustic fencing to be erected along the south boundary of the site have been submitted to and approved by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON

In the interest of residential amenity

CONDITION 13:

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

REASON:

In the interest of residential amenity.

CONDITION 14:

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

REASON:

In the interest of residential amenity.

CONDITION 15:

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

REASON:

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

CONDITION 16:

No 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.

INFORMATIVE 1:

Public footpath RB24 must remain open and unobstructed at all times.

INFORMATIVE 2:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) making them a European Protected Species. It is a criminal offence to disturb, obstruct or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

INFORMATIVE 3:

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

INFORMATIVE 4:

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. 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. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.

INFORMATIVE 5:

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

INFORMATIVE 6:

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.

INFORMATIVE 7:

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

INFORMATIVE 8:

The applicant is advised that if Asbestos is found this should be removed in a controlled manner.

INFORMATIVE 9:

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 10:

The development is within a smoke control area, therefore any occupiers should be aware that only authorised fuel should be burnt, or use made of an 'exempt appliance' with the appropriate permitted fuel. Specific advice is available from DEFRA.

INFORMATIVE 11:

Condition number 8 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

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

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

INFORMATIVE 12:

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

INFORMATIVE 13:

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: R17/2113

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

Description: Residential development comprising Part-3/Part-4 and Part-5 Storey building incorporating 98 no. apartments, re-configuration of existing access, provision of 61 parking spaces, cycle and refuse provision, planting and landscaping.

Case Officer Name & Number: Nigel Reeves – 01788 533489

Introduction

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

It was deferred from the Planning Committee on 14th May 2018 to allow further consideration of the outstanding highway and air quality matters. As a result the application has been further amended to reduce the number of car parking spaces on site from 81 to 61.

Application Proposal

This application seeks full planning permission for the demolition of all existing buildings on the site frontage and new residential development comprising a Part-3/Part-4 and Part-5 Storey building incorporating 98 no. apartments, the re-configuration of the existing access, the provision of 61 parking spaces, cycle and refuse provision, and on-site planting and landscaping.

It is proposed to construct a new three/four-storey building with an 'L-Shaped' footprint, including a 5-storey corner element on the NE corner, to provide a feature on the most prominent part of the site. The main part of the building comprises a three-storey building, which is placed along the northern boundary looking towards the GEC car park, with a shorter return facing onto Newbold Rd. The existing landform is used to create an additional lower ground floor on the north side of the building only to provide 13 units

Access to the site is gained via an altered access off Newbold Road (where a right turning lane has been provided). This leads into a rear parking area where 61 parking spaces are provided. Pedestrian access is provided via a shallow grade ramp to the main building entrance in the NE corner. Secondary building entrances are provided to separate parts of the building from the rear parking court.

The proposal comprises the following unit mix:

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

The proposed building design includes a taller feature on the NE corner of the site, to provide a landmark feature on this prominent corner of the building. This element of the building contains

large balconies and significant glazing to produce a more lightweight appearance. The longer northern/southern elevation is broken up into distinct modules (resulting from the setbacks for the building entrances). A variety of building materials is also used - red brick, white render panels, vertical wooden boarding and zinc roof panels – plus some slight variations in building heights helps to break up the building massing when viewed from the north and south. A similar design is also used for the shorter elevation facing Newbold Rd.

4 large secure cycle storage areas (containing space for up to 200 bicycles) are provided in the basement of the building. The stairs will be adapted to include cycle ramps at the edges to allow residents to easily access the cycle stores from the building entrances.

An indicative landscaping scheme is also proposed, with tree/shrub planting along the southern boundary and a grid of trees to break up the open expanse of the large parking court. The area to the front of the building also contains tree/shrub planting alongside the entrance paths and the site boundary.

The application has been the subject of detailed pre-application discussions, relating to the design of the building and its relationship to the immediate surroundings, traffic generation as well as landscaping/tree planting on the parking court and along the site boundaries. This resulted in the original proposal of 118 units being reduced to the current scheme of 98 units.

The planning application is supported by the following information:

- Planning Application Form
- Site Layout
- Building Elevations and Floorplans
- Planning Statement
- Design and Access Statement
- Transport Assessment (plus a Supplementary Transport Assessment)
- Acoustic Report
- Noise Assessment
- Air Quality Assessment (plus Supplementary Assessment)

A Viability Assessment was subsequently submitted by the applicant.

The Site and Surrounding Area

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

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

Relevant Planning History

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

Technical Responses

Warwickshire County Council (Highways) – Objection overcome by submission of amended scheme.

Warwickshire County Council (Ecology) – Require a Bat Survey for frontage building to be demolished

Warwickshire County Council (Flood Risk Management) – No objection subject to conditions.

Rugby Borough Council (Public Realm) – No objection

Rugby Borough Council (Housing) - Awaited

Rugby Borough Council (Environmental Services) – Objection overcome by submission of amended scheme.

Rugby Borough Council (Work Services) – No comment

Severn Trent Water – No objection subject to standard drainage conditions

Warwickshire Fire & Rescue – no objections subject to conditions

Warwickshire Police – no objections

Third Party Responses – Original Submission

Adjoining neighbours have been notified and 6 letters of objection have been received raising the following issues:

- Lack of parking for the proposed apartment – 81 parking spaces are provided for 98 flats
- The extra cars will park on surrounding streets, including Worcester St, which already has parking problems – development will therefore have a direct impact on local residents and add to existing parking problems – every evening Worcester St is crammed with parked cars
- Increase in traffic on existing very busy route into Rugby (Newbold Rd) and will add to existing traffic problems – traffic situation is currently horrendous and causes delays and blockages to emergency vehicles using this route – turning into/out of Wood St and Worcester St is horrendous now.
- A further pedestrian crossing was refused by RBC on Newbold Rd (adjacent to Lancaster Rd). It will make crossing a very busy road more difficult especially for families with young children
- The existing safety barrier scheme at the site entrance, currently provides a safe refuge for children travelling to nearby schools – this will be lost.
- A 3 to 5 Storey building with result in overlooking of our property and result in loss of privacy to our living space and garden and loss of light – would overwhelm our property
- Other sites in the Borough are more suitable for housing development – Butlers Leap and Boughton Rd
- The site has been vacant for years and local residents have enjoyed the peace and tranquillity that results
- People on opposite side of Worcester St have not been consulted

Third Party Responses – Amended Scheme (61 parking spaces)

Adjoining neighbours were re-notified and 6 letters of objection have been received at the time of writing this report, raising the following issues:

- Reducing the car parking from 81 to 61 spaces is ludicrous as you can't park on Wood St or Essex Streets without a permit – Newbold Rd residents already park in Worcester St and this will make matters worse.
- This site should be bought by the Council to provide additional parking for local residents
- Worcester Street is the only road that isn't permit controlled, which residents fought for as a permit scheme is costly
- Multi-occupancy properties and flat conversions have been granted in the vicinity putting pressure on available street parking
- Open space on Newbold Rd should be used for parking and properties on Worcester St which back onto the site, should be allowed vehicular access to their rear gardens
- Approving 98 apartments without solving current parking issues will just make it worse
- Somebody from the Council should come to Worcester St on a Sunday evening when this road and surrounding roads are full of parked vehicles.
- Concern that a 5th Floor flat in new building will look into my garden.
- Who will be living in the flats – non-workers and druggies – who will make crime go up in our area
- Increased traffic problems in the area – the junction to 117 Newbold Rd is only 75m from the junction with Wood St and the entrance to GEC – this will add more congestion to an already congested main road into Rugby Town Centre – the changes to the junction at Hunters Lane and the possible re-development of the Avon Mill PH will cause more traffic flow problems.
- The development will require a 'Ghost Island' for traffic turning right into the site – this will result in the pavement on the side of Newbold Rd outside of Nos. 76-84 will have to be reduced in width to facilitate these works. This will put pedestrians and mobility scooters nearer to the roadside, thus increasing safety concerns.
- A pedestrian crossing will be created outside my address – 78 Newbold Rd – where the kerbs have already been lowered to allow pedestrians to cross to the central refuge. This had steel barriers, which were damaged by traffic accidents and never replaced – these prevented traffic leaving the former vehicle rental site and turning right – these barriers have never been replaced, and should have been.
- When the previous car wash business was at the site, we witnessed at least 2 accidents per week due to cars turning into and out of the site, plus other dangerous manoeuvres being witnessed. I am concerned that the developers Traffic reports did not show this, and are thus misleading
- At my home address, there are two residents that are registered as disabled and own cars. Other residents in the vicinity are elderly, wheelchair bound or have to use mobility scooters, plus there are also small children who use these footpaths. If these are now narrowed to allow the 'ghost island' this will affect current users. I therefore again object to this proposal.
- loss of pavement outside of Nos 74-78 Newbold Rd. These properties are occupied by 5 disabled people and the path reduction will be detrimental to these people as they use the path to manoeuvre wheelchairs to get into their vehicles.
- Currently difficult for children (especially those going to Avon Valley School) to cross Newbold Rd due to right turning movements
- It was understood that a pedestrian crossing was to be installed but was rejected. Now I don't think that this is a good idea as it will make the road more congested

- It is not right that a private company builds all of these apartments when people are desperately waiting for council/social houses. I could understand the need for changes to the road if the proposal benefitted those on the Council's housing list.
- Widening road will endanger the lives of pedestrians and cyclists who use the footway
- The parking restrictions will not stop the extra visitors from parking on the roads
- Emergency Services have to use the centre of the road already
- The narrowing of the footpath will make it more difficult in existing my property by car to then drive up Newbold Rd.

Relevant Planning Policies and Documents

National Planning Policy Framework – 2012

Paras 11-14: Presumption in favour of Sustainable Development

Para 17: Core Planning Policies.

Section 4: Promoting Sustainable Transport

Section 6: Delivering a Wide Choice of High Quality Homes

Section 7: Requiring Good Design

Core Strategy – 2011

Policy CS1: Development Strategy

Policy CS10: Developer Contributions

Policy CS11: Transport and New Development

Policy CS16: Sustainable Design

Policy CS17: Sustainable Buildings

Policy CS18: Portfolio of Employment Land

Policy CS19: Affordable Housing

Saved Local Plan Policies – 2011

Policy T5: Parking Facilities

Policy GP2: Landscaping

Policy ED6: Retention of Other Employment Land

Policy LR1: Open Space Standards

Rugby Borough Local Plan Draft Publication 2011-2031:

At the present time, the policies in the emerging Draft Local Plan carry some weight, this is limited, as the examination process has only recently ended and there will be another public consultation process on the proposed modifications prior to the receipt of Inspector's final report. Whilst emerging policies are a material consideration, the key document to determine planning applications remains the adopted 2011 Core Strategy and the NPPF. It is not considered any emerging policies in the Draft Local Plan conflict with the planning proposal for the reasons set out below.

Supplementary Planning Documents

Housing Needs

Planning Obligations

Determining Considerations

The main considerations in respect of this application are the principle of development, character of the locality, design and appearance of the new building, impact on residential amenity and highway and parking standards. The impacts of each of these matters are then balanced in the conclusion.

Principle of Development

Policy CS1 states that the location and scale of development must comply with the settlement hierarchy and must be demonstrated that the most sustainable locations have been considered.

The application site is located within the Urban Area of Rugby as defined in Policy CS1 of the Core Strategy. The site is also within walking distance of the Town Centre as well as the railway station and is thus a sustainable location. As such; there is a principle in favour of sustainable development subject to all planning matters, including local and national planning policies and any other material considerations, being appropriately addressed.

The site is currently allocated as 'white land' in the adopted Local Plan, reflecting its long-standing industrial use – the site was used as a gas works until the 1980s, when the two gasometers were demolished. Since then it has been used for vehicle sales and as a car wash on the site frontage.

Saved Policy ED6 seeks to protect existing employment land. The site is not considered to currently be in a true employment use – the vast majority of the site was last used for car sales and rentals which is 'sui generis' and not in one of the established employment use classes (B1, B2 or B8). It is also not well located for a new employment use, given the proximity of residential properties to the site. A marketing report was submitted which demonstrated limited interest in the site since October 2010, although the site has been marketed in journals such as 'Estates Gazette' as well as local newspapers.

This application is therefore considered to be in accordance with Section 6 of the NPPF and Policy CS1 of the Core Strategy.

Design/Impact on the Character of the Locality

Section 7 of the NPPF states that high quality and inclusive design is a key factor in making places better for people in terms of quality and character of the environment and private amenity. Paragraph 58 also mentions that proposals should add to the overall quality of the area, not just for the short term but over the lifetime of the development and respond to local character.

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

site on a raised embankment. Newbold Road, the main entry to the town from the north passes the east of the site.

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

The proposed building will be visible from these locations and from further afield, but will form part of a backdrop of buildings on rising land to the south (including the larger industrial buildings on the GEC works).

There are many contrasting building styles in the locality, reflecting buildings of different eras as the area developed in an organic manner over time.

The proposed building has a modern appearance and includes a taller feature on the NE corner of the site, to provide a landmark feature on this prominent corner of the building. This element of the building contains large balconies and significant glazing to produce a more lightweight appearance. The longer northern/southern elevation is broken up into distinct modules (resulting from the setbacks for the building entrances). A variety of building materials is also used - red brick, white render panels, vertical wooden boarding and zinc roof panels – plus some slight variations in building heights helps to break up the building massing when viewed from the north and south. A similar design is also used for the shorter elevation facing Newbold Rd. The proposal is therefore considered to provide a more appropriate contemporary design response for this site.

Whilst the proposed building massing is slightly larger than other buildings surrounding it, the site is large and prominently located and could thus accept development of a larger scale. The site has been open and vacant for a number of years and therefore a proposal that re-uses vacant land and introduces an improvement to the visual qualities of the locality can be supported.

The proposed building also has an 'L-Shaped' footprint, which is pushed towards the northern and eastern site boundaries, helping to enclose and define the site with perimeter buildings. The car parking is contained within an enclosed parking court, and will not be particularly visible from public viewpoints.

An indicative landscaping scheme is also proposed, with tree/shrub planting along the southern boundary and a grid of trees to break up the open expanse of the large parking court. The area to the front of the building also contains tree/shrub planting alongside the entrance paths and the site boundary.

The proposal is thus considered to have a beneficial impact on the design and appearance of the locality and thus complies with Policy CS16. This is recognised and addressed in the overall planning balance at the end of this report.

Impact on Residential Amenity

Policy CS16 of the Core Strategy states that new development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The nearest properties to the proposed new building are located on Newbold Road to the south and east of the new building. The gable wall of No. 115 Newbold Rd (containing habitable room windows facing the site) is positioned 14.5m from the nearest corner of the proposed building. The frontage of the new building is also set back from Newbold Rd and thus the frontage of No. 115, so the side windows in this property will overlook the access and then front forecourt area of the new building. There will be a landscape strip along this boundary as well. The ridge height of No. 115 is 105.3m AOD. The ground level on the application site will be partly excavated and the side elevation of the new building will be 11.8m high (2.0m above the ridge height of No. 115). This relationship is considered to be acceptable.

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

There are also houses in Worcester Street, whose gardens back onto the southern boundary of the application site. The rear elevations of these houses are generally in excess of 20m from the site boundary, although some project closer to within 15.0m of this boundary. The corners of the new building will be 44.0m from the rear of houses at the closest points although the majority of the new building will be further away. The new building will be three-storey in height facing these houses and there will be tree-planting on the intervening boundary. This relationship is considered to be acceptable.

It is therefore considered that there will be no materially adverse impacts on the occupiers of the neighbouring properties in terms of loss of privacy or by the introduction of an overbearing and over dominant forms of development. This application is therefore considered to be in accordance with Policy CS16 of the Core Strategy.

Highway Safety

Policy CS11 and Section 4 of the NPPF seeks to promote sustainable modes of transport and also seeks to mitigate against the transport impacts that may arise from new development proposals. Planning decisions should take account of the following:

- The opportunities for sustainable transport
- That safe and suitable access to the site can be achieved for all people
- That improvements can be undertaken within the highway network that cost effectively limit the significant impacts of the development
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

A Transport Assessment has been submitted to support the proposal. It is estimated that the traffic generation from 98 dwellings during the busiest times of the day is as follows:

AM Peak	Arrivals – 17	Departures – 38	Total - 55
PM Peak	Arrivals - 33	Departures - 19	Total - 52

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

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

The following junctions were assessed during the morning and evening peak hour periods for years 2017 and 2027:

- B4112 Newbold Road/Western Relief Road/Yates Avenue
- A426 Leicester Road/B4112 Newbold Road
- A 426 Newbold Road/Evreux Way/Oliver Street
- Newbold Road/Corporation Street/Lawford Road Gyratory.

Traffic Growth is forecast to grow strongly in the locality of the site over the next 10 years – by 13.6% in the morning peak and by 12.74% in the evening peak. This results in the following impacts on the operational efficiency of the following key junctions:

- Newbold Road/Evreux Way – 0.84 in 2017/0.97 in 2027.
- The Newbold Road/Corporation Street/Lawford Road Gyratory – 0.78 in 2017/0.93 in 2027
- Leicester Road/Newbold Road – this only increases to 0.85 in 2027

It is claimed in the TA that the proposed development will not have a material impact on any existing junction in either 2017 or 2027.

Warwickshire CC Highways originally objected on a number of grounds, but these have been satisfied by the submission of additional traffic modelling for the Newbold Rd and Wood St junction, for pedestrians crossing Newbold Rd, as well as analysis of personal injury accidents in the vicinity of the proposed access.

Warwickshire CC Highways remaining objection to the proposal relates to the length of time that vehicles would have to wait to leave the site in the AM and PM peak. WCC Highways have interpreted the results of the 'LINSIG' Assessment (set out in the Transport Assessment) as suggesting that the average delays on the site access arm of the new junction would be 214 seconds in the AM peak and 75 seconds in the PM peak periods in 2027. This is claimed to be significantly detrimental to the safe and efficient operation of the highway network, given these delays, which may result in some queuing or waiting drivers to become frustrated at the lack of opportunities to enter the main road (Newbold Rd) and choose to take more risky movements at the junction, such as the use of inappropriately small gaps in traffic or pulling into the path of northbound traffic while waiting for a gap in southbound traffic. This could lead to an increase in personal injury accidents.

The applicants Highway Consultant disputes this and instead argues that the waiting times will be much lower. Using 'PICARDY9' and with a signal controlled crossing, the average delay per vehicle would be as follows:

2017 AM Peak – 19 secs per car unit

2017 PM Peak – 13 secs per car unit
2027 AM Peak – 38 secs per car unit
2027 PM Peak – 21 secs per car unit

Obviously there is currently a discrepancy between the applicants and WCC Highways, about the findings set out in the submitted Transport Assessment, as well as a difference of opinion about whether LINSIG (the applicants preferred modelling approach) or PICARDY (WCC Highways preferred modelling approach).

Following a meeting between the applicants and WCC Highways, a further option to merge the pedestrian crossing with the operation of the junction to create a signalised access/egress to the site on one of the signal phases. This is likely to involve a green phase of 5 seconds for traffic entering/leaving the site, with a total delay of 12 seconds to traffic along Newbold Rd.

A revised scheme along the above lines was submitted to WCC Highways for their consideration, although the identified delay in leaving the site was still deemed to be unacceptable.

WCC Highways therefore still maintain their holding objection to the proposal on the grounds that the Peak Hour delays on the site access arm of the access junction (42 seconds) in the modelled future year of 2027, and the potential for increased accidents at this junction due to each vehicle having to wait up to one minute to leave the site.

Amended Highway Proposals.

As a result of this impasse, a new Highway Consultant (Vectos) was commissioned to look again at the Traffic Generation Figures, and to look for alternative highway solutions to overcome WCC Highways concerns.

Vectos have now submitted a Parking Note, which updated the parking proposals and provided background information on local car ownership levels. It proposes to reduce the number of parking spaces by 20 to provide 61 spaces in total. This is justified on the basis of 2011 National Census Survey Data, which ascertained the local level of car ownership for apartment units. Using Ward, Super Output Area (including lower layer), this indicated that the local level of car ownership is between 0.53 and 0.65 spaces per dwelling. It is therefore considered in the submitted parking note that the provision of 61 spaces (at a ratio of 0.62 spaces per dwelling) will not result in any overspill parking impact.

The signalised junction option has also been deleted from the proposal and it is only the pedestrian crossing that will now be signalised.

In response the Highway Authority has commented further:

WCC Highways has undertaken a thorough and robust assessment of the development proposals and the additional information provided. The applicants, to resolve the access arrangements, have reduced the level of parking to be provided across the development site. This measure has a benefit to the operation of the proposed access arrangements, and alongside providing evidence demonstrating car ownership within the locality of the development.

The Highway Authority however is concerned about the potential of parking to overspill onto the surrounding road network. However the main impact would be upon Worcester Street, which whilst within the Residents Parking Scheme Area has no parking restrictions at present. Based on discussions with the Highway Authority it has been agreed that the development will be removed from the Residents Parking Scheme, preventing any flat or dwelling within the development obtaining a Residents Parking Pass.

In addition the applicants have also agreed to provide funding to enable a review and consultation of the Residents Parking Scheme for Worcester Street also to be undertaken. This would enable the potential for Worcester Street residents to be protected as without inclusion within the Residents Parking Scheme as at present there is no way to prevent residents from this development parking on Worcester Street if it remained unrestricted.

The proposals outlined above have been discussed with the Team Leader for Safety Engineering, Parking and Traffic Management, and has accepted the proposals and the identified financial obligations. Therefore the Highway Authority is satisfied that the development proposals can be accommodated onto the highway network in a fair and reasonable manner.

Based on the assessment The Highway Authority is satisfied that the development proposals can be accommodated onto the highway network in a fair and reasonable manner. The Highway Authority therefore submits a response of no objection subject to conditions and the following financial obligations:

The Highway Authority requests the following S.106 monies to be put in place if the Planning Authority is minded to approve the planning application.

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

A number of residents have raised concerns about both the decrease in on-site car parking and the widening of the carriageway and subsequent narrowing of the footway in Newbold Road. Any overspill parking will be addressed by the above s106 proposals, plus a planning condition is also recommended, which requires the submission of a Parking Management Plan, which allocates each parking space to a specific flat and also includes measures to prevent unauthorised vehicles from entering the site and parking on any land outside of the allocated parking spaces.

The proposal to create the 'ghost island' for right turning vehicles will reduce the footway along the east side of Newbold Rd from 3.3m to 2.6m at its narrowest point, which is still wider than the standard footway width of 2m that is normally provided alongside new highways.

The scheme, including the ghost island proposal has been fully assessed by WCC Highways and their original objections have now been overcome

On this basis of the above amendments the highway concerns have been overcome, and the proposal is considered to have been made acceptable in highway terms. The application is now in accordance with Policy CS11 and Section 4 of the NPPF.

Car and Cycle Parking Provision.

Saved Local Plan Policy T5 along with the SPD on Planning Obligations states that planning permission will only be granted for development incorporating satisfactory parking arrangements.

The proposal will contain 98 studio flats and apartments. A total of 61 car parking spaces is now proposed – available for residents of the development and with some visitor parking.

Although the site is designated in the SPD as being in the Low Access Zone, it is very close to the boundary to the High Access Zone surrounding the Town Centre and in all intents and purposes is well located to the town centre, to local bus routes and is only 1.0 km from Rugby Railway Station. It therefore could be viewed as being a site which is better related to the high access zone.

In the High Access Zone the following parking standards apply:

- Studio Units – 0.5 spaces/unit (21 studios x 0.5 = 11.5 spaces)
- 1-2 bed units – 0.75 spaces/unit (79 studios x 0.75 = 59.75 spaces)

To meet the Council's adopted parking standards in the High Access Zone, a total of 71 spaces would normally be required. The current proposal will thus result in a shortfall of 10 spaces. However the revised Parking Note (Vectos) does indicate that 61 spaces are likely to be adequate based on census data, and this view has also been accepted by the Highway Authority.

As set out above, any overspill parking will be addressed by the above s106 proposals. A planning condition is also recommended, which requires the submission of a Parking Management Plan, which allocates each parking space to a specific flat and also includes measures to prevent unauthorised vehicles from entering the site and parking on any land outside of the allocated parking spaces.

In terms of cycle parking provision 1 cycle space/flat is required. A total of 200 cycle parking spaces are provided in various locations in the building basement, accessed via ramps to the entrance doors. This is a significant over-provision and will also be in a secure location close to the flats they serve, and thus are likely to be well used and will encourage alternative modes of transport for residents of this site.

A condition is also recommended, which requires the submission of further details showing how details of the basement cycle storage facilities, including the means to secure bicycles and to enable ease of access to each cycle space and the means of access/egress to the building.

This application is therefore considered to be in accordance with Saved Local Plan Policy T5 and the SPD on Planning Obligations.

Air Quality.

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

The urban area of Rugby town and Dunchurch was designated as an Air Quality Management Area (AQMA) under the Environment Act 1995 on 16th December 2004 due to air quality not being able to meet government standards for nitrogen dioxide (NO₂).

As a general rule, an air quality assessment (AQA) will be required where a development is anticipated to give rise to significant changes in air quality. These changes may arise during both the construction and operational phases. There will also be a need to assess air quality implications of a development where a significant change in relevant exposure is anticipated, such as when new residential properties are proposed in an area known to experience poor air quality.

The following mitigation measures may be required (list not exhaustive):

- Measures during the construction of new development including dust control, site monitoring and plant emissions;
- Improved access to public transport;
- The provision of on and off site facilities for cycling and walking;
- The management of car parking;
- Traffic management;
- Road infrastructure improvements;
- Green Travel Plans;
- Monitoring of air pollution

An Air Quality Assessment (AQA) has been submitted by Hoare Lea. This recognises that the maximum increase in traffic from the development is 450 vehicles per day –with slightly less than half travelling north and slightly more than half travelling south.

The submitted AQA reviewed the existing baseline and construction air quality. An Addendum report covered the impact of traffic emissions associated with the proposed development on existing receptors and also the impact on future users of the development.

The executive summary of the AQA modelling of traffic generated by the development was predicted to be negligible at all existing receptors assessed for the pollutants NO₂, PM₁₀ and PM_{2.5}. In addition concentrations of these pollutants would remain below the relevant objectives at the proposed development.

RBC Environmental Services currently object to the proposal as they do not believe that the true impact of the development in air quality terms has yet been modelled correctly. There is concern on the following grounds:-

- The use of DEFRA background may be good practice, but not when local data shows level to be much higher.
- Although the AQA used the Avon Valley School diffusion tube data, this is claimed to not fully represent the background data along Newbold Rd. The more representative data is from Avon Mill Pub (39.5 ug/m³ in 2016) or Newbold Rd (32.4 ug/m³ in 2016). The AQA modelling should therefore demonstrate that an increase of 450 daily road movements onto Newbold Road would have a negligible impact on air quality.
- There are a number of houses next to the Avon Mill Pub which are relevant receptors.

One of the main problems identified by RBC Environmental Services is the amount of right turning movements that occur along Newbold Rd, which impact on flows and result in increased emissions from stationary traffic, which would increase as a result of the development

In response to this the applicants have provided the following:

- The contribution from the traffic from the proposed development is less than 0.2 ug/m³, which is considered to be negligible. If this is added to the 39.5 ug/m³ measured at the Avon Mill monitoring site in 2016, the Air Quality objective would still be achieved.
- There is likely to be some reduction in NO₂ concentrations in the future – resulting from the likely reductions in background concentrations (which are often a large proportion of the total) and traffic emissions as the proportion of Euro 6/VI diesel vehicle increase, and which have significantly lower NO_x emissions.
- The houses next to the Avon Mill Pub are set back from road and using the Nitrogen Dioxide fall off with distance calculator, the figure in the nearest garden is 30.3 ug/m³.

Any potential increase in air pollution is a very important consideration and should be given significant weight in the decision making process.

The question of banning right-turning movements was investigated with the highway consultants and WCC Highways and this was thought to be problematic, as it could encourage U-turns or other dangerous manoeuvres at nearby junctions close to the site, rather than vehicles turning at appropriate roundabouts and then returning in the correct direction.

Amended plans have now been received reducing the number of car parking spaces from 81 to 61, and thus the level of traffic being generated from the site.

WCC Environmental Health have provided further comments on this reduction as follows:

As WCC Highways are considering lifting their objection based on the additional requirements set out in Vectos's proposal for a 20 space reduction in parking and additional measures regarding; the TRO, the extension of the Residents Parking Permit and the Sustainable Travel packs.

This is in addition to the mitigation previously proposed which are set as follows:

1. *Electric Charging Points within the car park to encourage a proportion of residents to use electric/hybrid vehicles*
2. *A Travel Management Plan for the Site. This would set targets for the use of sustainable transport alternatives e.g. car share, cycling, walking etc. The targets would then be assessed each year to see if further measures/targets need to be incorporated into the Travel Management Plan. The overall aim would be to reduce car use year on year.*
3. *Contributions to future Sustainable Transport Initiatives that will encourage the use of sustainable transport alternatives (e.g. bus stop improvements, travel packs for incoming residents etc).*
4. *The significant provision of secure cycle parking spaces within the building will also encourage increases in the use of cycles as a mode of transport.*

5. *Tree planting along the Newbold Rd and Wood St frontages to the site as well as in the rear parking court, which could be increased significantly due to the removal of 20 car parking spaces and the required manoeuvring space.*

If these proposals are submitted as part of the final Development then we would also lift our objection. As the highways experts, if they do not object to the scheme based on the junction operation capacity, then it would be difficult to argue that there would be a detrimental impact on air quality.

The above mitigation proposals would be secured via a combination of planning conditions and the s106 agreement.

However Environmental Health still has some concerns. Our preferred method of reducing the impact on the traffic on Newbold Road and therefore reducing the negative impact on air quality would have been to install a left turn only from the site. This was dismissed on safety grounds by WCC Highways and the traffic consultants.

Whilst there are concerns, the mitigation, in particular the reduction in proposed parking spaces will alleviate the pressures, but it is the opinion of Environmental Health that traffic on Newbold Road will be slowed down by vehicles accessing and egressing the proposed development and this will cause additional congestion. However we welcome the benefits that the development of the site will bring in particular the clean-up in relation to the contamination that will be required.

The remaining concerns are noted. However on the basis of the above amendments and proposed mitigation, it is considered the air quality concerns have been satisfactorily addressed, and the proposal is now considered to have been made acceptable. The application is now in accordance with Policy CS11 and Section 4 of the NPPF.

Contaminated Land.

A preliminary Investigation Report has been submitted by 'Soilechnics' to support the proposal. This sets out the following:

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

In terms of chemical and gaseous contaminated risk assessments the following recommendations were made in the report:

- Given the history of the site there is a high-likelihood of significant contamination being present on the site - metals, organics, PAHs TPHs BTEX, asbestos. On this basis a Phase

II Investigation is required to determine the nature and extent of such contamination and to determine an appropriate remediation strategy

- Due to the likely presence of deep Made Ground on site, there is considered to be a risk from landfill gas and thus we recommend the installation of a gas monitoring regime, following procedures described in CIRIA report C665, to quantify risk and appropriate mitigation.

Conditions will therefore be applied covering these matters.

Noise.

An Acoustic Report (Hoare Lea) has been submitted to support the application given the proximity of the site to Newbold Road, the West Coast Railway line and employment sites to the west.

RBC Environmental Services raise no objections to the proposal subject to appropriate conditions to protect the residential amenities of the new occupiers of the flats.

Flood Risk.

The site is located in Flood Zone 1 and is thus not at risk of Flooding. A Flood Risk Assessment and Drainage Strategy has been submitted with the planning application.

Warwickshire County Council Flood Risk Management Team raise no objection to the proposal, but requires conditions dealing with limiting the discharge rate for surface water run-off and to provide surface water attenuation as well as providing a detailed surface water drainage scheme, which includes sustainable drainage principles.

These matters are included as planning conditions.

Planning Obligations.

There are a large number of planning contributions sought by various consultees in order to mitigate the impact of the development on services that they provide. These include:

- Open Space.

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

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

TOTAL - £135,000.

- Health Provision.

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

This amounts to **£53,239**

- Education.

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

- Libraries.

None requested.

- Affordable Housing.

Policy CS19 in the Rugby Core Strategy (2011) sets a target of 40% affordable housing to be provided on all sites in excess of 30 dwellings/1 hectare. In line with the adopted SPD the tenure split should include at least 75% rented properties. I would not wish to see a significant number of studios included as Affordable Housing Units, as these do not generally meet local affordable housing needs. It is also important to ensure that the floorspace of the affordable housing units meet the minimum HCA standards that our selected partner housing associations use, so that they can bid to take over these units in due course.

- WCC Infrastructure Team.

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

Funds to be paid upon commencement of the development.

Service Area total - £7,350

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

- Newbold Road (A426) near Hunters Lane (designated southbound bus stop);
- Newbold Road (A426) opposite Avon Street (designated southbound bus stop); and
- Newbold Road (A426) near Avon Street (designated northbound bus stop).

Due to the no foot-way being in place on the western side of the A426 Newbold Road approaching the railway bridge over the A426 near the Alstom site it is thought highly unlikely that occupiers of the proposed new development would utilise the northbound bus stop on Newbold Road (A426) opposite Hunters Lane.

The proposed new development is situated approximately the same distance from the two southbound bus stops. Therefore, it is easily conceivable that occupiers of the new development would decide to utilise both bus stops to access local bus services heading towards Rugby town centre.

Bus Stop Infrastructure Enhancement Requirements:

The extent of the enhancement works at each bus stop should be as follows:

- Provision of a bus stop pole (existing bus flag and timetable case to be attached to it by Stagecoach Midlands);
- Raised kerbing / bus boarding point works;
- Provision of bus stop clearway box markings on the carriageway; and
- Provision of a No Parking sign.

Note: Due to constraints caused by the narrow width of the foot-way on both sides of Newbold Road it is not possible for any bus shelters to be provided.

Contribution Sought:

- Design Charge (WCC Design Services) - £2,500;
- Construction Costs – £10,000; and
- Supply and Installation of New Bus Stop Poles and No Parking Signs - £1,500.

Total Developer Contribution Requested - £14,000.

Due to the anticipated level of site remediation, the applicants commissioned a Financial Viability Assessment by Jackson Webb, to assess the viability of the proposed development.

This indicates the following:

- Jackson Webb have formed the opinion that a developer would endure considerable construction and commercial risk
- The site formally accommodated two large gasometers. Whilst the super-structure of these gasometers has been removed, it is understood that considerable subterranean structures remain, together with associated toxic contamination
- This has resulted in significant abnormal costs in the main appraisal with a further c£230,000 of likely additional costs identified by construction consultants (but subject to further site investigation)
- In terms of commercial risk, the appraisal model indicates that the application scheme will only become viable if residential sales values continued to rise at a similar rate to that experienced in Rugby of around 7.78% for the year to December 2017. A developer would therefore be reliant on continued sale price inflation – anticipated to be 7.0% per annum
- The residual site value appraisal model demonstrates that where sales price inflation is not included, and there are no affordable housing units or Section 106 Agreement financial contributions, the developers return fails to derive any developers return until the site value falls below £326,000. With a zero site value the Developers Return is still only 2.94% of GDV.
- If the policy level of affordable housing and other planning obligations are imposed on the application scheme, it could cause the project to go below an acceptable level of Developers Return and possible into a loss, preventing the development from coming forward.
- It is therefore recommended that the LPA should not instigate any Section 106 obligations (including affordable housing) or financial contributions in connection with this planning application.

Obviously the loss of the above planning contribution is significant and therefore the LPA had the Financial Viability Assessment independently assessed by Dixon Searle Partnership, who have acted for the Council previously on these matters. They concluded the following:

- It is our view that that most of the assumptions used in the FVA appear to be reasonable, apart from some minor differences.
- A fixed benchmark land value of £561,000 produces a residual profit of 0.70% of GDV, where nil affordable housing or other s106 requirements are included in the appraisal.
- Only with the assumption of inflated sales values does the scheme produce a profit that may be considered 'viable'.
- Based on the assumptions used (and on the assumption that no inflation is allowed in relation to sales values, this would appear to be an unviable scheme regardless of the affordable housing requirement.
- Given a development appraisal based on current day costs and values, we have been unable to find sufficient scope for improvement to the stated position that would lead to the ability of the scheme to contribute towards much needed affordable housing locally. The Council may take the view that the s106 requirements are such that without them the scheme would not be acceptable in planning terms.

Therefore the independent assessment concludes that the scheme is currently not viable and that the applicants are relying on future increased sales values to make the scheme work. This makes the viability of the scheme risky, possibly demonstrating why the site has lain vacant for so long.

The applicants therefore have not offered to make any contributions to include affordable housing in the development or to provide any contributions towards the above services, due to their submitted Financial Viability Assessment.

The outstanding matters surrounding the mitigation of highways and air quality issues will though require some level of contribution to make the development acceptable in planning terms. This is as follows:

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

It is considered that the above meets the 3 tests set out in para 204 of the NPPF, and can therefore be justified.

Conclusion – The Planning Balance.

The latest position in terms of the Council's housing land supply is set out below:

- RBC Annual Monitoring Report (Dec 2016) – 3.78 years
- Ashlawn Rd Appeal Decision (July 2017) – 4.36 years (APP/E3715/W/16/3147448)

Further monitoring reports are shortly to be released in relation to the Local Plan Examination. It is understood that this still doesn't demonstrate that the Council has a 5 Year Housing Land Supply, although this has not yet been formally published. If the position changes, the latest position on housing supply will be reported as a verbal update at the meeting.

In this instance policies of the RBC Core Strategy relating to the control of housing supply are therefore deemed out of date as outlined in paragraph 49 of the NPPF - this states that policies relating to the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites.

The effect of this is not such that Core Strategy Policies should be ignored but rather that consideration should be given as to what weight they hold in the decision. This results in the balancing of material considerations within each individual case at the same time being mindful of the presumption in favour of sustainable development as defined by para 14 of the NPPF and other sections of the NPPF. Para 14 reads as follows:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means (unless material considerations indicate otherwise):

- *Approving development proposals that accord with the development plan, without delay, and,*
- *Where the development plans is absent, silent or relevant policies are out of date, granting permission unless:

 - o *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or*
 - o *Specific policies in the NPPF indicate development should be restricted.**

Even if the position relating to housing supply changes and the Council can demonstrate a 5 year supply of housing, then the presumption in favour of sustainable development would still be relevant in this decision.

The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The question of whether or not a particular proposal constitutes "sustainable development" is not simply a matter of location; it involves a wide variety of other considerations, including the three dimensions of sustainability. The NPPF at paragraph 7 identifies the three dimensions to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advise that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

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

- The proposal is located in a sustainable location in a suburban area of the town, well located to public transport and near to shops and other community facilities (Environmental and Social).
- It would contribute to the existing 5 Year housing shortfall (Social)
- The proposal would result in a significant number of additional lower-cost residential properties in the town, that would also provide Economic (employment during the construction period) and Social (increased availability of housing) gains.
- The site would regenerate a 'previously developed' and badly contaminated site that has lain empty for many years, in a prominent location at the entrance to Rugby Town Centre (Environmental Benefit)
- The proposal is not considered to adversely affect the amenities of the occupiers of neighbouring properties (Environmental Benefit).
- Highway safety concerns have been overcome by the reduction in the numbers of vehicles entering and leaving the site (Environmental Benefit).
- Air quality – this has now been substantively addressed by the reduction in numbers of on-site parking spaces and thus traffic movements generated by this development. Other mitigation measures are also proposed to address air quality levels in the vicinity of the site (Environmental Benefit).

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

RECOMMENDATION:

The application is considered to be in accordance with the National Planning Policy Framework and the Core Strategy and is therefore recommended for approval subject to the applicant entering into a Section 106 agreement covering the provision of sustainable transport initiatives set out above, and the conditions set out below.

DRAFT DECISION

APPLICATION NUMBER

R17/2113

DATE VALID

18/12/2017

ADDRESS OF DEVELOPMENT

117 NEWBOLD ROAD
RUGBY
CV21 2NZ

APPLICANT/AGENT

Mr G Vasdekys
Salisbury Jones Planning
33 Bassein Park Road
London
W12 9RW
On behalf of Mr R Dickson, Harcourt Rugby Ltd

APPLICATION DESCRIPTION

RESIDENTIAL DEVELOPMENT COMPRISING PART-3/PART-4 AND PART-5 STOREY BUILDING INCORPORATING 98 APARTMENTS, RECONFIGURATION OF EXISTING ACCESS, PROVISION OF 81 PARKING SPACES, CYCLE AND REFUSE PROVISION AND NEW PLANTING AND LANDSCAPING.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Dwg No. RD 2792 PA 001 - Site Location and Existing Plans

Dwg No. RD 2792 PA 002 Rev A - Proposed Site Plan

Dwg No. RD 2792 PA 003 - Proposed Lower Ground and Ground Floor Plan

Dwg No. RD 2792 PA 004 - Proposed First, Second and Third Floor Plan

Dwg No. RD 2792 PA 005 - Proposed North and South Elevations

Dwg No. RD 2792 PA 006 - Proposed East and West Elevations

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 development 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 5:

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

REASON:

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

CONDITION 6:

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

REASON:

In the interest of visual amenity.

CONDITION 7:

The development including and demolition works hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the buildings to be demolished/affected. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England and WCC Ecology Unit are consulted for further advice. In addition to this the qualified bat worker shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

REASON:

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

CONDITION 8:

The development shall not be first occupied unless and until details of the equipment and technology to be incorporated to achieve carbon emission reductions, including the submission of an Energy Performance Certificate, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall comprise a 10% carbon emissions reduction. The approved efficiency measures shall be implemented in accordance with the approved details and shall be retained in working order in perpetuity.

REASON:

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

CONDITION 9:

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

REASON:

In the interests of fire safety.

CONDITION 10:

The accommodation for car parking and the loading and unloading of vehicles, shown on the approved plan [Drawing no. RD 2792 PA 002 Rev A) shall be provided before the occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles of persons working in or calling at the premises and shall not be used for any other purpose.

REASON:

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

CONDITION 11:

The vehicular access to the site shall not be used until it has been constructed to include the following requirements all of which are specified in 'Transport and Roads for Developments The Warwickshire Guide 2001 (published by Warwickshire County Council).

- a) A width of 5.5 metres with a gradient not steeper than 1 in 15 and hard surfaced in a bound material for a distance of 30 metres from the near edge of the highway carriageway.
- b) Gates and barriers opening into the site and not being placed within the vehicular access any closer than 20 metres from the near edge of the highway carriageway.
- c) The access not reducing the effective capacity of any highway drain, and not allowing surface water to run off the site onto the highway.

REASON:

In the interest of highway safety.

CONDITION 12:

The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access have been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority.

REASON:

In the interest of highway safety.

CONDITION 13:

During the construction period, adequate measures shall be taken to prevent deleterious matter being carried onto all nearby highways.

REASON:

In the interest of highway safety.

CONDITION 14:

The development shall not be used for the purposes hereby permitted unless adequate vehicular turning space is provided and maintained within the site so that vehicles are able to enter and leave the highway in a forward gear.

REASON:

In the interests of public and highway safety.

CONDITION 15:

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

REASON:

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

CONDITION 16:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

REASON:

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

CONDITION 17:

The Preliminary Investigation Report (Desk study and site reconnaissance) submitted with the application has been assessed.

The report identifies a number of areas that have been identified as potentially affected by contamination and at risk of ground gas which is likely to have an impact on future residential users.

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

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

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance

with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

REASON:

To ensure the protection of controlled waters and to prevent the migration of existing contaminants from the site..

CONDITION 18

The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) Land at Newbold Road, Rugby FRA_C85777-RE002_January 2018 and Drainage Strategy Land at Newbold Road, Rugby Drainage Assessment_C85777-RE00_January 2018 in particular the following mitigation measures detailed within the documents:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 14 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 490m³ and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.
- Finished floor levels are set no lower than 150mm above existing ground level.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

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 19.

No development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and 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.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- 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 20.

No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided 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 within the maintenance plan.

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

CONDITION 21

In line with the submitted Accoustic Report (Hoare Lea) the following recommendations set out in the report must be adhered to.

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

A scheme for the containment, mitigation and management of noise from the Proposed Development's energy centre (boilers/CHP units) and any other external fixed plant be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each individual building. The scheme shall be implemented in accordance with this scheme.

Reason - in the interest of residential amenity

CONDITION 22.

Prior to the commencement of any works, a Construction and Environmental Management 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 construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase
- the control of dust including arrangements to monitor dust emissions from the development site during the construction phase
- measures to reduce mud deposition offsite from vehicles leaving the site.
- a HGV routing plan

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

In order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site must not occur outside the following hours: -

Monday to Friday 7.30 a.m. to 18.00 p.m.
Saturday 8.30 a.m. to 13.00 p.m.
NO WORK ON SUNDAYS & BANK HOLIDAYS.

If work at other times is required permission should be obtained from the local planning authority

Reason - In the interest of residential amenity.

CONDITION 23.

The development shall not be occupied until the applicant has submitted a parking management plan to the LPA, which shall be approved in writing before the first occupation of any flat, demonstrating the following:

- A parking plan showing each parking space numbered and to which flat the respective parking space is allocated to
- Measures to prevent any vehicles of residents who do not have a right to park on the site, from entering the site
- Measures to prevent any overspill parking outside of any of the identified parking spaces on site.
- Measures to control and manage visitors/deliveries to the site.

The development shall be implemented in accordance with the approved details thereafter.

Reason – In the interest of highway safety and residential amenity.

CONDITION 24:

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

Reason – In the interest of highway safety and residential amenity.

CONDITION 25:

No part of the development hereby permitted shall be occupied until the detailed design of the site access arrangements (as indicatively shown on Drawing DWG-002 Rev A), and have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved highway access works shall be implemented in accordance with the approved plans and permanently retained thereafter.

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

Reason – In the interest of highway safety.

CONDITION 26:

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

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

CONDITION 27:

Before the development is first occupied a Travel Management Plan for the Site, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and shall be retained during the lifetime of the development.

The Travel Management Plan will set targets for the use of sustainable transport alternatives e.g. car share, cycling, walking etc. A Travel Plan Co-ordinator shall be appointed and the targets should then be assessed each year to see if further measures/targets need to be incorporated into the Travel Management Plan. The overall aim would be to reduce car use at the site year on year.

Reason – to promote the use of sustainable transport alternatives in 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.

INFORMATIVE A:

Warwickshire Police have no objections to this planning proposal, however they ask that the features set out below be incorporated into the design as they will go some way to ensuring the residents do not become victims of crime or anti-social behaviour.

- The communal access doors need to have a double mag lock system in place to ensure the entry doors cannot be forced by persons attempting to gain unauthorised access and also utilising a CCTV intercom.
- Appropriate fencing needs to be installed to stop persons walking to the building line from Newbold Street and Wood Street.
- Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2013.

Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be made as secure as possible. All plant and machinery should be stored in a secure area. Tools and equipment should be marked in such a way that they are easily identifiable to the company.

Consideration should be given to the use of security patrols. Developers are now requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for us in the case of an emergency. A grid reference for the site should be provided. This will help to reduce the possibilities of a delayed response.

INFORMATIVE B:

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the [applicant{s}/ developer{s}] must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

INFORMATIVE C:

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to Warwickshire County Council's Rugby Area Team Tel 01926

412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

INFORMATIVE D :

For further information regarding Sustainability Packs. Contact the Sustainable Project Officer on 01926 412105. These packs currently cost approximately £75/per pack.

Reference number: R17/1251

Site address: The Paddocks, Top Road, Shilton, Coventry, CV7 9FS

Description: Change of use for the mixed use of land as a paddock and the permanent retention of three residential gypsy pitches including two day rooms with associated access and entrance gates.

Case Officer Name & Number: Jo Orton – 01788 533549

Introduction

This application is being reported to Planning Committee in accordance with the Scheme of Delegation, as more than 15 objections have been received from the local residents.

Application Proposal

This application seeks full planning permission for the change of use of land for the mixed use of land as a paddock along with the permanent retention of three residential gypsy pitches including two day rooms with associated access and entrance gates. Following two successful appeals granting temporary planning permission for two years following the appeal against R10/1730 and for three years following the appeal made against the refusal of R12/0833 which expired on 27th August 2015. The applicants have therefore been permanently living on the site in excess of 7 years.

As detailed within correspondence required from the applicants agents the site residents as concerned are as follows:

- Pitch 1 which contains two mobile homes for Mrs Olivia Gaskin with three dependents and Mr and Mrs Brinkley.
- Pitch 2 which would reside Mr Tom and Alexandra Gaskin with three dependents.

Site and Surrounding Area

The application site is located on the South side of Top Road, Barnacle which is circa 0.8km to the West of the settlement of Barnacle. The road is rural in character notably due to the absence of signage, kerbs and street lighting. The surrounding area is flat open countryside in which the pattern of development largely comprises of agricultural and equestrian development. Approximately 150m west of the site is an unauthorised gypsy site comprising of 25 to 29 separate pitches (Top Park) which is currently subject to a separate planning application

Relevant Planning History

R10/1730 – Change of use of land for use as a residential caravan site for gypsy families – Refused – 02nd December 2010 – Appeal Allowed – Temporary Approval (ending 12th December 2014)

R12/0833 – The mixed use of land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relate to the creation of 2 pitches only – Refused – 28th November 2012 – Appeal Allowed – Temporary Approval (ending 27.08.2015)

R12/0843 – The change of use of land from a paddock to a mixed use paddock and for the siting of residential caravans, trailers and commercial vehicles and the formation of hard standings and

erection of timber sheds in so far as it relates to the creation of one pitch only (variation of condition 3 of appeal reference APP/E3715/C/11/2150565-70 dated 12/12/11 to allow no more than two static caravans) – Approved – 30th January 2013

R14/1861 – Proposed erection of a four bay stable block to replace previous stables and creation of hardstanding area – Approved – 28th November 2014

R14/2319 – Change of use of land for the siting of two residential caravans, formation of hardstanding, erection of a timber shed for amenities, widening of existing access, erection of panelled fencing and works associated with the change of use – Refused – 27th April 2017

R15/2010 – The mixed use of land as a paddock and for the siting of residential caravans, trailers and commercial vehicles, including the formation of hard standings and the erection of timber shed buildings insofar as it relate to the creation of 2 pitches only (Variation of condition 1 and 2 of R12/0833 refused on 28/11/2012 but allowed on appeal on 5th August 2014) – Withdrawn – 05th June 2017

R15/2015 – Retention of the use of land as a private gipsy and traveller caravan site consisting of 2 pitches (pitch 1 with 2 static caravans and pitch 2 with one static and one touring caravan) and associated works – Withdrawn – 05th June 2017

Technical Responses

No objections have been received from:

Warwickshire County Council (Ecology)
Warwickshire County Council (Planning)
Warwickshire County Council (Highways)
Rugby Borough Council (Planning Strategy)
Rugby Borough Council (Environmental Services)
Seven Trent Water
Environment Agency
National Grid

Third Party Responses

Shilton and Barnacle Parish Council have objected to the application on the grounds that:

1. The site is within the Green Belt and therefore would have an adverse impact on the openness of the area;
2. Development is out of keeping with the rural character of the area;
3. Site is outside the settlement boundary of Barnacle and Bulkington and does not promote cohesion and integration;
4. No evidence that alternative accommodation has been sought by the applicants;
5. Lack of clarity over the exact extent of the development; and
6. The proposed fencing and gates are out of keeping with the open and rural nature of the surrounding area.

Neighbours notified and a site notice has been displayed and twenty seven letters of objection has been received raising the following:

1. The site is in the Green Belt and open countryside should not be given planning permission or developed in this way;
2. The character of the area is being altered given the number of residential gipsy pitches in the vicinity resulting in an impact in the openness;

3. Rugby Borough Council's Planning Policies state that alternative accommodation must be sought by applicants;
4. There will be no integration with families already in the area and those within the settled community;
5. Gated access is visually inappropriate and resulted in natural hedgerow being removed for a rural setting and further evidence of urbanisation of the Green Belt;
6. Located outside the settlement boundary of Barnacle and has little infrastructure provision within the locality;
7. Light pollution from the site and the surrounding sites is totally inappropriate;
8. The water supply has seen a fall in pressure with no apparent leaks potentially caused by number of residents using the water;
9. No very special circumstances have been put forward as part of the application and therefore should not be allowed;
10. The additional site puts additional pressures on local resources including schools and medical facilities;
11. Pre Application advice obtained was not given taking into consideration comments from local residents as per Warwickshire Structure Plan;
12. The site does not have convenient walking access to schools, medical facilities or other local services with no public transport along this route;
13. A landscape capacity survey should be carried out to assess the impact on the number of gypsy and traveller sites within the borough;
14. An Environmental Agency Flood Risk Assessment is required to determine the application; and
15. Increase in traffic through the village and an increased risk of road traffic incidents therefore speed limit should be reduced.

Relevant Planning Policies and Guidance

National Planning Policy Framework – 2012

Section 9: Policy Protecting Green Belt Land

Core Strategy – 2011

Policy CS1: Development Strategy

Policy CS16: Sustainable Design

Policy CS22: Gypsies, Travellers, and Travelling Showpeople

The Planning Policy for Traveller Sites

The Borough Gypsy and Traveller Accommodation Assessment 2014

Rugby Borough Council Authority Monitoring Report December 2015

Determining Considerations

The main considerations in respect of this application are the principle of development; the character; appearance and impact upon the openness of the Green Belt, impact on residential amenity and whether the proposal can be justified in the context of an identified need for gypsy and traveller sites within the Borough of Rugby.

The application site is located within the Green Belt of Rugby as defined by Policy CS1 of the Core Strategy; as such development is therefore considered inappropriate and only where national policy on Green Belt allows will development be permitted. In respect to Gypsy and Traveller accommodation policy CS22 is the most dominant 'up-to-date' policy which reciprocates the

sustainable hierarchy outlined within Policy CS1 and states that only where national policy on Green Belt allows will development be permitted. The pitch allocation requirements as outlined within Policy CS22 have now been superseded by the GTAA 2014.

Within Phase 1 of the GTAA the identified need is for 24 pitches. However, the approved traveller site known as Greenbanks was identified within the updated GTAA as accommodating 1 pitch, this is an error as it accommodates 2 pitches (as reflected within the most recent Greenbanks planning approval) thus reducing the need to 23 pitches within Phase 1 (annualised 4.6 pitches).

It should also be noted that within Phase 1 a pitch turnover rate of 11 is included. The turnover rate is based on Council data for local planning authority site known as Woodside Park, which suggests that on average 2.25 pitches become available for occupancy each year. Without the turnover figure the need within Phase 1 would be for 34¹ pitches. Since the production of the GTAA permanent planning permission has been granted for:

- 2 pitches at the Evergreens Site, Wood Lane, Shilton. The site previously benefited from a temporary planning permission for 1 pitch. Permission has also been granted for a further two pitches at the Greenbanks site (R14/1266);
- Tree Tops, Oxford Rd, Rugby (R16/0806) was also granted permission in November 2016 for 1 pitch;
- The Stables, Wood Lane, Shilton was granted a certificate of lawfulness on the 13/01/17 previously assessment have identified this site as having 2 pitches;
- Land at Gipsy Lane (R17/0157) was granted permission on the 03/05/17 for 1 pitch;
- Land at Gipsy Lane (R17/0193) was granted permission on the 07/09/17 for 2 pitches however 1 pitch is incorporated under the R17/0157 approval;
- Land at the rear of Marisburn House was granted permanent planning permission for 3 pitches at appeal on the 15/06/17; and
- Land West of Bryants Bungalow, Brandon Road, Toll Bar End was granted temporary permission for 5 pitches on the 17/05/2018 (R18/0177).

However, at the Poppies site two permanent pitches have been lost to non-traveller occupation for a temporary period of time. The GTAA 2014 identified that these pitches were occupied and this would have been by non-travellers as supported in the planning appeal. As results of this no Gypsy and Travellers have been displaced from the site therefore the temporary loss of pitches does not have an impact on the need requirements. Taking the aforementioned information into account the Council can demonstrate that it has a 0.74 years supply of Gypsy and Traveller pitches meaning an outstanding need of 22.8 pitches. The Core Strategy also states that it is preferable to locate residential development in sustainable locations that are well served by services and facilities; for this reason the focus of Policy CS22 is on the Rugby Urban Area and Main Rural Settlements.

Policy E as contained within the Planning Policy for Traveller Sites states that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

Section 9 of the NPPF, Protecting Green Belt Land, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances or where certain exceptions are met, in this instance the redevelopment of brownfield land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt.

¹ Inclusive of the additional pitch at Greenbanks

The application site currently contains three residential family gypsy pitches including two day rooms with associated access and entrance gates with paddock land to the rear. The occupants have lived on the site in excess of 8 years and have benefitted from temporary planning permission for the vast majority of these years. The proposal seeks to allow the current use on a permanent basis. The Secretary of State within his decision notice in connection with planning application R12/0833 concluded that the use would result in substantial harm to the Green Belt, reducing openness and encroachment into the country.

Need for Sites

The *RBC Gypsy and Traveller Accommodation Assessment 2014* (RGTAA) found that there would be a shortfall of 24 pitches in the RBC area by July 2019. A recent appeal decision ref: APP/W3710/W/16/3153818, suggests that this figure is higher at least 45 pitches by 2019. Irrespective of the outstanding need it is clear that there is an urgent and high level of need within the borough with no suitable, available and alternative sites to accommodate the development.

This attracts substantial weight in favour of the proposal.

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, RBC argued that 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.

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

This attracts significant weight in favour of the proposal.

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.

Personal Need and Circumstances

The intended occupiers of the development continue to travel for work and/or community reasons. The applicant's agent has confirmed that the intended occupiers of the caravans fall within the definition of "gypsy" for the purposes of *Planning Policy for Traveller Sites*.

Moving onto the personal circumstances put forward by Mr Gaskin they resided as a family on the existing pitch in excess of 8 years. Having a local pitch would allow them remain with their existing family for care, social and business purposes and to ensure a stable home for the provision of medical and educational needs. It is customary for members of the extended traveller families to live together and notwithstanding the child not having a secure place to live to meet educational and medical needs, not allowing the three pitches to be made permanent would not be within the best interest of the child as in doing so would result in leaving a dependant homeless.

Policy CS22 also states that planning permission will be granted provided that the availability of other sites within the vicinity, having contacted the relevant bodies, the availability of other pitches within the surrounding areas is as follows:

- Woodside Park, Ryton on Dunsmore, which is a Local Authority site within Rugby Borough Council, currently has no vacancies with a low turnaround which sees on average the arrival of a new tenant once a year.

On balance taking into consideration the evidence which confirms the site constitutes previously development land this application is therefore considered to be in accordance with Section 9 of the NPPF and Policy CS1 of the Core Strategy.

Design and Character/Impact on Openness

Policy CS16 of the Core Strategy seeks development which demonstrates high quality, inclusive and sustainable design which is of a scale, density and design that would not cause material harm to the qualities, character and amenity of the area.

The fundamental aim of the Green Belt is to prevent urban sprawl by keeping the land permanently open. The proposal has been designed to focus development along the western boundary with the rear of the site remaining as paddock land with hit and miss post and rail fencing with a horsebox turning area to the front. The amenity buildings are constructed from wood and would be sited in close proximity to the mobile homes with both pitches benefiting from a parking area and grassed amenity spaces. The proposal benefits from electric entrance gates screening the site from the main road keeping the development in a restricted area ensures there is no further sprawl into the Green Belt.

Taking into consideration the compact nature of the area to be developed and the significant amount of land retained for equestrian purposes the application is therefore considered to be in accordance with Policy CS16 of the Core Strategy.

Impact on Residential Amenity

Policy CS16 also states that development will ensure the amenities of existing and future neighbouring occupiers are safeguarded.

The nearest residential properties are sited between 322 - 380 metres away from the application site this combined with the height of the existing boundary treatment consisting of a 2 metre high close boarded fence and mature hedging, it is not considered that there will be any adverse impacts upon residential amenity.

This application is therefore considered to be in accordance with Policy CS16 of the Core Strategy.

Highway Safety

Saved Local Plan Policy T5 along with the SPD on Planning Obligations states that planning permission will only be granted for development incorporating satisfactory parking arrangements.

The proposal indicates sufficient parking areas within hardstanding, to be located between the two mobile homes. Whilst there are no requirements for parking within the SPD on Planning Obligations for parking provision on gipsy/traveller sites within the Borough in this instance it would be considered an appropriate allocation of parking.

Warwickshire County Council (Highways) have confirmed that the gates are set back a distance of 6 metres, which is the minimum that can be accepted, whilst it is preferred a setback of 7.5m be obtained. After consideration of the highway network and no existing grounds in terms of highway operation or safety on which an objection can be substantiated the Highway Authority accepts the proposed access arrangements and confirms that they have no objection to the proposal.

This application is therefore considered to be in accordance with Saved Local Plan Policy T5 and the SPD on Planning Obligations.

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 circumstances. 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;
 - a. Whilst the application site is located outside of the settlement boundary, the proposal would be sited circa 340 metres from a number of residential dwellings, whilst this is a significant separation distance it would allow for some co-existence between the applicants and the local community with Barnacle being the nearest settlement to the application site.
- b) Promote, in collaboration with commissioners of health services, access to appropriate health services;
 - a. The application site is located within close proximity Bulkington Surgery and Rugby Road Surgery GP Practices along with the University Hospital of Coventry and Warwickshire therefore would provide the residents to access to the appropriate

health services. It is important to note that changes to Government Legislation now mean you no longer need a fixed address to register with a doctor's surgery.

- c) Ensure that children can attend school on a regular basis;
 - a. The families' children already attend Wolvey Primary School whereas the remaining child is not currently of schooling age however the parents are hoping to send the child to Wolvey School.
- d) Provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment;
 - a. The provision of a settled base which is in close proximity to urban areas within the Rugby Borough would result in a reduction in the need to travel to these areas in search of work. This would also reduce the reliance on staying on an unauthorised site and/or encampment.
- 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;
 - a. 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;
 - a. The small nature of this proposal would not put any undue pressure on services within the local community.
- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
 - a. The application site is located within Flood Zone 1 and as such is not within an area high at risk of flooding.
- 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;
 - a. 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 site is within close proximity to Aldermans Green located within Coventry and is approximately 3km away from the application site and contains a primary school, bus stops, public house and convenience stores. The occupants of the site would need to travel up to 5km from a supermarket, GP surgery, pharmacy or secondary school with the hospital located at a further distance. It is unrealistic that occupiers would walk or cycle from the development to shops or services and there are no public transport services in this area either. It should be acknowledged that for rural gypsy sites opportunities to maximise sustainable transport solutions will vary. Given the scale of the site it would be too small in scale to generate a significant amount of movement and would not be unduly far from local services and would therefore not result in disproportionate

car journeys for its scale and location. The development seeks to create three family pitches to be occupied by five adults and six children. It is considered that the scale of this development is proportionate in scale of the nearest settlement within Coventry. In terms of access to services and modes of transport this would be considered a sustainable location for a gypsy site.

This application would therefore be in accordance with the aims of the NPPF and the provisions of Paragraph 13 and 23 of the PPTS.

Human Rights

In reaching this decision consideration has been given to the human rights of the intended occupants of the application site. If planning permission were refused, the appellants would be unable to use their land to provide their families with a home at this site. This would represent an interference with their right under Article 8 of the European Convention on Human Rights.

The Planning Balance

The Framework advises that when considering any planning application, “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposal would be inappropriate development within the Green Belt and likewise would result in substantial harm upon the character and appearance of the surrounding area. There is clearly an urgent and high level need for traveller sites in the Rugby area, and the lack of suitable, available alternative sites, lack of five year supply of deliverable sites for travellers carried significant weight. Furthermore the proposal would deliver economic, social and environmental benefits in accordance with PPTS Paragraph 13. The personal circumstances of the applicant and the best interest of the children also attracts considerable weight in favour of planning permission.

It is therefore considered that very special circumstances exist to justify a grant of planning permission.

Conclusion

Whilst the proposal would have a significant impact on the character and appears of the surrounding area along with the openness of the Green Belt, the proposal would not adversely affect the amenities of the occupiers of neighbouring properties, and would not impact upon highway safety. On balance when taking into consideration the high level of need for traveller sites and the personal circumstances attributed to the proposal, the application is to be considered to be in accordance with the National Planning Policy Framework and the Core Strategy and is therefore recommended for approval subject to conditions and referral to the National Planning Casework Unit.

Report prepared by: Jo Orton, Senior Planning Officer

DRAFT DECISION

APPLICATION NUMBER

R17/1251

DATE VALID

16/02/2018

ADDRESS OF DEVELOPMENT

THE PADDOCKS
TOP ROAD
BARNACLE
COVENTRY
CV7 9FS

APPLICANT/AGENT

Dr Angus Murdoch
Murdoch Planning Limited
Po Box 71
Ilminster
Somerset
TA19 0WF
On behalf of Mr Tom Gaskin

APPLICATION DESCRIPTION

Change of use for the mixed use of land as a paddock and the permanent retention of three residential gypsy pitches including two day rooms with associated access and entrance gates.

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: 1

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

The development shall not be carried out other than in accordance with the Site Location Plan at a scale of 1:1250; Drawing 1683 Ha; and Drawing 1683 Hb received by the Local Planning Authority on 16 February 2018.

REASON: 2

For the avoidance of doubt.

CONDITION: 3

The site shall be used for domestic purposes only and shall not be used in part or whole for any commercial activities and no materials associated with such use shall be stored on site.

REASON: 3

In the interest of the amenities of neighbouring properties.

CONDITION: 4

The three residential gypsy pitches should be restricted to the members of the nuclear family of the applicant highlighted in the application form (namely Mr B Gaskin). There should be no further sub division of the defined pitch to ensure the amenity facilities remain suitable and sufficient for the population of the pitch/site.

REASON: 4

As the development within the Green Belt is only acceptable due to the applicant's circumstances.

CONDITION: 5

A maximum of one permanent mobile home and one touring caravan can be located on each of the plots.

REASON: 5

For the avoidance of doubt and in the interest of protecting the Green Belt.

CONDITION: 6

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

REASON: 6

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

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. The applicant is advised to contact the licensing team on (01788) 533889 to discuss licensing requirements further.

INFORMATIVE: 2

The mobile home must be connected to the foul drainage, and be provided with hot and cold running water.

INFORMATIVE: 3

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

INFORMATIVE: 4

In view of the pond nearby and local record, care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 02080 261 089 for advice on the best way to proceed. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010 the latter of which makes them a European Protected Species. Where newts are present a licence might be necessary to carry out the works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089.

INFORMATIVE: 5

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

INFORMATIVE: 6

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).

Reference number: R18/0505

Site address: Grange Farm, London Road, Ryton On Dunsmore, Warwickshire, CV8 3EW

Description: Erection of a single organic fertiliser storage tank and compound area.

Case Officer Name & Number: Jo Orton – 01788 533549

Introduction

This application is being reported to Planning Committee in accordance with the Scheme of Delegation as the application constitutes major development.

Application Proposal

This application seeks full planning permission for the erection of a single organic fertiliser storage tank and compound area for the storage of farm slurry at Grange Farm, Ryton On Dunsmore. The slurry stores are to be built on a concrete base pad with a hard core turning area leading from the existing access track to the slurry store. The slurry store would have a diameter of 34.14 metres with a maximum height of 5.67 metres, which would be set approximately 1.5 metres below the current ground level, the proposal also includes the construction of screening bunds using materials excavated during the levelling of the compound and tank base to add with the provision of additional visual screening.

Site and Surrounding Area

The site is located with the West Midlands Green Belt to the South of the A45; whilst the site benefits from a number of accesses; the proposal would be accessed via the existing internal farm roads from a gateway directly off Freeboard Lane. The application site comprises approximately 106 acres of land with applicant benefitting from a further 92 acres at Withybrook and 413 acres at Stretton On Dunsmore. There are currently no other farm buildings in situ within the application site with the slurry store to be located on land which is currently former arable land. The existing farm buildings, which are located circa 660 metres away, and are within alternative ownership. The applicant has recently brought the agricultural land which has been out of production of at least 3 years and is looking at commencing activity on the site again.

Relevant Planning History

The property has an extensive planning history relating to various works in the past. However, this is not directly relevant to the proposals.

Technical Responses

Warwickshire County Council (Flood Risk Management) have objected to the application on the grounds that the proposal constitutes major development and therefore insufficient information has been submitted to determine the application.

Warwickshire County Council (Ecology) have advised that a preliminary ecological appraisal needs to be undertaken prior to the determination of the application.

No objections have been received from:

Historic England
Warwickshire County Council (Highways)
Warwickshire County Council (Archaeology)

Rugby Borough Council (Landscaping Officer)
Rugby Borough Council (Environmental Health)
Environment Agency
National Grid
Cadent Gas
HSE

Following the submission of amended plans a re-consultation has been carried out with the relevant technical consultees and no objections have been received from:

Warwickshire County Council (Flood Risk Management)
Warwickshire County Council (Ecology)

Third Party Responses

Stretton On Dunsmore Parish Council have objected to the application on the grounds of:

1. The location and purpose of the facility is not considered to be an issue;
2. Freeboard Lane is a single track lane and not suitable for HGVs;
3. The A45 is a fast flowing and frequently heavy at this point;
4. The expected vehicle movements is not accurate and could be subject to change;
5. The capacity is in excess of what Grange Farm could legally use resulting in the remainder being sold on resulting in more movements; and
6. A condition should be applied so that only plant based digestate can be store in the tank.

Brinklow Parish Council have made observations on this application on the grounds of:

1. Should planning permission be granted consideration should be made to restrict movement of tankers to and from Highwood Farm away from Brinklow.

Neighbours notified with site and press notices being displayed with ten letters of support have been received raising the following:

1. Improved system of work to be carried out at Grange Farm allowing management of fertilizer without employing an outside contractor; and
2. Supports rural employment opportunities and keeps revenue being spent locally.

Neighbours notified with site and press notices being displayed and three letters of objection has been received raising the following:

1. Freeboard Lane is a single-track country lane, barely maintained for the current traffic flow using it as a cut through;
2. There are no passing bays on Freeboard Lane with pedestrians and drivers alike compromising their own safety;
3. Road is unsuitable to accommodate large vehicles and may present problems for emergency vehicles;
4. Proposal would result in numerous vehicles waiting for lorries to enter the site and cause congestion on the A45;
5. If the capacity exceeds the requirements for use it will result in further vehicle movements from the site than those stated in the application form;
6. Proposal is resulting in drainage issues on the site due to the reconfiguration of the gateway;
7. There will be unacceptable level of odour and flies for neighbouring properties and landscaping will take a number of years to reach maturity to aid with screening the proposal;

8. Japanese Knotweed is located within close proximity to the proposed development; and
9. The proposal is resulting in an adverse impact on wildlife in the vicinity.

No comments have been received from:

Ryton On Dunsmore Parish Council

Relevant Planning Policies and Guidance

National Planning Policy Framework (2012)

Section 3: Supporting a Prosperous Rural Economy

Section 9: Protecting Green Belt Land

Section 11: Conserving and Enhancing the Natural Environment

Core Strategy (2011)

Policy CS1: Development Strategy

Policy CS16: Sustainable Design

Saved Local Plan Policies (2011)

Policy E6: Biodiversity

Determining Considerations

The main considerations in respect of this application are the principle of development, the impact on the character and appearance of the Green Belt, the environment and biodiversity and the amenities of neighbouring residential properties.

Principle of Development

Policy CS1 of the Core Strategy states that development must comply with the settlement hierarchy and that it must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy.

As the application site is located within the Green Belt it is therefore considered that new development will be resisted and only where National Policy on Green Belt allows will development be permitted. The NPPF states within Section 9 that a Local Planning Authority should regard the construction of new buildings as inappropriate unless they meet certain exceptions. Likewise Section 3 of the NPPF states policies should support economic growth in rural areas through promoting the development and diversification of agricultural and other land-based rural businesses.

The proposed slurry store is required in connection with the agricultural operations of the applicant to allow the business to continue in its move away from artificial fertilisers onto organic based liquid material. The proposed slurry store is required so that the slurry can be brought to the site in HGV tankers as opposed to tractors reducing vehicle movements and allowing deliveries throughout the year. This would allow the spreading of slurry to be carried out directly onto the land required for the production of crops. Through the provision of a slurry store at Grange Farm would allow the applicant to work in a more sustainable manner and is therefore important to the viability of the arable farm operation and could not reasonably be expected to be located within or adjacent to a settlement boundary.

It is therefore considered that this application is in accordance with Sections 3 and 9 of the NPPF and Policy CS1 of the Core Strategy.

Impact on the Character and Appearance of the Green Belt

Policy CS16 states that development 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 area.

Whilst the slurry store is not located within the existing farm complex they are sited within the agricultural fields where the use will be required allowing for the slurry to be spread directly from the tanks. Whilst the slurry store would have a surface area of 107.07 metres squared and given the topography of the site will enable the stores to be obscured from public visibility.

To limit the impact on the character and appearance of the countryside an existing and proposed layout/section plan was submitted which created a bund which would be planted with trees and shrubs to obscure the view from the London Road along with other views within the vicinity. There is also natural screening provided through mature trees and vegetation which the applicants are currently in the process of enhancing further by planting more trees within the application site this combined with the colour of the slurry stores will ensure that they will blend into the natural environment.

Impact on the Environment and Biodiversity

Saved Policy E6 of the Local Plan states that the Borough Council will seek to safeguard, maintain and enhance features of ecological importance, in particular priority habitats and species of conservation concern. Section 11 of the NPPF also states that new development should be prevented which contributes to putting an unacceptable risk from, or being adversely affected by unacceptable soil levels, air, water or noise pollution.

Warwickshire County Council (Ecology) have confirmed that the site is mainly improved grassland with at least two ponds within 250 metres of the application site whereas immediately to the northwest of the proposed location of the storage tank is an area of broadleaved woodland, marshy grassland and dense scrub. There are also records of badgers within the ownership boundary and as such the location of the organic fertiliser storage tank has the potential to impact on protected species and habits. As such a Preliminary Ecological Appraisal has been requested and received from the agent with Warwickshire County Council (Ecology) confirming that they have no objection subject to appropriate conditions and informatives.

Rugby Borough Council (Landscaping Officer) has confirmed that whilst the proposal is large in scale the vast majority of the slurry store will be obscured from public view by the surrounding topography with the land dips sharply from Freeboard Lane to the south and towards the application site. Likewise the A45 is located adjacent to the site and is raised above the location of the slurry stores with any further views from the proposal being mitigated for by the tree planting proposed which in time will result in the proposal being obscured in its entirety from public view. It is the Landscaping Officers opinion that the landscaping will result in a neutral impact upon the existing landscape.

This application is therefore considered to be in accordance with Policy E6 of the Saved Local Plan.

Impact on Residential Amenity

Policy CS16 also states that development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The Old Police House and riding stables accessed off Freeboard Lane are sited between 360 metres and 460 metres away. Whilst other residential dwellings are located approximately 360 metres away however they are sited on the opposite side of the A45. Other residential dwellings within the vicinity are between approximately 660 metres at Grange Farm and 869 metres of the village of Stretton On Dunsmore.

The applicant will be spreading the slurry via an umbilical pipe and boom system which delivers fertilizer directly & continuously to the field from the proposed store; rather than using the current method of tractors & tankers which have to travel to and fro when empty for filling with another load. The umbilical system would not only reduce the amount of fuel required for the seasonal application, thus lowering the carbon footprint of the farm, it would also be quieter for neighbours and allow for the process to be finished quicker with less compaction to the field which maintains optimum soil structure for the farmer.

Rugby Borough Council (Environmental Health) have confirmed that the supporting information submitted with the application states that the digestate (the anaerobic liquid to be stored in the tank) resulting from the Anaerobic Digestion Plant at Brinklow has been characterised as being below the threshold for detection of odour and has no generic European Odour Unit (OUE) applied to it. During a site visit carried out to the two existing tanks that have been in use for two seasons only a minimal smell was noted in very close proximity to the tanks; no flies associated with spoilage or putrescence were seen on site. The production, handling, storage and use of the digestate liquid were discussed during the visit and afterwards during a visit to the Brinklow AD plant and as such there are no objections to the proposal subject to an appropriate conditions linking the two facilities.

This application is therefore considered to be in accordance with Policy CS16 of the Core Strategy.

Flooding Risk

When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

1. Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
2. Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

The proposed development falls within Flood Zone 1 however as the application constitutes major development Warwickshire County Council (Flood Risk Management) and the Environment Agency have been consulted on this application. The Environment Agency has confirmed that they have no objection to the proposal, whereas, initial responses from Warwickshire County Council (Flood Risk Management) have confirmed that insufficient information has been submitted in order for the application to be adequately assessed. Warwickshire County Council (Flood Risk Management) have confirmed that following confirmation from the applicant that the site is 168 cubic metres of hardstanding, with the remainder of the site being permeable surfacing with the storage tank itself remaining open to allow rainwater to collect, they have no objections to the proposal subject to appropriate conditions.

Conclusion

The proposal would respect the scale and character of the surrounding area, would not adversely affect the amenities of the occupiers of neighbouring properties, and would not impact upon highway safety. Accordingly, the application is to be considered to be in accordance with the National Planning Policy Framework and the Core Strategy and is therefore recommended for approval subject to conditions.

Report prepared by: Jo Orton, Senior Planning Officer

DRAFT DECISION

APPLICATION NUMBER

R18/0505

DATE VALID

21/03/2018

ADDRESS OF DEVELOPMENT

GRANGE FARM
LONDON ROAD
RYTON ON DUNSMORE
COVENTRY
CV8 3EW

APPLICANT/AGENT

Paul Taylor
Pt-Ce Ltd
Unit 2
Granite House
Enderby
Leicestershire
LE19 4AE
On behalf of Mr Dale Aston

APPLICATION DESCRIPTION

Erection of a single organic fertiliser storage tank and compound area.

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: 1

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

The development shall not be carried out other than in accordance with the plan numbers GFDS/1; GFDS/2 Rev A; and GFDS/3 Rev A received by the Local Planning Authority on 21 March 2018.

REASON: 2

For the avoidance of doubt.

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: 3

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

CONDITION: 4

No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 10 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedge of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON: 4

To provide screening for the development and to enhance local biodiversity and visual amenity potential.

CONDITION: 5

The use of the proposed storage tank should be restricted solely for the storage of digestate from the Anaerobic Digestion facility at Brinklow.

REASON: 5

In the interests of the amenities of neighbouring amenity and odour control.

CONDITION: 6

No development shall take place until a detailed surface water drainage scheme for the site and proportionate to the development type has been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently be implemented in accordance with the approved details.

REASON: 6

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

CONDITION: 7

No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the LPA.

REASON: 7

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

CONDITION: 8

No development shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.
- b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

REASON: 8

In the interests of archaeology.

CONDITION: 9

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

REASON: 9

In the interests of archaeology.

CONDITION: 10

The development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for great crested newts (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.

REASON: 10

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

CONDITION: 11

The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expects to see details of safeguarding measures (and pre-checks if necessary) for great crested newts, reptiles, bats, badgers, breeding birds and hedgehogs and appropriate working practices that are to be employed whilst works are taking place on site. The Construction and Environmental Management Plan will also include details of temporary lighting and pollution prevention measures. The agreed Plan shall thereafter be implemented in full.

REASON: 11

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

CONDITION: 12

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of species planting and habitat enhancements such as bird and bat boxes. The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON: 12

In accordance with NPPF, ODPM Circular 2005/06.

CONDITION: 13

No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site and adjacent to the site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

REASON: 13

To protect trees and other features on site during construction.

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

An Environmental Permit or an exemption from the requirement to hold a permit may be required under the Environmental Permitting (England and Wales) Regulations 2016. The applicant is advised to contact the Environment Agency's National Permitting team via the Customer Contact Centre on 03708 506 506 to discuss this.

INFORMATIVE: 2

The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Reference number: R18/0465

Site address: Land to the East of Coombe Abbey Hotel

Description : Temporary use of land to continue as an overflow car park

Case Officer Name & Number: Erica Buchanan 01788 533789

Description of Site

The site is located within the grounds of Coombe Abbey, a Grade I listed building, a Grade II* Registered Historic Park & Garden and Coombe Abbey Conservation Area, approximately 9 miles north-west of Rugby and 2 miles east of Coventry. The temporary car park is located to the east of the main building and adjacent to the former walled garden of Coombe Abbey. The site is surrounded by a Grade II listed stone wall, the former walled garden, numerous established mature deciduous trees and hedging as well as a farm and agricultural land. This part of the site is identified in the conservation area appraisal as lying mainly within the historic core of the Abbey.

Part of the car park has been surfaced with a temporary surface. There is a wooden kneel rail fencing delineating the car park from the remainder of the grassed area. There is an “in and out” system by way of gated access points leading from and too the main hotel car park. A temporary light is located adjacent to the entrance of the car parking facing onto it.

Description of Proposal

The application is for a further temporary consent for the continued use of the area as an overflow car park for the hotel specifically in connection with use of the marquee located in the Great Garden.

The car park was originally granted a temporary consent in 2013 and condition 1 states that the land should be reinstated in July 2018. The temporary consent for the marquee has been extended under reference R16/0968 and expires on 31 July 2023 and the current application is for the continuous use of the overflow car park to coincide with the expiration of the marquee use.

Planning History

Site History:

The site is subject to extensive planning history. However, the most relevant applications are those that relate to the change of use of the hotel in 1991 and various applications to increase the size of the hotel in relation to the number of bedrooms in 1991, 1993, 1996 & 2006. The most recent and relevant applications are as follows:

R11/0418 Erection of a temporary marquee – Temporary Approval 18th May 2012 (until 31st July 2018)

R12/2356 Erection of a temporary marquee (amended design following approval of R11/0418) – Temporary Approval 20th June 2013 (until 31st July 2018)

R13/1651 Temporary change of use of land to an overflow car park. Temporary approval 03rd September 2014 (until 31st July 2018)

R16/0968 Continuation of use of enlarged temporary marquee Temporary approval 08th December 2016 (until 31st July 2023)

Technical Consultation

Historic England

Do not wish to comment on the application.
No further comments on the additional information submitted.

WCC Highways	No Objection
WCC Ecology	Recommend that a bats and lighting note is attached to any permission granted. Further comments following submission of additional information The temporary light is not expected to have a significant impact on bat foraging/commuting, however we would recommend that a bats and lighting note is attached to any permission granted.
HSE	No comments
NE	No objection
Environmental Health	No objections
Arboricultural Officer	Objects -The car park as constructed does not resemble the layout as detailed in the "tree protection plan" of the original approval. Significant work has been carried out in root protection area and the car park should be re-configured as per the original approved tree protection plan. Overall the look of this isn't particularly attractive and some might say a bit scruffy and definitely not in keeping with the historic setting.
Combe Fields Parish Council	Has no particular objections to the above consultation but would question how long Combe Abbey can keep playing the "System" i.e. continued temporary use of both the car park (original application R13/1651 granted 3 Sept 2014) land and the overflow marquee (R16/0968 now up to 2023)?
Neighbours (1 comment)	No objection to the use – comments on the use – overflow car park being used for Country Park leading to alternative routes into the parking area (via Coombe Abbey Farm entrance.), parking beyond the area allowed, litter left in field.

Relevant Planning Policies & 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:

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

Rugby Borough Council Core Strategy 2011:

- CS1 Development Strategy
- CS11 Transport & New Development
- CS16 Sustainable Design

Rugby Borough Local Plan Draft Publication 2011-2031:

At the present time, the policies in the emerging Draft Local Plan carry some weight, although this is limited as the examination process has only recently ended and there will be another public consultation process on the proposed modifications prior to the receipt of Inspector's final report. Whilst emerging policies are a material consideration, the key document to determine planning applications remains the adopted 2011 Core Strategy and the NPPF. It is not considered any emerging policies in the Draft Local Plan conflict with the planning proposal for the reasons set out below

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 Guidance & Policies:

National Planning Policy Framework, 2012
National Planning Practice Guidance, 2012

Other:

Coombe Abbey Conservation Appraisal, June 2010
Temporary Structures in Historic Places, English Heritage, 2010
Sustainable Design & Construction Supplementary Planning Document (February 2012)
Planning Obligations Supplementary Planning Document - Parking Standards (March 2012)

Assessment of Proposals

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 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 9 of the NPPF deals specifically with the green belt and paragraph 80 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 87 to 89 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 limited infilling of previously developed land. Paragraph 90 states provision is also made for certain other forms of development providing they preserve the green belts openness and include mineral extraction, engineering operations and the re-use of buildings.

The proposal is to continue with the use of the car park for a further temporary period of five years to tie in with the temporary permission that exists for the marquee. The car park would continue to be used on an ad-hoc manner serving as an informal overflow parking area at times where the formal parking area associated with the hotel is fully utilised.

The temporary car park falls within an engineering operation (works that are not buildings) and under paragraph 90 of the NPPF is considered not to be inappropriate development in the Green Belt. The parking area is located in a position of limited visibility and well screened off from most positions by mature trees and hedgerows as well as a number of farm buildings and the old walled garden associated

with the historic uses of the buildings on-site, and its continuous use for parking purposes associated with the hotel and its operations is considered to be acceptable.

Design and Appearance

The original consent was subject to conditions one of which required details of surfacing to be submitted and approved. However this has subsequently been carried out without the formal approval of the Local Planning Authority. Therefore this is being considered as part of the current proposal. The car park has been surfaced with road chippings and is a temporary surface used to protect the ground from the use by vehicles in wet weather.

Given the temporary use of the site and the temporary nature of the surface its design and appearance is not considered to have a detrimental impact on the historic setting.

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. 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.

With regards to the NPPF, chapter 12 sets out the government's advice on conserving and enhancing the historic environment. Paragraph 134 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. Such cases should be weighed against the public benefit of the proposals including securing its optimum viable use. In addition the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

The site is situated within the Coombe Abbey Conservation Area as well as within close proximity to a range of listed buildings of various grades whilst also being within a Grade II* listed registered park and garden. It is considered that the temporary use of the site as an overflow car park and with the temporary nature of the surfacing used that the proposal would result in less than substantial harm. Therefore consideration is given to whether the benefits would outweigh the harm.

There is no question of the importance of the site in heritage terms and the additional parking of the proposal will provide in conjunction with the temporary marquee use to assist in safeguarding the future of the heritage asset whose surrounding grounds are open to the public and the business needs of the hotel operation.

Although the proposal will be in a well screened part of the site where views of it will, when in use, be apparent from certain parts of the existing hotel car park and a limited part of the adjacent road, particularly during the winter months when the leaves have fallen from the trees. Nevertheless, minimising the visual impact and preventing physical damage to the heritage assets, including archaeology, balanced against the operation of a commercial venue and the maintenance of the hotel and its grounds is key in the overall assessment of this proposal.

English Heritage have commented that they have no objection to the continued use of the temporary car park.

On balance the proposal is considered to comply with Saved Policy E17, Policy CS16 of the Core Strategy, emerging Policies SDC1 and SDC3 of the Draft Local Plan and the NPPF purely on its temporary basis.

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 11 '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 site is improved grassland of low ecological value and is only used occasionally. As the wider area is SSSI designated and supports a number of species. There is one temporary lighting column in place which is only used when an event is taking place. It appears to be directional and facing away from the tree line. Warwickshire county ecologists have stated that as such the lighting is not expected to have a significant impact on bat foraging/commuting, however recommends that a bats and lighting note is attached to any permission granted as guidance and it is advised to consider the attachment of a cowl or shield on the lighting to minimise light spillage in the direction of the tree line

Natural England have assessed the site using the Impact Risk Zones data and is satisfied that the proposed development as submitted will not damage or destroy the interest features for which Combe Pool SSSI has been notified. Therefore have advised that the SSSI does not represent a constraint in determining the application.

It is therefore considered that the proposal is 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. A tree survey was provided as part of the original application and the plan identifying the area for the root protection. However currently car park layout has no resemblance to that approved,

As such the Councils Tree Officer has objected to the proposal as the previously approved Tree Protection Plan details the proposed parking just on the edge of the root protection area of T3 which is a huge Turkey Oak. The tree has a root protection area with a radius equal to 15m. Tree 14 which was previously identified as being removed has been retained and as a result the car parking area has been extended within the root protection zone and within 8.5m of the central stem of T3. Therefore significantly within the root protection area. The same applies to other trees e.g. T4, T6 and T5.

It has also been noted that some leylandii have been planted along the boundary with the field and the ingress access road. These trees are not considered to be appropriate in the historic landscape setting and the applicant has agreed to remove these trees.

The tree officer's recommendation is that the car park should be re-configured as per original approved tree protection plan.

Highways

The use of the land to provide parking spaces will result in the provision of up to an additional 80 on-site parking spaces giving an overall provision of 260 on-site associated with the hotel and conference centre. This level is acceptable. No highway or pedestrian safety concerns have been raised by the Highway Authority.

Recommendation;
Temporary approval subject to conditions.

DRAFT DECISION

APPLICATION NUMBER

R18/0465

DATE VALID

08/03/2018

ADDRESS OF DEVELOPMENT

LAND TO THE EAST OF
COOMBE ABBEY HOTEL
BRINKLOW ROAD
RUGBY
CV3 2AB

APPLICANT/AGENT

Mr Peter Frampton
Framptons Planning
Framptons Town Planning
Banbury
OX16 0TH
On behalf of ., Coombe Abbey Hotel

APPLICATION DESCRIPTION

Temporary use of land to continue as an overflow car park

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

Unless otherwise agreed in writing with the Local Planning Authority this permission shall be temporary for a period ending on 31st July 2023. Within 6 months of the cessation of the use of the land for car parking the following actions shall be undertaken:

- a. The removal off site of all road chippings which have been laid as a temporary surface during the period of use of land for car parking has taken place.
- b. The removal and the discard off site of the membrane laid between the road chippings.
- c. The removal of the lighting column from the land used for car parking.
- d. The replacement of the road chippings with topsoil that has been temporarily stored for the duration of the use of the land for car parking.
- e. The levelling of the land to its former condition.
- f. The seeding of the ground with grass.

Thereafter the land shall be retained as pasture or for agriculture use unless further written permission from the Local Planning Authority has been obtained.

REASON:

The permanent use of the land for parking purposes is not considered by the Local Planning Authority to be suitable for retention on a permanent basis due to its sensitive, historic, Green Belt location.

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 ref PF/9046 received 02/03/2018
Agents letter and appendices dated 15th June 2018
Agents email dated 05th July 2018
Tree Protection Plan 5132 FE TPP02Pk dated 27 February 2014

REASON:

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

CONDITION 3:

Within 1 month of this approval the existing granular surface including the underlying membrane shall be removed and the topsoil shall be relaid and the area of land beyond the blue line shall be re-seeded in the first growing season. No car parking shall take place outside of the blue line car parking envelope shown on drawing no. 5132 FE TPPO2Pk

REASON;

To ensure the satisfactory protection of protected trees on site.

CONDITION:4

Within three months of this consent being granted the fence details shown at Appendix 4 of the Framptons letter dated 15th June 2018 shall be provided along the car parking envelope edged blue on dwg. no. 5132 FE TPP02Pk.

REASON:

To ensure the satisfactory protection of protected trees on site.

CONDITION 5;

The temporary car park hereby approved shall only be used as an overflow car park in association with events and functions held in the adjacent Coombe Abbey Hotel and for no other reason.

REASON;

To ensure it is only used for the purposes used to justify the granting of the temporary planning permission and for no other reason.

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

Lighting can have a harmful effect on bats impacting on their use of a roost and also their commuting routes and foraging areas. Light falling on a roost access point is likely to delay bats from emerging, which can be especially damaging around dusk as that is when there is a peak in the number of insects. In the worst case scenario, it can cause the bats to desert the roost. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended), the latter of which deems them a European Protected Species. Bats, birds and other nocturnal animals should always be taken into account when lighting is being considered. It is respectfully advised that lighting is kept to a minimum and is limited to illuminating the ground and not any possible access points or foraging corridor. For further advice on this please contact the WCC Ecological Services on 01926 418060

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions – 17 th May 2018 to 20 th June 2018
Name of Committee:	Planning Committee
Date:	18 th July 2018
Report Director:	Head of Growth and Investment
Portfolio:	N/A
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Dan McGahey 3774
Public or Private:	Public
Report subject to Call-In:	N/A
Report En-Bloc:	N/A
Forward Plan:	N/A
Corporate Priorities:	
Statutory / Policy Background:	Planning and Local Government Legislation
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers
Financial Implications:	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 – 18th July 2018

Delegated Decisions – 17th May 2018 to 20th June 2018

Report of the Head of Growth and Investment

Recommendation

The report be noted.

1.1 BACKGROUND

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

Name of Meeting: Planning Committee
 Date of Meeting: 18th July 2018
 Subject Matter: Delegated Decisions – 17th May 2018 to 20th June 2018
 Originating Department: Growth and Investment

List of Background Papers

Document No.	Date	Description of Document	Officer's Reference	File Reference
1.				

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

* Exempt information is contained in the following documents:

Document No.	Relevant Paragraph of Schedule 12A
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* There are no background papers relating to this item.

(*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER
DELEGATED POWERS FROM 17.05.2018 TO 20.06.2018

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R17/1977 Refused 30.05.2018</i>	Dunsmore Garage site Coventry Road Thurlaston Rugby CV23 9JR	Demolition of the existing car showroom and erection of four detached dwellings with associated parking and landscaping.
<i>R17/0643 Refused 31.05.2018</i>	Former Layby North Side A45 London Road Thurlaston	Retrospective application for the change of use of the land from former petrol filling station to use for storage of commercial trailers and vehicles, including the proposed construction of a storage building.
<i>R18/0774 Refused 12.06.2018</i>	65 Claremont Road Rugby CV21 3LX	Erection of one new dwelling.
Applications Approved		
<i>R18/0645 Approved 16.05.2018</i>	The Croft Overstone Road Withybrook CV7 9LU	Erection of garage sited to side of dwellinghouse, alterations to access and entrance gates
<i>R18/0603 Approved 17.05.2018</i>	Clifton Manor Lilbourne Road Rugby CV23 0BD	Listed Building Consent for the erection of internal and external works and the erection of extensions and new pitched roof to Coach House
<i>R18/0680 Approved 17.05.2018</i>	31 Millfields Avenue Rugby CV21 4HJ	Erection of a single-storey side/rear extension
<i>R18/0177 Approved 17.05.2018</i>	Land West of Bryants Brandon Lane Brandon CV3 3GW	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)

<i>R17/2052 Approved 17.05.2018</i>	Shepherds Hay 24A Bond End Monks Kirby Rugby CV23 0RD	Erection of conservatory
<i>R18/0563 Approved 17.05.2018</i>	23 Craven Avenue Binley Woods CV3 2JJ	Erection of single storey side and rear extensions
<i>R17/0492 Approved 18.05.2018</i>	59 Fleet Crescent Rugby CV21 4BG	Proposed replacement of the single storey rear and side extension roof, from a flat roof to a pitched roof.
<i>R18/0504 Approved 18.05.2018</i>	18 Park Road Rugby CV21 2QH	Erection of a single storey rear extension.
<i>R17/1000 Approved 18.05.2018</i>	34 Crick Road Hillmorton Rugby CV21 4DY	Erection of proposed 2 storey front, rear and side extensions with single storey side extension
<i>R18/0199 Approved 18.05.2018</i>	Rosemere Hinckley Road Wolvey Hinckley LE10 3HQ	Proposed two storey side extension and other alterations to include changes to the roof; and the increase in the ridge height.
<i>R17/1697 Approved 22.05.2018</i>	Malin Farm Main Street Wolvey Hinckley CV7 9LX	Erection of a new dwelling for a rural worker (re-submission of previously withdrawn planning application reference R17/0280 dated 12/05/2017)
<i>R18/0720 Approved 22.05.2018</i>	63 Hillary Road Rugby CV22 6ET	Erection of a single storey rear extension
<i>R18/0635 Approved 22.05.2018</i>	Rosemount Heath Lane Rugby CV23 0NX	Proposed conversion of existing barn/garage/workshop to 2no. Apartments.
<i>R18/0498 Approved 22.05.2018</i>	Premier Inn Brownsover Road Brownsover	Erection of a two storey extension to the existing hotel to provide 21 additional new bedrooms to the existing hotel to include a new

	Rugby CV21 1HL	external staircase and a 1.8 metre high timber fence along the existing retaining wall.
<i>R18/0656 Approved 22.05.2018</i>	The West Wing Fitzjohns Barby Road Rugby CV22 5QB	Demolition of existing conservatory and erection of two storey rear extension
<i>R17/1943 Approved 22.05.2018</i>	49 Rugby Road Dunchurch Rugby CV22 6PG	Installation of new vehicle access
<i>R18/0740 Approved 22.05.2018</i>	62 Bawnmore Road Bilton Rugby CV22 6JP	Alterations to existing conservatory including a new flat roof with lanterns.
<i>R18/0096 Approved 22.05.2018</i>	32 Follager Road Rugby CV21 2JX	Conversion of existing garage to a habitable room.
<i>R18/0429 Approved 23.05.2018</i>	Travis Perkins Trading Company Limited 2 Somers Road New Bilton Rugby CV22 7DD	Alteration to external appearance of commercial building and installation of a 2.4m high palisade fence and gate
<i>R18/0709 Approved 23.05.2018</i>	18 Dalkeith Avenue Bilton Rugby CV22 7NN	Erection of a First-Floor Rear Extension
<i>R18/0439 Approved 23.05.2018</i>	Kimblewick Manor Barns Main Street Frankton CV23 9PB	Change of use of outbuilding to residential annex and associated works
<i>R18/0705 Approved 23.05.2018</i>	52 Wordsworth Road	Replacement garage to side of dwelling
<i>R18/0594 Approved 23.05.2018</i>	11 Walford Place Rugby CV22 5HA	Demolition of existing attached single storey rear extension and erection of a single storey side and rear extension
<i>R18/0046</i>	50 Broad Street	Proposed demolition and replacement of rear

<i>Approved</i> 23.05.2018	Brinklow Rugby CV23 0LN	conservatory to include clay tiled roof, and replacement of the existing low quality roof tiles over the rear addition to match the new areas with clay tiles
<i>R18/0575</i> <i>Approved</i> 24.05.2018	Shelford Lodge Farm Lutterworth Road Wolvey Hinckley LE10 3HN	Proposed wooden entrance gates and brick wall with piers (partially retrospective).
<i>R18/0707</i> <i>Approved</i> 24.05.2018	5 Elms Drive Hillmorton Rugby CV22 5EX	Erection of two storey side, single storey side and rear extension
<i>R18/0038</i> <i>Approved</i> 24.05.2018	44 Bawnmore Road Rugby CV22 7QW	Erection of single storey rear extensions and infill front extension
<i>R17/1871</i> <i>Approved</i> 24.05.2018	94 Main Street Long Lawford Rugby CV23 9BB	Erection of dormer bungalow
<i>R18/0329</i> <i>Approved</i> 24.05.2018	4 Woodsia Close Brownsover Rugby CV23 0UF	Conversion of integral garage into additional living space (retrospective)
<i>R18/0771</i> <i>Approved</i> 25.05.2018	21 Monks Road Binley Woods Rugby CV3 2BQ	Erection of single storey front extension
<i>R18/0718</i> <i>Approved</i> 25.05.2018	116 Percival Road Rugby CV22 5JU	Erection of a single story rear extension
<i>R18/0541</i> <i>Approved</i> 25.05.2018	24 Skipworth Close Brinklow Rugby CV23 0NW	Erection of a single storey side and rear extension
<i>R18/0746</i> <i>Approved</i> 25.05.2018	14 Ecton Leys Bilton Rugby CV22 5SL	Erection of a two storey front/side extension.

<i>R18/0724 Approved 25.05.2018</i>	34 Charles Lakin Close Shilton Rugby CV7 9LB	Erection of a single storey side/rear extension
<i>R18/0576 Approved 25.05.2018</i>	Land between Kingsforth House and Victoria House Albert Street Rugby CV21 2TD	Erection of a mixed use building including 9no.open market 1 bedroom apartments (Class C3) and 5no.assisted living apartments (Class C2), lounge and reception facilities, together with associated access and parking.
<i>R18/0683 Approved 29.05.2018</i>	10 Vale Close Hillmorton Rugby CV21 4HB	First floor side Extension , Replacement of flat roof with pitched to front porch & bay & conversion of garage to habitable space
<i>R18/0719 Approved 29.05.2018</i>	12 Poplar Grove Ryton on Dunsmore CV8 3QE	Revision to the previously approved first floor side extension roof (retrospective – approved under Planning Application R16/0543) and the provision of a bay window to the front elevation
<i>R18/0654 Approved 29.05.2018</i>	33 Sidney Road Rugby CV22 5LB	Erection of a two storey side extension, two storey front extension and single storey front extension, alterations to the roof and alterations to the front of dwellinghouse
<i>R17/1399 Approved 29.05.2018</i>	21 Rupert Brooke Road Rugby CV22 6HQ	Erection of a two storey side extension and a single storey rear extension
<i>R18/0674 Approved 29.05.2018</i>	277 Bilton Road Bilton Rugby CV22 7EH	Erection of a single storey side extension
<i>R18/0716 Approved 29.05.2018</i>	34 Alicia Close Cawston Rugby CV22 7GT	50% conversion of existing integral garage comprising a new office with door to main house in the rear part, plus a glass window to the side of converted garage (office) in the existing side elevation facing No. 36 Alicia Close.
<i>R18/0448 Approved 29.05.2018</i>	292 Hillmorton Road Rugby CV22 5BW	Erection of a two storey extension to the rear of the property to create an extension to the existing shop at ground floor level and a studio flat at first floor level (including conversion of the existing store).

<i>R17/1742 Approved 30.05.2018</i>	34 Church Road Church Lawford Rugby CV23 9EG	Partial change of use of residential dwelling (C3) and field for the use as a dog breeding business (Sui Generis).
<i>R18/0760 Approved 31.05.2018</i>	4 Fellows Way Hillmorton Rugby CV21 4JP	Proposed single storey side and rear extension to existing dwelling.
<i>R18/0790 Approved 31.05.2018</i>	28 Charter Road Rugby CV22 5HX	Part Single/Part Two-Storey Rear Addition to House plus an enlarged Front Porch.
<i>R18/0766 Approved 31.05.2018</i>	110 Heather Road Binley Woods Coventry CV3 2DB	Erection of proposed first floor rear pitched roof extension.
<i>R18/0643 Approved 31.05.2018</i>	The Highlands Rugby Road Brandon Rugby CV8 3GJ	Erection of an attached double garage.
<i>R18/0698 Approved 31.05.2018</i>	31 Shenstone Avenue Rugby CV22 5BJ	Removal of existing lean-to kitchen roof and conservatory roof, levelling of existing walls and installation of new flat roof with glazed lanterns.
<i>R18/0671 Approved 31.05.2018</i>	2 Jubilee Cottages The Green Broadwell Rugby CV23 8HD	Retrospective consent for material amendments to planning permission reference R16/2554 (Erection of a single storey side extension to provide a garden storage area, approved 25 April 2017).
<i>R18/0772 Approved 01.06.2018</i>	7 Knob Hill Stretton-on-Dunsmore CV23 9NN	Replacement of all doors and windows from existing UPVC to Dark Grey Aluminium. Installation of cladding of Western Red Cedar Clang. Erection of minor extension, including the demolition of existing conservatory to include two new Dark Grey Aluminium bifold doors.
<i>R18/0751 Approved 01.06.2018</i>	Calcutt Elms Farm Calcutt Lane Stockton CV23 8HY	Erection of detached garage and workshop with study games room above.

<i>R18/0786 Approved 01.06.2018</i>	Stave Hall Farm Fosse Way Monks Kirby Rugby CV23 0RL	Change of use of building used as kennels to residential dwelling (resubmission of a previous planning approval under R13/2317 granted 26th February 2014 for the removal of the existing mobile home and Change of use of building used as kennels to residential dwelling).
<i>R18/0132 Approved 01.06.2018</i>	61 Ophelia Crescent Cawston Rugby CV22 7UU	Erection of a rear orangery.
<i>R18/0624 Approved 01.06.2018</i>	Clarence House 56 Clifton Road Rugby CV21 3QF	Erection of a part single / part two storey rear extension.
<i>R18/0754 Approved 01.06.2018</i>	Rugby News Express 9a Market Place Rugby CV21 3DU	Retrospective alteration to shopfront including the installation of an ATM.
<i>R17/1338 Approved 01.06.2018</i>	32 Whittle Close Bilton Rugby CV22 6JR	Erection of a single storey side and rear extension.
<i>R18/0777 Approved 01.06.2018</i>	67 London Road Dunsmore Heath Stretton-on-Dunsmore Rugby CV23 9JB	Conversion of an existing outbuilding to a 2 bed residential ancillary annex to the main dwelling (Re-submission of an extant planning permission for the conversion of an existing outbuilding to a 2 bed residential ancillary annex to the main dwelling granted 15th December 2015 under Ref No. R15/2352).
<i>R18/0514 Approved 04.06.2018</i>	The Hollies Church Road Grandborough Rugby CV23 8DH	Erection of an outbuilding (greenhouse).
<i>R18/0753 Approved 04.06.2018</i>	Far Farm Lutterworth Road Burton Hastings CV11 6RA	Demolition and reconstruction of barn for residential purposes including reorientation, raising roof and other modifications. (Conversion approved under reference R17/1157).
<i>R16/1222</i>	75 Overslade Lane	Erection of a two storey side extension.

<i>Approved</i> 04.06.2018	Rugby CV22 6EE	
<i>R18/0568</i> <i>Approved</i> 05.06.2018	1 Townsends Close Burton Hastings Nuneaton CV11 6RQ	Erection of a single storey side and rear extension
<i>R18/0809</i> <i>Approved</i> 05.06.2018	19 Falstaff Drive Bilton Rugby CV22 6LL	Erection of a single storey rear extension
<i>R18/0791</i> <i>Approved</i> 05.06.2018	32 Balcombe Road Hillmorton Rugby CV22 5HZ	Erection of a rear single and part two storey extension and demolition of existing conservatory
<i>R18/0728</i> <i>Approved</i> 05.06.2018	46 Brockhurst Lane Monks Kirby CV23 0RA	Erection of a front gate and front/ side wall
<i>R18/0797</i> <i>Approved</i> 05.06.2018	16 Charter Road Rugby CV22 5HX	Erection of first floor rear extension
<i>R18/0330</i> <i>Approved</i> 05.06.2018	Storage land at Vicarage Hill Clifton upon Dunsmore Rugby CV23 0DG	Retention of 5no.additional shipping containers, and use of alternative access.
<i>R17/1937</i> <i>Approved</i> 06.06.2018	Little Walton Lodge Farm Lutterworth Road Pailton Rugby CV23 0QW	Proposed extension to existing plant storage buildings and use as a workshop
<i>R18/0587</i> <i>Approved</i> 06.06.2018	306 Lower Hillmorton Road Hillmorton Rugby CV21 4AE	Erection of a first floor extension above existing garage
<i>R17/1764</i> <i>Approved</i> 06.06.2018	Land at Brickyard Cottages Coventry Road Cawston Rugby	Erection of a replacement dwelling following planning approval R16/2416 (Conversion of workshop to dwelling and conversion of storage building to Granny Annexe with associated access and landscaping, dated 28

	CV22 7RY	March 2017).
<i>R18/0823 Approved 07.06.2018</i>	18 Princes Street Rugby CV21 2LR	Proposed second storey rear extension to dwelling (alterations to approved planning permission R17/1010 to include the provision of additional roof lights)
<i>R18/0511 Approved 07.06.2018</i>	Barn Farm Bow Lane Withybrook CV7 9LQ	Demolition of existing open sided agricultural building and replacement with a new building for a mixed agricultural/equestrian use
<i>R18/0475 Approved 07.06.2018</i>	Barn Farm Bow Lane Withybrook CV7 9LQ	Conversion of a barn to 1 dwellinghouse
<i>R18/0406 Approved 07.06.2018</i>	Church Farm Main Street Harborough Magna CV23 0HS	Two storey and single storey rear extension
<i>R18/0471 Approved 08.06.2018</i>	Grange Cattery The Grange Cattery The Cottage Wolston Grange Rugby CV23 9HJ	Conversion of building to one dwellinghouse, retention of single storey front extension and external alterations
<i>R18/0668 Approved 08.06.2018</i>	Toft Manor Toft Lane Dunchurch Rugby CV22 6NR	Variation of condition 2 of planning permission reference number R15/1143 granted 26th May 2016 to include alterations to the first floor windows and provision of a balcony to the west and south elevations, provision of an additional velux window to the western roof slope including other external alterations.
<i>R18/0770 Approved 08.06.2018</i>	55 Gibson Drive Hillmorton Rugby CV21 4LJ	Erection of a two storey side extension
<i>R18/0839 Approved 11.06.2018</i>	3 St Johns Avenue Rugby CV22 5HR	Erection of a two storey side, single storey side and rear extension plus front porch extension
<i>R18/0675 Approved 12.06.2018</i>	1 Meadow View Bourton Road Frankton Rugby	Provision of room over double garage, with dormer window on back elevation. (Amendment to a previously approved proposal under planning application reference no.

	CV23 9NX	R15/2358 granted 7th January 2016)
<i>R18/0851 Approved 13.06.2018</i>	11 Mill Close Wolston CV8 3PA	Erection of single storey rear extension
<i>R18/0787 Approved 13.06.2018</i>	50 Linnell Road Rugby CV21 4AW	Erection of a single storey rear extension.
<i>R18/0543 Approved 13.06.2018</i>	1 Shortwheat Hill Rugby CV23 0GP	Single storey extension to the rear and alteration of front fence to side of dwellinghouse
<i>R18/0255 Approved 13.06.2018</i>	Low Meadow Kings Newnham View Church Lawford CV23 9FA	Extension to existing double garage to create triple garage
<i>R18/0870 Approved 13.06.2018</i>	2 Lower Road Barnacle CV7 9LD	Erection of a single storey rear extension
<i>R18/0666 Approved 14.06.2018</i>	The Hayloft Coventry Road Cawston Rugby CV23 9JP	Conversion and extension of redundant farm buildings to form dwelling, erection of detached double garage, partial demolition of existing buildings, associated landscaping and upgrading of existing access.
<i>R18/0876 Approved 14.06.2018</i>	3 Little Grove Rugby CV22 5NL	Erection of a single storey side and rear extension
<i>R16/0124 Approved 14.06.2018</i>	24 Ruskin Close Rugby CV22 5RU	Erection of a single storey side/rear extension
<i>R18/0682 Approved 15.06.2018</i>	Britvic Soft Drinks Ltd Aventine Way Brownsover Rugby CV21 1HA	Infill of two areas under existing roof canopy to create extension to production hall
<i>R18/0116 Approved 15.06.2018</i>	102 Grove Road Ansty CV7 9JE	Proposed conversion of integral garage to living room and porch glazing.

<i>R18/0853 Approved 15.06.2018</i>	Hermes (Unit 1, Plot 5) Over View Way Rugby Gateway Employment Rugby CV23 0UY	Erection of detached storage building
<i>R18/0510 Approved 15.06.2018</i>	Land at Wharf Farm Crick Road Hillmorton Rugby	Creation of 4 Great Crested Newts and artificial badger set.
<i>R16/0782 Approved 15.06.2018</i>	The Shaw School of Dancing Shaw School of Dancing Jubilee Street New Bilton Rugby CV21 2JJ	Erection of twelve new residential flats with associated access and parking.
<i>R18/0864 Approved 18.06.2018</i>	123 Hillmorton Road Rugby CV22 5AT	Erection of a two storey side extension
<i>R18/0795 Approved 18.06.2018</i>	M J Harris Farming Hillcrest Farm Clayhill Lane Rugby CV23 9BG	Erection of building for hay and straw storage
<i>R18/0562 Approved 18.06.2018</i>	76 Chapel Street Long Lawford Rugby CV23 9BE	Erection of two storey front extension and first floor extension to side of dwellinghouse
<i>R18/0748 Approved 19.06.2018</i>	299 Rugby Road Binley Woods Rugby CV3 2BE	Proposed new dropped kerb
<i>R18/0884 Approved 19.06.2018</i>	Bilton Silver Band Winwick Place Bilton Rugby CV22 7JR	Erection of a side extension to existing band hall
<i>R18/0899 Approved 19.06.2018</i>	2 Hannah Twining Crescent Cawston Rugby	Erection of a single storey side extension

	CV22 7RZ	
<i>R18/0572 Approved 19.06.2018</i>	49 Townsend Road Rugby CV21 3SB	Erection of proposed two storey side extension and front entrance porch.
<i>R18/0877 Approved 19.06.2018</i>	Garden Cottage Leicester Road Wolvey Heath Wolvey LE10 3HJ	Erection of a three bay timber framed carport
<i>R18/0602 Approved 19.06.2018</i>	3 Ash Tree Grove Shilton CV7 9JJ	Erection of single storey side and rear extension of dwellinghouse
<i>R18/0546 Approved 20.06.2018</i>	Barns at Priory Farm Priory Road Wolston CV8 3FX	Conversion of Barn (Barn 3) to 1 no. dwellinghouse to include a first floor including conversion of section of adjoining barn to provide garaging for Barn 2 and Barn 3
Listed Building Consent		
<i>R18/0591 Listed Building Consent 22.05.2018</i>	The Dress Shop Unit 11 Swan Centre Chapel Street Rugby CV21 3EB	Listed building consent for the reconfiguration to the ground floor and siting of air conditioning units.
<i>R18/0047 Listed Building Consent 24.05.2018</i>	50 Broad Street Brinklow Rugby CV23 0LN	Listed building consent for proposed demolition and replacement of rear conservatory to include clay tiled roof, and replacement of the existing low quality roof tiles over the rear addition to match the new areas with clay tiles
<i>R18/0395 Listed Building Consent 30.05.2018</i>	Rugby School Barby Road/ Horton Crescent Rugby CV22 5DW	Listed Building Consent for the formation of a pedestrian walkway, to include new fencing and access gates, associated landscaping and new openings to existing boundary walls - (Resubmission of previously approved planning application R13/2222).
<i>R18/0672 Listed Building Consent 08.06.2018</i>	Toft Manor Toft Lane Dunchurch CV22 6NR	Listed Building Consent for Variation of condition 2 of planning permission reference number R15/1143 granted 26th May 2016 to include alterations to the first floor windows and provision of a balcony to the west and south elevations including an external staircase leading to the balcony area, provision of an

		additional velux window to the western roof slope including other external alterations.
<i>R18/0701 Listed Building Consent 13.06.2018</i>	Percival Guild Percival Guildhouse Social Club 9 St Matthews Street Rugby CV21 3BY	Listed Building Consent for a proposed internal platform lift with associated alterations and alterations to the staircase
<i>Certificate of Lawful Use or Development</i>		
<i>R18/0662 Certificate of Lawful Use or Development 22.05.2018</i>	The Granary Coventry Road Cawston Rugby CV23 9JP	Certificate of Lawfulness for continued use of dwelling as built (planning permission granted by R95/0760/9706/P, dwelling constructed in altered and extended form.)
<i>R18/0684 Certificate of Lawful Use or Development 30.05.2018</i>	Grove Farm Wolds Lane Wolvey LE10 3LL	Certificate of Lawfulness- Existing Use, Continuation of use of building as B2 use.
<i>R18/0283 Certificate of Lawful Use or Development 01.06.2018</i>	Arlyn Station Road Clifton upon Dunsmore Rugby CV23 0BU	Lawful Development Certificate-proposed use for erection of stables.
<i>Prior Approval Applications</i>		
<i>R18/0441 Prior Approval not required 18.05.2018</i>	183 Abbey Street Rugby CV21 3LW	Prior Approval Application for the erection of a single storey rear extension projecting 3.3 metres from the original rear elevation of the dwelling, 2.55 metres to the eaves height, with a maximum height of 2.65 metres.
<i>R18/0423 Prior Approval required and granted 25.05.2018</i>	2 Market Place Rugby CV21 3DY	Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafes (Class A3)
<i>R18/0723 Prior Approval required and granted 01.06.2018</i>	Davenport Farm Long Itchington Road Birdingbury Rugby CV23 8EQ	Agricultural Prior Approval (Class Q(b) only) - Change of Use of agricultural building to 1 no. dwellinghouse.

<i>R18/0755 Prior Approval not required 05.06.2018</i>	4 Charter Road Rugby CV22 5HX	Prior Approval Application for the erection of a single storey rear extension projecting 4 metres from the original rear elevation of the dwelling, 3 metres to the eaves height, with a maximum height of 3 metres.
<i>R18/0513 Prior Approval required and granted 07.06.2018</i>	73 Marlborough Road Overslade Rugby R18/0513	Prior approval for the erection of a single storey rear extension.
<i>R18/0834 Prior Approval required and granted 11.06.2018</i>	Hill Farm Draycote Road Bourton on Dunsmore Rugby CV23 9RD	Prior approval for the change of use of an agricultural building to residential dwelling house (Part Class Qb only – in association with previously approved PACU R17/2070 – Part Qa)
<i>R18/0838 Prior Approval required and granted 11.06.2018</i>	Hill Farm Draycote Road Bourton on Dunsmore Rugby CV23 9RD	Prior approval for the change of use of an agricultural building to residential dwelling house (Part Class Qb only – in association with previously approved PACU R17/2069 – Part Qa)
<i>R18/0844 Prior Approval not required 13.06.2018</i>	26 Shuttleworth Road Rugby CV23 0DB	Prior Approval application for a single storey rear extension projecting 4.3 metres from the original rear elevation of the dwelling, 8.75 metres in width, 3 metres to the flat roof with a maximum height to the peak of the roof lanterns of 3.25 metres.
Prior Notification		
<i>R18/0566 Prior notification of agriculture or forestry development 18.05.2018</i>	Avondale Station Road Clifton Upon Dunsmore Rugby CV23 0BU	Prior approval for the erection of a barn for storage of animal feed
<i>R18/0842 Prior notification of agriculture or forestry development 23.05.2018</i>	Ryton Fields Farm Wolston Lane Ryton on Dunsmore CV8 3ES	Erection of a Dutch Barn, using juniper green vertical cladding for the walls and juniper green plastisol sheeting for the roof. Length 24.4 metres, height to eaves 6.71 metres, breadth 9.76 metres and height to ridge 8.071 metres.
Advertisement Consents		
<i>R18/0386 Advertisement Consent</i>	Travis Perkins Trading Company Limited 2 Somers Road	Advertisement consent for 2 signs

23.05.2018	New Bilton Rugby CV22 7DD	
<i>R18/0752 Advertisement Consent 01.06.2018</i>	Rugby News Express 9a Market Place Rugby CV21 3DU	Retention of internally illuminated fascia advertisement to ATM.
Approval of Details/ Materials		
<i>R17/0127 Approval of Details 18.05.2018</i>	2 Sandy Lane Rugby CV21 2UR	Erection of detached one and a half storey building comprising two no. maisonettes
<i>R17/1249 Approval of Details 21.05.2018</i>	39-41 Bilton Road Rugby CV22 7AN	Erection of 2no. Dwellings together with associated works
<i>R17/2071 Approval of Details 23.05.2018</i>	Land adjacent to Marston House (known as Rosemary Cottage) Heath Lane Brinklow Rugby CV23 0NX	Conversion of existing outbuilding to a dwellinghouse.
<i>R17/0479 Approval of Details 23.05.2018</i>	Gwenarth Main Street Easenhall Rugby CV23 0JA	Erection of a single storey rear/side extension and a detached garage
<i>R13/2313 Approval of Details 23.05.2018</i>	70a Oxford Street Rugby CV21 3NE	Erection of one and a half storey building to provide 4no. 2-bedroom apartments with associated parking
<i>R17/2078 Approval of Details 04.06.2018</i>	Top Farm Long Itchington Road Marton Rugby CV23 8EQ	Demolition of existing 2 no. agricultural buildings and construction of 1 no. single-storey agricultural building and associated plant and ancillary structures including highway access works.
<i>R16/1569 Approval of Details 07.06.2018</i>	Land to the Rear of 52 to 56 Hillmorton Road Rugby CV22 5AD	Erection of four detached dwellings to the rear of 52, 54 and 56 Hillmorton Road (Amendment to a previously approved scheme under R16/0459 granted 18th May 2016 for the erection of four detached dwellings to the rear of 52, 54 and 56 Hillmorton Road, to include a

		larger ground floor area to the rear elevations of plots 1, 2 and 3).
<i>R15/1573 Approval of Details 07.06.2018</i>	Hill Farm Draycote Road Bourton and Draycote Rugby CV23 9RD	Conversion of barn to form a dwelling house to include the erection of an associated garage (Resubmission of Planning Permission R12/1323 approved 08th August 2012)
<i>R17/1376 Approval of Details 11.06.2018</i>	Brookside Surgery Surgery Brookside Stretton on Dunsmore Rugby CV23 9LY	Extensions and alterations to existing surgery.
<i>R16/1780 Approval of Details 12.06.2018</i>	Southern part of Cawston Extension Site Coventry Road Cawston Rugby (Linden Homes Part of site only)	Erection of 245 dwellings and associated infrastructure: Approval of reserved matters related to R11/0114 {Outline application for residential development (up to 600 dwellings, use class C3), new accesses to Coventry Road and Trussell Way, open space, associated infrastructure and ancillary works (access not reserved).}
<i>R16/1393 Approval of Details 13.06.2018</i>	J K Timber and Packing Limited J K Timber Coalpit Lane Rugby CV23 9HH	Erection of an industrial building.
<i>R17/0472 Approval of Details 14.06.2018</i>	The Estates Office Horton Crescent Rugby CV22 5DJ	Demolition of the existing estate department building, and ancillary buildings and the erection of a part single, part two and part three storey building comprising school day-houses, 2 (no) dining halls, kitchens, reception area and common rooms.
<i>R16/1255 Approval of Details 20.06.2018</i>	Land at Stretton Croft A5 A Road Watling Street Wolvey	Mixed use development incorporating C1 hotel with ancillary A3 restaurant, B1 offices and D2 leisure unit with associated works. Approval of reserved matters in relation to outline planning permission R11/0239 (Outline application for a mixed use development comprising Class B1 (Business), Class C1 (Hotel Development) incorporating Class A3 (Restaurant), Class D2 (Assembly and Leisure) with associated car parking and landscaping.)
Approval of reserved		

matters		
<i>R18/0492 Approval of reserved matters 08.06.2018</i>	Land adjacent to the Old Telephone Exchange Albert Street Rugby CV21 2TD	Erection of 13No. One bedroom apartments (Reserved matters application for landscaping following Outline Permission for the erection of 13no. One bedroom apartments with access, layout, scale and appearance all detailed and approved under R17/1434.)
Approval of Non Material Changes		
<i>R17/1280 Approval of Non Material Changes 25.05.2018</i>	Bilton Grange Preparatory School Rugby Road Dunchurch Rugby CV22 6QU	Conversion and enclosure of the former racquets court structure to a music room
<i>R18/0302 Approval of Non Material Changes 25.05.2018</i>	1 The Green Long Lawford Rugby CV23 9BL	Erection of a two storey side extension and provision of solar panels to the front and rear roof slopes and a flat roofed dormer to existing front roof slope. (re-submission of R17/1067 granted 17th August 2017 for the erection of a two storey side extension and provision of solar panels to the front and rear roof slopes and a flat roofed dormer to existing front roof slope).
<i>R16/1780 Approval of Non Material Changes 31.05.2018</i>	Southern part of Cawston Extension Site Coventry Road Cawston Rugby	Erection of 245 dwellings and associated infrastructure: Approval of reserved matters related to R11/0114 {Outline application for residential development (up to 600 dwellings, use class C3), new accesses to Coventry Road and Trussell Way, open space, associated infrastructure and ancillary works (access not reserved).}
<i>R17/2006 Approval of Non Material Changes 05.06.2018</i>	Unit 15 and 16 Swan Centre Chapel Street Rugby CV21 3EB	Change of use from use class A1 (retail) to use class A3 (restaurants and cafes), subdivision of the building to form four units and associated external alterations including external staircase / fire escape
<i>R17/0036 Approval of Non Material Changes 11.06.2018</i>	Land South of Technology Drive Technology Drive Rugby	Erection of 231 dwellings together with open space, earthworks, balancing pond, site remediation, landscaping, car parking and other ancillary and enabling works. Re-plan of housing layout following planning approval reference R15/2074.
<i>R17/1049 Approval of Non</i>	Warwickshire County Council	Erection of a detached two-storey building for education purposes.

<i>Material Changes</i> 13.06.2018	Warwickshire College Rugby Centre Technology Drive Rugby CV21 1AR	
<i>R15/2044</i> <i>Approval of Non</i> <i>Material Changes</i> 13.06.2018	College Barn Priory Court Leamington Road Princethorpe Rugby CV23 9PU	Erection of a ground floor and first floor extension, to include provision of a mezzanine.
<i>R10/1286</i> <i>Approval of Non</i> <i>Material Changes</i> 15.06.2018	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.)
Withdrawn		
<i>R17/1296</i> <i>Withdrawn</i> 14.06.2018	1 Pretorian Way Rugby CV21 1RN	Provision of a dropped kerb
<i>R17/1819</i> <i>Withdrawn</i> 19.06.2018	Leamington Road Garage Leamington Road Ryton on Dunsmore CV8 3EL	Demolition of existing Sui Generis (Car Sales), B1 (Business) Use Buildings, demolition of existing dwelling and erection of 8no. detached dwellings and the associated works.