

14 July 2017

PLANNING COMMITTEE - 26 JULY 2017

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 26 July 2017 in the Council Chamber at the Town Hall, Rugby.

Adam Norburn
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the meeting held on 5 July 2017.

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 – 1 June – 28 June 2017.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be considered.

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

The Reports of Officers (Ref. PLN 2017/18 – 5) are attached.

Membership of the Committee:

Councillors Mrs Simpson-Vince (Chairman), Mrs Avis, Mrs A'Barrow, Butlin, Cranham, Ellis, Gillias, Miss Lawrence, Lewis, Mistry, 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 – 26 July 2017

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	R16/2391	Land at Waldings Farm, Barby Lane, Hillmorton, Rugby Residential development of up to 107 dwellings including vehicular access from Barby Lane, open space, landscaping, surface water attenuation pond, footpaths, cycleways and associated infrastructure (all existing buildings to be demolished) (outline planning application to include access with appearance, landscaping, layout and scale reserved) (re-submission following refusal of planning application R15/2039)	3
2	R16/2490	Land East of Barby Lane and South of Fellows Way, Barby Lane, Rugby Residential development of up to 113 dwellings including vehicular access from Barby Lane, open space, landscaping, surface water attenuation pond and associated infrastructure (outline planning application to include access with appearance, landscaping, layout and scale reserved).	41

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
3	R16/1939	Former GOJI restaurant, 424 London Road, Stretton On Dunsmore Demolition of former GOJI restaurant building and erection 7 detached new dwellings including blocking up existing site access points, re-establishment of existing redundant site access with associated external works and landscaping.	77

Reference number: R16/2391

Site address: Land at Waldings Farm, Barby Lane, Hillmorton, Rugby

Description: Residential development of up to 107 dwellings including vehicular access from Barby Lane, open space, landscaping, surface water attenuation pond, footpaths, cycleways and associated infrastructure (all existing buildings to be demolished) (outline planning application to include access with appearance, landscaping, layout and scale reserved) (re-submission following refusal of planning application R15/2039)

Case Officer Name & Number: Chris Kingham, 01788 533629

Background:

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

Members will recall that they considered and refused an application for the same proposed development as outlined in the description above in July 2016 (ref: R15/2039). This current application is identical to that which was previously refused by the Council with the exception of some new information including an updated Landscape and Visual Impact Assessment and Planning Statement.

Members should be aware that the applicant submitted an appeal against the Council's decision to refuse the previous application in September 2016. The Planning Inspectorate subsequently considered this and issued a decision on 5th July 2017 dismissing that appeal (i.e. refusing the application).

The Inspector reasoned that "the adverse impacts of granting planning permission arising from the substantial environmental harm to the landscape and limited harm from the loss of agricultural land and non-designated heritage assets would significantly and demonstrably outweigh the significant economic and social benefits resulting from the provision of new housing, including affordable homes, in an area where there is a shortfall in provision, and the moderate biodiversity benefits".

The decision then went on to outline that "The proposal would be in conflict with the development plan. Although the weight to be attributed to the relevant development plan policies is moderate or limited, the starting point for decision making is the development plan. Material considerations do not indicate that the appeal should be determined otherwise than in accordance with the development plan. Therefore, the proposal would not constitute sustainable development".

This appeal decision is consequently a material consideration in the determination of this application and should be given significant weight.

Site Description:

The application site comprises of 5.45 hectares of agricultural land to the west of Barby Lane and south of Westwood Road in Rugby. The land broadly has the appearance of an 'L' shape and can be divided accordingly into a northern and southern parcel of land.

The northern parcel of land consists of two grazing fields delineated by established hedgerows and a number of buildings collectively forming a farmstead known as Waldings Farm located to the southern boundary. The hedgerows to perimeter of the site are interspersed with mature trees along the site boundaries. The buildings making up the farmstead include a two-storey house, brick built farm buildings, pre-fabricated barn, corrugated iron store and two telecommunication masts. A number of mature conifers are located around the western perimeter of the buildings. An existing vehicular access point to gain access to the site and these buildings is located off Barby Lane to the northeast of the site. A Public Right of Way (RB29) also runs through the centre of the site from north to south.

The southern parcel of land is narrower in width than the northern parcel of land and has a curved shape with the land area reducing as it gets closer to Barby Lane. This southern parcel of land forms part of a larger agricultural field which appears to be in arable agricultural use. The southern boundary is therefore undefined and open to this field whilst the other boundaries are defined by established hedgerows.

Topographically, the site is set on a slope which drops down by approximately 15 metres from the northern to southern boundary across both parcels of land. There are also other localised changes in topography. The most notable of these is towards the eastern section of the northern parcel where levels drops down approximately 10 metres from the northwest to southeast.

To the north, the site is bordered by Ashlawn School, Public Right of Way RB29, Hillmorton Allotments and a number of residential dwellings which are collectively accessed off Westwood Road.

Ashlawn School occupies a large area of land running from Ashlawn Road to the north and the application site in the south. The school buildings are located towards the north and range from one to three storeys in height. The school then has a number of sports pitches which are located to the south of these buildings up to the boundary with the application site which is defined by an established hedgerow and metal fencing.

Hillmorton Allotments contain a number of well used plots which are accessed off Ashlawn Road. An established hedgerow is located along the boundary of the allotments with the application site.

Public Right of Way RB29 runs inbetween Ashlawn School and Hillmorton Allotments. This currently takes the form of an unsurfaced path with mature tree and hedgerow planting to the allotment side and fencing along the school side. It connects into Ashlawn Road to the north and the application site to the south.

The residential dwellings on Westwood Road take the form of detached buildings ranging from one to two storeys in height. The design, layout and appearance is also highly varied giving rise to a unique and diverse streetscene. Dwellings to the south side of Westwood Road have a number of windows within the southern elevations overlooking the application site. The gardens to these dwellings back onto the site with boundary treatments dominated by an established hedgerow.

To the east, the site is bordered by Barby Lane which provides a vehicular access link between Rugby town and Barby village. This road is subject to a 30mph speed limit by the existing site access with speed cushions laid down at the entrance to the urban area. There is a 60mph speed limit beyond the existing site access. The eastern boundary itself is defined by an established hedgerow interspersed within mature trees. A ditch is located alongside the hedgerow with land levels rising up from this towards Barby Lane creating a grass verge alongside the highway. A mature hedgerow is located adjacent to the highway on the opposite side of Barby Lane with open agricultural fields beyond this. Residential dwellings at Moat Farm Drive are located beyond the fields.

To the south of the site are open agricultural fields. The field boundaries are defined by established hedgerows whilst land levels drop down here from north to south to Rains Brook before then rising again.

To the west of the site are open agricultural fields. Ridgeway Farm is also located here and comprises of a residential dwelling and agricultural buildings. Outline planning permission for up to 96 dwellings has been granted on land adjoining the farm in December 2015 (ref: R14/0407) with a subsequent reserved matters application approved in May 2016 (ref: R15/2239). Beyond these fields is St Andrews Rugby Club and Rainsbrook Crematorium.

Relevant Planning History (Application Site):

R15/2039: Land at Waldings Farm, Barby Lane, Hillmorton, Rugby. Residential development of up to 107 dwellings including vehicular access from Barby Lane, open space, landscaping, surface water attenuation pond, footpaths, cycleways and associated infrastructure (all existing buildings to be demolished) (outline planning application to include access with appearance, landscaping, layout and scale reserved). Refused 28/07/2016. Appeal dismissed 05/07/2017 (ref: APP/E3715/W/16/3158785).

R05/0151/07794: Outline application for three 1.5 storey detached dwellings. Refused 06/04/2005. Appeal dismissed 20/09/2005 (ref: APP/E3715/A/1181699).

Relevant Planning History (Within Vicinity of Application Site):

R16/2490: Land East of Barby Lane and South of Fellows Way, Barby Lane, Rugby. Residential development of up to 113 dwellings including vehicular access from Barby Lane, open space, landscaping, surface water attenuation pond and associated infrastructure (outline planning application to include access with appearance, landscaping, layout and scale reserved). To be determined.

R15/2239: Land Adjacent Ridgeway Farm, Ashlawn Road, Hillmorton, Rugby, CV22 5QH. Application for Reserved Matters for 96 dwellings relating to appearance, landscaping, layout and scale against outline planning permission R14/0407 for demolition of agricultural buildings and use of land for residential development and associated works, including access. Approved 27/05/2016.

R14/0407: Land Adjacent Ridgeway Farm, Ashlawn Road, Hillmorton, Rugby, CV22 5QH. Outline planning application for demolition of agricultural buildings and use of land for residential development and associated works, including access. Approved 02/12/2015.

Technical Consultation Responses:

Daventry District Council	No objection
Development Strategy	No response
Environment Agency	No comment
Environmental Health	No objection subject to conditions
Highways England	No objection
Housing	No objection
National Grid	No response
Natural England	No comment
NHS England	No comment
Northamptonshire CC Highways	No objection
Parks and Grounds	No objection subject to financial contributions
Ramblers Association	No objection subject to conditions
Severn Trent Water	No objection subject to a condition
Sport and Recreation	No objection subject to financial contributions
Stagecoach	Support
Tree Officer	No objection subject to conditions
Warwickshire Fire and Rescue	No objection subject to a condition
Warwickshire Police	No objection subject to advisory notes and financial contributions
Warwickshire Wildlife Trust	No objection subject to conditions
WCC Archaeology	No objection subject to a condition
WCC Ecology	No objection subject to conditions
WCC Flood Risk	No objection subject to conditions
WCC Highways	No objection subject to conditions, financial contributions and advisory notes
WCC Infrastructure	No objection subject to financial contributions
WCC Landscape Team	Objection
WCC Planning	No response
WCC Public Health	No objection
WCC Rights of Way	No objection subject to informatives and planning obligation
Western Power Distribution	Comment
Works Services Unit	No objection subject to informatives

Third Party Consultation Responses:

Residents (79) Objection

- Objections to application R15/2039 still stand.
- Nothing changed since previous application refused.
- Volume of traffic and congestion already bad along existing roads in area.
- Noticeable increase in traffic from DIRFT development.
- Mast site and other planned developments will worsen traffic problems.
- Would create further delays on highway network.
- Cumulative impact of traffic should be considered.

- Lengthy queues and time delays around Paddox junction.
- Proposed development would exacerbate existing traffic problems through additional traffic.
- Negative impact on highway safety for all users.
- Proposed changes to road network would not mitigate impact of additional traffic.
- Traffic lights or roundabout required at Paddox junction and Ashlawn Road, Deerings Road, High Street and Barby Lane junctions.
- Re-modelling of road infrastructure would harm historic character of area.
- Traffic lights for junctions would increase queuing times.
- Council's housing target and distribution background paper (2015) indicates southwest model works best for traffic but this site is in southeast which performs the worst.
- Impact on traffic understated in supporting documents.
- Lack capacity at local services forces travel to access services further afield adding to traffic.
- Traffic calming measures or speed enforcement needed along Hillmorton Road.
- Lack of pedestrian crossings on A428.
- Would create congestion and traffic flow problems along Barby Lane.
- Traffic flow and safety issues around Barby Lane and Ashlawn Road junction.
- Lengthy queues and time delays turning right out of Barby Lane onto Ashlawn Road.
- Parking on Barby Lane for picking up and dropping off school children creates traffic flow and highway safety problems.
- Site roads would be used for picking up and dropping off school children.
- Traffic speeds above 30mph along Barby Lane.
- Lengthy queues and time delays at junctions with Ashlawn Road and Hillmorton Road.
- Paddox junction at capacity now and development will add more vehicles to this.
- Planned Paddox junction improvements needs to be brought forward.
- Increase in traffic along Barby Lane and through Barby village.
- Site access should be further down away from bend.
- Site access should be mini roundabout.
- Peak time traffic movements through one proposed site access difficult.
- Access would be too close to access for proposed site to east Barby Lane.
- Insufficient parking spaces and layout on site.
- On-street parking within development creating problems for emergency vehicle access.
- Site not on a bus route.
- Cycling journeys would not be safe.
- Narrow footways along road makes walking safely difficult.
- Safety issues for pedestrians and cyclists.
- Damage to roads from lorries to marina not repaired.
- Lack of parking and parking problems around schools and local shops.
- Need new road parallel to M45.
- Required sewerage pump can break down.
- Surface water drainage leading to soggy ground – need soakaways.
- Negative impact on water pressure and supply.
- No improvements planned to utilities.
- Loss of fields, trees and hedgerows to soak up rainwater – contributes to flooding.
- Not sufficient infrastructure in terms of schools, doctors, dentists, police, ambulance and hospital.
- Schools do not have capacity for demand arising from development.
- Schools have no space to expand further.
- No GP surgery in Hillmorton.
- Few vacancies at dentist.
- Need accident and emergency cover at St Cross Hospital.
- No community facilities proposed as part development.
- Negative cumulative impact on infrastructure from all developments in area.
- Proposal contrary to development plan.
- Contrary to policies CS1, CS11, CS12, CS13, CS16, GP2 and E6.
- Contrary to NPPF.
- Fails to satisfy social, economic and environmental dimensions of sustainable development.
- Not sustainable development so presumption in favour sustainable development does not apply.
- Outside of settlement boundary.
- Site not allocated for housing.
- Area not identified for development in emerging Local Plan.
- Site designated as countryside within emerging Local Plan.
- Not in accordance with policies SD1, ED3, NE1, NE4 and SDC10 in emerging Local Plan.

- Contrary to emerging Barby and Onley Parish Council Neighbourhood Plan as does not maintain separation from surrounding villages, adds to traffic and highway safety problems and doesn't protect and enhance landscape and views.
- Economic benefits would still arise if houses built in other areas of town.
- Housing land supply issues caused by recession not lack permissions.
- Council does have a five year housing land supply.
- Walking routes to access services/facilities too far to be attractive.
- Rainsbrook Valley should be protected.
- Rainsbrook Valley area of rare beauty around Rugby.
- Countryside is of outstanding natural beauty.
- Rainsbrook Valley should be designated as Green Infrastructure.
- Natural beauty of countryside should be sustained for future generations.
- Negative impact on rural setting of Rainsbrook Valley and Oxford canal corridor.
- Open and distinctive landscape character sensitive to change noted by Natural England.
- Development would be on ridge of valley so prominent across whole rural valley.
- Development would be highly visible from south.
- Development will destroy vista.
- Existing development along north of valley and urban area on flatter land rather than slopes.
- Hedgerows define edge built up area and change in topography – houses proposed beyond this.
- Encroachment of countryside worrying.
- Green edge to settlement would be lost.
- Landscape impact from existing properties overlooking site significant with views also blocked.
- Intrusive extension of urban area into countryside.
- Urbanising effect.
- Loss of rural character.
- Housing proposed incompatible with rural landscape and existing edge of settlement houses.
- Development of green land irreversible.
- Inappropriate visual impact on valuable landscape.
- Proposed screening would not overcome visual impact.
- Insufficient details of new tree planting and no guarantee would be achieved.
- Landscape enjoyed for recreation using public rights of ways and bridleways.
- Landscape impact from public right of way through site would be significant.
- Character of village and village green would be lost.
- Should recognise intrinsic character and beauty of countryside.
- Allowing would set precedent for other developments in countryside and high grade agricultural land.
- Loss of valuable agricultural land.
- Site is grade 2 best and most versatile agricultural land so not suitable for development.
- Land should be used for crops and livestock.
- High density of development overbearing and not in character with local area.
- Loss of character to Westwood Road.
- Change to rural character of area.
- Does not protect amenities of neighbouring occupiers.
- No screening to neighbouring occupiers.
- Loss of privacy to existing houses adjoining site.
- Ash tree in hedgerow by Westwood Road properties should be protected.
- Cumulative impact of development reducing green spaces.
- No need for housing.
- Too many dwellings in Hillmorton.
- Mast site development will provide for housing need.
- Impact of Mast site once developed needs to be assessed before allowing more homes.
- More suitable alternative locations for new housing.
- Planning permission already granted for enough new homes in Borough.
- Should develop brownfield sites first.
- Houses prices too high for local people.
- Affordable homes for local residents required.
- Application for 3 dwellings on site refused in 2005 and appeal dismissed.
- Landscape reasons for refusing 3 dwellings on site at appeal still relevant.
- Appeal for 3 dwellings found site to be unsuitable location for new housing.
- Reasons for Inspector refusing 3 dwellings on site remain even if policies changed.
- Air quality would decrease with increase in standing traffic.

- Air quality assessments needed for junctions where traffic queues.
- Increase in noise pollution.
- Noise from construction activities.
- Light pollution.
- No street lights on land adjoining site at present adding to rural feel and benefit to wildlife.
- Harmful to natural environment.
- Loss of habitats for protected species and wildlife.
- Impact on local wildlife sites.
- Bats present on site and roost locations could also be present.
- Would add pressure to declining bat population.
- Maintenance of habitat areas unknown.
- Interference with public right of way RB29.
- Public right of way RB29 could be lost.
- No certainty public right of way RB29 upgrades could be delivered.
- Public right of way RB29 would not provide desirable route even if upgraded.
- Increase in crime and anti-social behaviour.
- Previous reduction in number dwellings by 3 not sufficient.
- No public consultation event by developers prior to submission of application.
- Inaccuracies in supporting planning documents.
- Identical repeat application abuse of process.
- Cumulative and further impacts from proposed development on opposite side of road.

Cllr Tim Douglas, Paddock Ward Councillor Objection

- Transport and highway impact.
- Not sustainable.
- Support previous reasons for refusal.

Cllr Jerry Roodhouse, Paddock Ward Councillor Objection

- Transport and highway impact.
- Not sustainable.
- Support previous reasons for refusal.

Assessment of Proposal:

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

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Core Strategy 2011 and Rugby Borough Local Plan Saved Policies 2009 with the relevant policies outlined below.

Rugby Borough Core Strategy 2011

CS1	Development Strategy	Does not comply
CS10	Developer Contributions	Complies
CS11	Transport and New Development	Complies
CS13	Local Services and Community Facilities	Complies
CS16	Sustainable Design	Does not comply
CS17	Sustainable Buildings	Complies
CS19	Affordable Housing	Complies

Rugby Borough Local Plan 2006 Saved Policies

GP2	Landscaping	Does not comply
E6	Biodiversity	Complies
T5	Parking Facilities	Complies
H11	Open space provision in residential developments in the urban area	Complies
LR1	Open space standards	Complies
LR3	Quality and accessibility of open space	Complies

Guidance

Housing Needs SPD (2012)
Planning Obligations SPD (2012)
Sustainable Design and Construction SPD (2012)

Material Considerations

National Planning Policy Framework (NPPF or “the Framework”) (2012)
National Planning Practice Guidance (NPPG)
Community Infrastructure Levy (CIL) Regulations 2010 (as amended)
Natural England National Character Area (2013)
Warwickshire Landscapes Guidelines (1993)
Landscape Assessment of the Borough of Rugby: Sensitivity and Condition Study (2006) and associated ‘Summary of Rugby Town’s Urban Fringe’ (2006)
Rainsbrook Valley Landscape Sensitivity Study (2017)
Emerging Rugby Borough Local Plan (see paragraph below)

The Council is in the process of preparing a new Local Plan which will replace the Core Strategy 2011 and saved policies of the Rugby Borough Local Plan 2006. The process commenced in July 2013 with a Discussion Document which sought representations on the implications of the Framework on the Core Strategy 2011. This was followed by further periods of consultation which ended in July 2014 for the Local Plan: Development Strategy Consultation document, February 2016 for Rugby Borough Local Plan Preferred Options DPD and January 2017 for the Rugby Borough Council Local Plan 2011-2031 Publication Draft.

Councillors approved submitting the Local Plan to the Secretary of State for examination at a meeting on 21st June 2017. In doing this the Council has taken account of all representations received during the consultation stages. This decision demonstrates that the Council considers that the Submission Local Plan 2017 has been prepared in line with the relevant legal requirements (including the duty to cooperate) and also meets the tests of ‘soundness’ contained in the NPPF. The Council subsequently submitted the Submission Local Plan for examination on 14th July 2017 and expects this to be adopted by March 2018.

Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. In this respect the Submission Local Plan 2017 has yet to be examined by an Inspector and can therefore only be afforded limited weight as a material consideration because it is still subject to change.

Key Issues

1. Principle of Development, Housing Need and Housing Land Supply
2. Land Designation and Use
3. Location and Accessibility
4. Landscape Character and Appearance
5. Trees and Hedgerows
6. Heritage and Archaeology
7. Access, Parking Provision, Traffic Flows and Highway Safety
8. Public Rights of Way
9. Ecology
10. Flood Risk and Drainage
11. Air Quality
12. Noise
13. Contamination
14. Economic Growth
15. Design, Layout and Visual Amenity
16. Residential Amenity (Light, Aspect and Privacy)
17. Open Space, Landscaping and Green Infrastructure
18. Sustainable Design and Construction
19. Infrastructure and Planning Obligations
20. Planning Balance and Sustainability of Development

1. Principle of Development, Housing Need and Housing Land Supply

Policy Position

Policy CS1 of the Core Strategy outlines a sequential settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within the countryside which is classified as being the fifth out of six sequentially preferable locations for development. Paragraph 2.8 of the Core Strategy indicates that this is the most unsuitable location for development and will therefore only be permitted where national policy on countryside locations allows. It then clarifies that the only variation to this approach will be 'the exceptional delivery of housing to meet a specifically identified housing need or types of development that are intrinsically appropriate to a countryside setting'.

In accordance with the wording of this policy it is necessary to have regard to national policy which is set out within the National Planning Policy Framework (the Framework). Paragraph 14 of the Framework is particularly relevant and sets out a presumption in favour of sustainable development. For decision-taking this has two parts. The first part sets out that permission should be granted if a proposal accords with the development plan. However, the second part sets out that where the development plan is absent, silent, or relevant policies out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole, or specific policies in the Framework indicate development should be restricted.

In this case the proposal is for new housing and section 6 (paragraphs 47 to 55) of the Framework entitled "Delivering a wide choice of high quality homes" is therefore relevant. In accordance with paragraph 47 of the Framework, the primary objective of this section is "To boost significantly the supply of housing". The group of provisions set out within paragraph 47 to achieve this provides the context for paragraph 49 and particularly the statement that "relevant policies for the supply of housing" should not be considered "up-to-date", unless the Council can demonstrate a five-year supply of deliverable housing sites.

Taking account of the above, regard must be had to the May 2017 Supreme Court Judgment concerning the application and meaning of paragraphs 14 and 49 of the Framework (Suffolk Coastal District Council V Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG V Cheshire East Borough Council). This sets out that "The important question is not how to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47. If there is a failure in that respect, it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies. The shortfall is enough to trigger the operation of the second part of paragraph 14". It is consequently necessary to consider whether the Council has a five year supply of deliverable housing sites which would result in the second part of paragraph 14 of the Framework being engaged.

Housing Need and Housing Land Supply

The Framework sets out a need to significantly boost the supply of housing and therefore requires the Council to fully and objectively assess housing need across the housing market area in co-operation with neighbouring authorities (paragraphs 47, 157 and 159). There is also a requirement for the Council to identify a deliverable five year supply of housing land to meet this identified need (paragraph 47). However, to ensure choice and competition in the market for land, a 5% buffer is further required and this increases to 20% where there is a persistent under delivery of new homes.

It is within the context of the above that the Council has adopted a Core Strategy which includes Strategic Development Targets for new development. In relation to residential development, the Core Strategy sets out that the Council will deliver 10,800 dwellings within the Borough between 2006 and 2026 with at least 9,800 dwellings accommodated within or adjacent to Rugby Town itself. This target equates to the development of 540 dwellings per year over the plan period. It is also important to note that the use of this figure for calculating housing land supply has been accepted by the Inspector who dealt with the Walding Farm appeal in preference to other alternative figures.

The current five year supply of housing land has been calculated by utilising figures set out within the Housing Trajectory provided within the Submission Local Plan Full Council Report (July 2017). This

Trajectory takes account of housing completions up to March 2017. The methodology for the calculation and sites contained within the trajectory were accepted by the Inspector who dealt with the Walding Farm appeal. The calculations subsequently show that the number of dwellings erected within the Borough to date has failed to meet the Core Strategy target. Based on this the Council considers that it has a 4.99 year housing land supply.

Implications of a Lack of a Five Year Housing Land Supply

The presumption in favour of sustainable development set out in paragraph 14 of the Framework is engaged because the Council cannot demonstrate a five year supply of deliverable housing sites. For decision-taking it explains that this means that where the development plan is absent, silent, or out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole, or specific policies in the Framework indicate development should be restricted.

In this case there are no specific policies within the Framework which indicate that development on this site should be restricted. In order to determine whether the proposal constitutes sustainable development it is therefore necessary to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment below consequently sets out the Council's considerations as to whether the proposed development would be "sustainable development".

Benefits of Proposed Housing

It is necessary to recognise that there is a significant need for new houses within the Borough and that there is currently not a high enough level of supply of new houses to meet that need. This is consequently a matter which in itself carries significant weight in favour of the application because it would improve the number of available homes in the Borough and thereby contribute towards resolving current housing land supply issues. In addition, the applicant has indicated that they have a positive track record of selling sites with planning permission to developers expeditiously rather than banking the land.

It is therefore considered that this is a deliverable site and one which would make a significant and positive contribution towards meeting the identified housing need in the Borough. This is consequently a matter which must be weighed within the overall planning balance of this case. However, as the applicant is placing an element of weight for the acceptability of their proposal on the Council's lack of housing land supply, the Local Planning Authority is anxious that any approval does then subsequently result in the commencement of a development in a timely manner which can contribute to housing need in the Borough. On this basis, it is considered reasonable to reduce the time the applicant can submit reserved matters from 3 years to 18 months.

Affordable Housing Provision

Policy CS19 of the Core Strategy and the Housing Needs SPD sets out that 40% of new homes should be affordable homes on sites with an area greater than 1 hectare or capable of accommodating more than 30 dwellings. These affordable homes should be provided in a range of different sizes, types and tenures.

The applicant has consequently proposed that up to 40% of all new homes on this site would be affordable housing in compliance with this policy. This equates to 43 new affordable houses if 107 dwellings are provided. In accordance with the Housing Needs SPD, 25% of these affordable houses would be intermediate housing and 75% would be social rented housing unless otherwise agreed in writing with the Local Planning Authority. Housing Services have not raised any objection to this provision and are satisfied that it would meet the needs of those who require affordable housing in this Borough.

Taking into account the significant need for affordable housing within this area, it is considered that the provision of affordable homes on this site is a matter which weighs significantly in favour of the application.

2. Land Designation and Use

The application site is currently utilised as agricultural land. Paragraph 112 of the NPPF (and reference ID: 8-026-20140306 of the NPPG) is therefore relevant and outlines the need to consider the economic and other benefits of the best and most versatile agricultural land. It goes on to indicate that where significant development of agricultural land is demonstrated to be necessary, the Council should seek to use areas of poorer quality land in preference to that of a higher quality (see paragraph 109 of the NPPF). This higher quality land represents that which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. In this respect agricultural land is graded on a scale of 1 to 5 where the grades are: 1 (excellent); 2 (very good); 3a (good); 3b (moderate); 4 (poor); and 5 (very poor). The best and most versatile land are classified as being grades 1 (excellent), 2 (very good) and 3a (good).

Approach to Agricultural Land

The above policy position implies that a sequential approach should be considered where poorer graded land is potentially considered in advance of higher quality land. Although no sequential assessment has been undertaken by the applicant's 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. This is consistent with the technical note produced by Natural England entitled 'Agricultural Land Classification: protecting the best and most versatile agricultural land' (2012). This note emphasises the importance of such land as a natural resource which is vital to sustainable development. However, it does note that decisions rest with planning authorities and that the agricultural land classification is not the sole consideration.

Agricultural Land Classification within Warwickshire and Rugby

According to Natural England's statistics, approximately 12% of land (23,692 hectares) in Warwickshire falls in grades 1 (excellent) and 2 (very good). In Rugby Borough there is no grade 1 (excellent) land but there are 4,186 hectares of grade 2 (very good) land which equates to 11.8% of land within the Borough. The figures for grade 3 (good/moderate) land provided by Natural England do not split grades 3a (good) and 3b (moderate) but indicate that approximately 75.5% of land within the Borough (26,686 hectares) is grade 3 (good/moderate) land.

Agricultural Land Classification of Application Site

In respect of the application site a Soils and Agricultural Use and Quality of Land Report (2016) has been submitted. This indicates that the majority of the site (3.5 hectares or 78%) is classified as being grade 2 (very good) agricultural land with a smaller area of the site (0.4 hectares or 9%) being grade 3b (moderate) agricultural land. The remaining area of the site (0.6 hectares or 13%) constitutes non-agricultural land. It is consequently clear that the development of the application site would result in the loss of an area of the best and most versatile agricultural land. The amount of grade 2 (very good) land which would be lost by the proposed development is indicated to be 3.5 hectares which equates to approximately 0.08% of all grade 2 (very good) land in the Borough. This loss is considered minimal but is nonetheless contrary to the approach outlined in the NPPF which prioritises the use of poorer rather than higher quality land.

Assessment of Agricultural Land Classification

The Agricultural Land Classification Map of the West Midlands Region produced by Natural England provides an overview of agricultural land quality around the urban area of Rugby town. In broad terms, the land surrounding the town to the north and west is primarily grade 3 (good/moderate) land whereas land to the south and east (with the exception of grade 4 (poor) land for the Mast site) is grade 2 (very good) land. It is consequently apparent that the proposed development would potentially not be located in the most sequentially preferable location when the quality of agricultural land is considered in isolation of other factors. However, as evidenced by the emerging Local Plan, reality dictates that other factors are such that it is highly unlikely that new housing developments would only be located on areas of poorer quality land. That being the case it is highly probable that land classified as being the best and most versatile agricultural land will need to be used to meet Rugby's needs. It would consequently be inappropriate to curtail all development on such land and consideration must therefore be given to the merits of each site. In this respect the economic and other benefits of protecting this agricultural land from development are not clear and can principally only be based on assumptions rather than evidence.

Land Designation and Use Conclusions

Overall, it must be accepted that the proposed development would result in the loss of an area of the best and most versatile agricultural land rather than lower quality agricultural land. It is within this context that it is reasonable to conclude that the permanent and irreversible loss of this land to the proposed residential development is a matter weighs against it. However, due to the limited area concerned, the availability of other best and most versatile agricultural land within the Borough, the need for housing around the urban edge of Rugby, and in the context of a housing land shortage, it is considered that only limited weight can be afforded to the loss of this area of best and most versatile agricultural land. Nonetheless, this harm of limited weight does still weigh against the proposed development and must therefore be considered within the overall planning balance. This justification and weight has been accepted by the Inspector who dealt with the Walding Farm appeal.

3. Location and Accessibility

The core planning principles outlined in paragraph 17 of the NPPF set 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'. It also seeks to ensure that planning 'takes account of the different roles and character of different areas, promoting the vitality of our main urban areas'. The NPPF consequently seeks to promote a mix of land uses within an area to minimise journey length times (paragraphs 37, 38 and 70). A range of local services and facilities should all be within walking and cycling distances of most properties. Policy CS11 of the Core Strategy and the Planning Obligations SPD is consistent with this and promotes the use of sustainable transport modes. Further guidance on acceptable walking and cycling distances to shops, services, facilities and employment areas are outlined within Manual for Streets, Building for Life 12 and the Institute of Highways and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot' (2000).

Location

In this case the application site is located on the edge of Rugby's urban area which both the Core Strategy and emerging Local Plan makes clear is the most sustainable location for new housing. Chapters 1 and 3 of the Core Strategy explain that this is because the town is considered to be the most sustainable location within the Borough for development, providing the best access to a range of services and facilities. Significant weight is therefore given to the proximity of the site to the urban area when considering whether it is a sustainable location in geographical terms as the NPPF requires.

Accessibility by Walking

In terms of accessibility, the proposed dwellings would be within the preferred maximum Institution of Highways and Transportation (IHT) walking distances to the closest local food retail store, local centre, primary school, secondary school, college, public house, dentist and supermarket. This would consequently provide future residents with an excellent opportunity to walk to these uses rather than having to rely on the use of a private car. However, the proposed dwellings would be over preferred walking distances for a GP surgery, library, leisure centre, town centre and areas of employment. In relation to these uses it would therefore have to be accepted that residents would be more likely to rely on the use of a private car to access them.

To help mitigate this impact the applicant has agreed to provide improvements to Public Right of Way RB29 (PRoW) which runs from the northern boundary of the application site to Ashlawn Road. This is currently an unsurfaced route which is relatively narrow in places due to the limited pruning of existing vegetation. Improvements to this would therefore include the provision of a 2m wide tarmac surface with the potential for lighting and drainage to be considered at a later stage. Both WCC Highways and WCC Rights of Way have requested that these improvements are carried out and the applicant has agreed for this to be secured through a S106 Agreement. In doing this the PRoW would provide a more direct route for future residents to utilise and access the services and facilities they would require. Importantly the directness of this route would be favourable to the alternative route via Barby Lane and would consequently make walking a significantly more attractive option.

Accessibility by Cycling

Manual for Streets outlines that cycling has the potential to act as a substitute for short car trips, particularly those under 5km. In this respect all of the proposed development would be within a 5km distance of the main local services and facilities that occupants would need. However, the applicant has recognised that it is important to provide good conditions for cyclists on roads so that they are content to use this as a form of transport. At the request of WCC Highways they have therefore agreed to make a financial contribution towards cycle network improvements along Ashlawn Road between Ashlawn School and Moors Lane as set out within the Rugby Cycle Network Development Plan. This would tie in with and provide a missing link between the existing Ashlawn Road cycle scheme and proposed cycling infrastructure to be provided by the Mast Site. The applicant has agreed for this to be secured within a S106 Agreement. The provision of such improvements will consequently make cycling a safer and more attractive option for future residents.

Accessibility by Bus

The closest existing bus services to the application site can be found on Ashlawn Road where the eastbound service is between 480m and 685m away and the westbound service is between 550m and 1,005m via the PRoW and Barby Lane respectively. The closest pair of bus stops are also located on Ashlawn Road by the junction with Deerings Road 490m away via Barby Lane. These bus stops are served by regular bus services which provide access to both Rugby town centre and DIRFT. Stagecoach has subsequently considered the proposal and outlined its support for the scheme. They indicate that this is because the site is in a highly sustainable location where opportunities to utilise existing sustainable transport options can readily be taken up. Indeed, they currently operate 6 buses per hour into Rugby town along Ashlawn Road with these services due to be improved further as part of the Radio Station and DIRFT 3 commitments.

It is consequently the case that the proximity of the site to regular bus services is such that this would provide a viable form of frequent, reliable and sustainable transport for future residents. This would therefore reduce reliance on and provide a suitable alternative to the use of private cars. However, owing to the further demand for bus services arising from this development, WCC Highways has requested financial contributions towards the improvement of bus stop infrastructure at the pair of bus stops on Ashlawn Road by the junction with Deerings Road. The applicant has agreed for this to be secured within a S106 Agreement. The provision of such improvements will consequently help to assist in making bus services more attractive to future residents.

Accessibility by Train

At a longer term strategic level the applicant has recognised that there are plans for a new train station to serve Rugby. This has been given the name Rugby Parkway Station and WCC Highways has requested a financial contribution towards the development of the business case relating to this. They outline that this is required because of the growth of Rugby and the associated cumulative impact of traffic on the existing transport network arising from sites such as this application site. The provision of a new Parkway Station is therefore proposed to help alleviate this impact. However, the development of a robust business case for the project would increase the possibility of the project being funded and delivered thus providing sustainable access opportunities for existing and future residents. The applicant has consequently agreed for this to be secured within a S106 Agreement. In doing this the development would make a positive contribution in helping to ensure that the cumulative impact of this and other developments are offset.

Location and Accessibility Conclusions

It is important to recognise that the application site is located immediately adjacent to the defined Rugby Urban Area and is therefore in a sustainable location in geographical terms. In addition, future residents would be within walking and cycling distance of a number of services and facilities they would need. They would also have good access to regular bus services which would particularly provide further sustainable transport opportunities to access Rugby town centre and DIRFT employment areas. Nonetheless, it must equally be accepted that some of the services and facilities they would need would be beyond preferred maximum walking distances. The implication of this is consequently such that some harm would arise from the reliance of future residents on private cars. However, on balance, this harm is considered to be of very limited weight given the general accessibility of this location when combined

with the proximity to the defined Rugby Urban Area. This is particularly the case when considering that the services and facilities that would be beyond the preferred maximum walking distances are likely to be the same as would be the case for alternative sites around the edge of Rugby. Moreover, the proposed provision of improvements to the PRoW and financial contributions towards improving cycle and bus stop infrastructure would collectively help to further reduce the identified harm. Nonetheless, this harm of very limited weight does still weigh against the proposed development and must therefore be considered within the overall planning balance.

4. Landscape Character and Appearance

Two of the core planning principles outlined within paragraph 17 of the NPPF establish the need to '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...land for development should prefer land of lesser environmental value'. Furthermore, paragraphs 109 and 113 of the NPPF outline the need to protect and enhance valued landscapes whilst ensuring protection is commensurate with their status and gives appropriate weight to their importance and contribution. 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.

Application Site

The application site comprises of 5.45 hectares of agricultural land situated on the southern edge of Rugby Urban Area. It is located off Barby Lane and immediately adjacent to existing residential dwellings on Westwood Road, allotments and Ashlawn School to the north and agricultural fields to the east, south and west. Public access across the site is currently afforded via Public Right of Way (PRoW) RB29 which runs from north to south across the centre of the site linking into Ashlawn Road to the north and agricultural fields to the south.

Key landscape features include an escarpment, open grassland, regular field shapes, established hedgerows, mature trees and sloping topography. The northern boundary of the site is defined by a hedgerow boundary. The land beyond this hedgerow is open and gives way to an escarpment which is particularly important and visible within the surrounding landscape. Adjoining fields share these landscape features and this collectively forms a clear and distinct edge to existing development within the Rugby Urban Area.

Public views of the site can be gained from the surrounding area including Barby Lane, development to the north within the Rugby Urban Area, the PRoW network and Oxford Canal to the south, Barby village, Onley Lane and M45.

Landscape Designation and Character

In landscape terms the application site is not covered by any formal or statutory landscape designations (for example, an Area of Outstanding Natural Beauty or National Park). However, it does fall within the Natural England 'Dunsmore and Feldon' National Character Area Profile 96 (NCAP). Key characteristics of this NCAP include large fields with regular shapes and "a rural landscape heightened by its close proximity to several urban areas, with a gently undulating landscape of low hills, heathland plateaux and clay vales separated by the occasional upstanding escarpment". These and other listed characteristics can be found on the application site.

The site also falls within the Dunsmore Regional Character Area (RCA) defined within the Warwickshire Landscapes Guidelines published by Warwickshire County Council (WCC) in 1993. This RCA is further broken down into three distinct Landscape Character Types (LCT). Two of the LCTs can be found on the appeal site and are broadly delineated by the 120 metre contour line which runs across the site. The land to the north of the contour line falls within the Dunsmore Plateau Farmlands LCT with the land to the south falling within the Dunsmore Plateau Fringe LCT.

The Plateau Farmlands are characterised as having "A simple and often heavily wooded, farmed landscape, typically confined to low plateau summit and characterised by sandy soil and remnant healthy vegetation". The Plateau Fringe is characterised as having "A rather variable, often large scale farmed

landscape with a varied undulating topography and characterised by a nucleated settlement pattern of small, often shrunken villages". The farmed landscape and topographical characteristics are clearly evident on this application site.

The Guidelines particularly highlight that the "interface between new development and the surrounding landscape appears sharp and stark. This is most noticeable when a hard built edge abuts open farmland where the landscape is in decline. This is often the case in Dunsmore, particularly around the edges of the larger settlements". It is consequently necessary to consider the impact of development around the settlement edge, particularly where this would be prominent in the landscape owing to the topography of the land. The potential for landscaping and tree planting to soften any impact should also be considered as part of this.

A detailed assessment of Dunsmore RCA was subsequently carried out by WCC. The outcome of this can be found within the 'Landscape Assessment of the Borough of Rugby: Sensitivity and Condition Study' (2006) and associated 'Summary of Rugby Town's Urban Fringe' (2006). The Study indicates that "Landscape sensitivity is a measure of the degree to which the countryside can accept change without causing irreparable, long term damage to the essential character and fabric of the landscape". It concluded that the Plateau Farmlands was of strong condition with a moderate sensitivity to change whilst the Plateau Fringe was of strong condition with a high sensitivity to change.

In respect of the Plateau Fringe the Study particularly highlights that the slopes of the southern escarpment are highly visible. In respect of condition it indicates that "The southern fringe or escarpment ... is not only highly sensitive, but also largely in strong condition, making this an important feature to the south of the town". The associated summary document re-emphasises this and states that "To the south of the town, the importance of the southern escarpment cannot be overemphasised, being highly sensitive, and in strong condition". This southern escarpment is located on the application site. Any change to this landscape arising from development clearly therefore has the potential to cause irreparable, long term damage to the essential character and fabric of this Plateau Fringe landscape.

Landscape Designation and Character Review

WCC's Landscape Team (WCCLT) have undertaken a review of the 2006 Study in relation to the Dunsmore RCA. This has resulted in the publication of the Rainsbrook Valley Landscape Sensitivity Study (January 2017). The review provides an up-to-date and robust evidence base to inform judgments and assessments of planning applications within the Rainsbrook Valley area.

The 2017 Study confirms that the site still contains both the Dunsmore Plateau Farmlands LCT to the north of the 120m contour line and Dunsmore Plateau Fringe LCT to the south. However, a review of the Land Cover Parcels (LCP) originally used within the 2006 Study has resulted in a further subdivision of the LCPs in light of new information and data. These LCPs are referred to as zones within the 2017 Study.

The land falling within the Plateau Farmlands on the site is located within zone 17i of the 2017 Study. It outlines that "the zone is on the edge of the plateau summit and there are views across Rains Brook valley to higher ground to the south around Barby". It further indicates that "There is scope for some development in the western part of this zone, providing that there is a strong landscape buffer between it and the Ashlawn Cutting LNR and around the southern edge to soften views from the south. Any development should not extend beyond the zone boundary to the south, to avoid impacting on the escarpment. Roadside hedgerow and trees should be retained".

In relation to zone 17i, the 2017 Study further confirms that this part of site is still of medium sensitivity to housing development. Medium sensitivity is defined as being "Landscape and/or visual characteristics of the zone are susceptible to change and/or its intrinsic values are moderate but the zone has some potential to accommodate the relevant type of development in some situations without significant character change or adverse effects. Thresholds for significant change are intermediate". However, it is important to be aware that paragraph A1.5 of the 2017 Study indicates that "The sensitivity rating for each zone relates to the zone as a whole and generally has not been divided up further, e.g. on a field by field basis. Therefore, if a zone is rated as, for example, medium sensitivity, this does not necessarily mean the whole of the zone is suitable for development, but just that part of it is".

The land falling within Plateau Fringe on the site is located within zone 14b of the 2017 Study. It outlines that “This zone is beyond the plateau edge on ground that slopes towards the river valley and lies to the west of Barby Lane. It comprises a regular-large scale field pattern of mixed farming with some pockets of permanent pasture. Hedgerows are trimmed with scattered to insignificant hedge trees creating an open landscape with views from Public Right of Way RB29 of Barby Lane, fields within the western part of zone 14a, Barby Hill and the edge of Northamptonshire”.

In relation to zone 14b, the 2017 Study further confirms that this part of site is still of high sensitivity to housing development. High sensitivity is defined as being “Landscape and/or visual characteristics of the zone are very vulnerable to change and/or its intrinsic values are high and the zone is unable to accommodate the relevant type of development without significant character change or adverse effects. Thresholds for significant change are very low”.

In general terms the 2017 Study concludes at paragraph 3.2 that “The southern-most zones surveyed lie on the plateau escarpment, where landform slopes down towards the Rains Brook valley. These zones are generally very open, with extensive views across the valley and any development within these areas would be highly visible. On more steeply sloping ground there are smaller pockets of pasture, which is a key characteristic of this landscape type. This southern fringe, with its distinctive landform, is highly sensitive and must be safeguarded. Therefore these zones are inappropriate for development”.

The 2017 Study consequently identifies and re-confirms that the site falls within broader landscape areas of medium and high sensitivity to change. Particular reference is made to the importance of the slopes and escarpment which constitute key landscape features which should be protected from any development. Indeed, the high sensitivity of the Plateau Fringe landscape on this site provides a clear and evidenced indication that the site is unable to accommodate residential development without significant character change or adverse effects. In relation to areas of high sensitivity, paragraph 2.5 of the 2017 Study further indicates that “There is a need to maintain these tracts of open space that feature on the edge or within settlements to maintain the quality of life for residents”.

Landscape and Visual Appraisal

It is within the context of the above that the applicant has submitted a Landscape and Visual Appraisal (LVA, 2017) relating specifically to the application site. This contends that other than views out to the surrounding countryside, there is little to be noted as unique or particularly valuable within the site boundaries. It further argues that the character of the site is influenced by its location at the edge of the town. The landscape is consequently judged to be of medium landscape value capable of substitution.

Landscape Value and Harm

Whilst the core principles of the Framework (paragraph 17) require recognition of the ‘intrinsic character and beauty of the countryside’ it is important to note that this is prefaced by the need to ‘take account of the different roles and characters of different areas’. In this respect the policies of the Framework do not offer blanket protection for all parts of the countryside, regardless of their quality, but rely on an assessment of harm and benefit. Protection is primarily, but not solely, directed to ‘valued landscapes’ (paragraph 109 of the Framework).

The Framework provides no definition of what is meant by ‘valued landscapes’. It is therefore important to have regard to the lessons drawn from the Stroud DC v SSCLG and Gladman Developments [2015] EWHC 488 High Court Decision. This clarifies that the question as to whether a site is valued or not is a matter of judgment. It also highlights that a landscape must have demonstrable physical attributes to justify its classification as a valued landscape. Popularity and value of a landscape to residents alone is not sufficient.

As a starting point, it is necessary to reiterate that the application site has no formal or statutory landscape designations. An assessment of the site is therefore necessary to determine whether it has any physical attributes which would warrant its classification as a valued landscape. There is no one way to define the value of a landscape and there are rather a number of different methods which can be utilised. The landscape work carried out by WCCLT is consequently considered to be robust and aids consideration of how the site is perceived and valued as part of a wider landscape rather than a narrower interpretation focusing more uniquely on the site. Indeed, it is necessary to consider landscape value having regard to the site itself and its role and/or value in the wider area.

The southern escarpment located on the application site forms part of a prominent and intact landscape feature clearly visible when viewed from surrounding land. Existing development is restricted to scattered farms, agricultural buildings, occasional houses that are mainly screened by mature vegetation and the Crematorium. Nevertheless, the landscape remains an attractive intact rural fringe to the south of Rugby, the urban settlement boundary being barely visible. Existing trees and hedgerow boundaries are important features in this landscape as they help to provide a sense of scale and overall structure.

The application site comprises pastoral farmland which extends to the east, south and west. Effectively the site sits within the surrounding farmed landscape. The site is located immediately beyond the southern settlement edge of Hillmorton and has rural characteristics. Some existing features are noted to be in good condition and the combination of this landscape within the wider countryside setting and its topography create a strong condition and a high landscape value for the portion of the site that lies on the escarpment. This southern escarpment is defined by a continuous stretch of intact steeply sloping ground south of the plateau. Its value particularly lies in the fact that it serves to contain the current settlement edge, is relatively undeveloped and is highly visible in the surrounding landscape.

The application site is consequently considered to be of high landscape value. This value is consistent with the high sensitivity of the LCTs and zones identified in the Landscape Assessment of the Borough of Rugby 2006 and Rainsbrook Valley Landscape Sensitivity Study 2017. A 'high' landscape sensitivity to development makes an area very vulnerable to change and it is unable to accommodate the relevant type of development without significant character change. Allowing development within these zones would therefore erode the value of this landscape feature by interrupting its continuity. This has already occurred at the eastern most part of the escarpment where recent development now features in middle and long distance viewpoints.

Nonetheless, for a landscape to be 'valued' for the purposes of paragraph 109 of the Framework it must further have demonstrable physical attributes. WCCLT has appraised the site and confirmed that the escarpment/southern fringe is a physical attribute of this quality. It is important to note that this escarpment does not start on the 120m contour line which defines the LCTs but rather starts at the northern edge of the application site. It is still largely undeveloped, a locally distinctive landform of open character with panoramic views and a highly visible landscape feature. The escarpment is a local landscape feature which is a particularly important example. It is largely intact and in a strong condition. It can also be viewed from PRoW, the Oxford Canal and roads/lanes to the south of the settlement. WCCLT have therefore contended that the whole site is a valued landscape for the purposes of paragraph 109 of the Framework.

Whilst not a determining factor, it is important to acknowledge that this view is consistent with the views of residents living within the surrounding area. The objections received provide a clear sense that there is a distinct settlement boundary. The site and adjoining fields beyond this slope down the valley to create a rural character which they highly value. Any development beyond the existing settlement boundary is seen as inherently harmful to the setting of Hillmorton.

Notwithstanding the above, the Waldings Farm appeal decision considered the WCCLT and residents comments in relation to whether the landscape in this area of the Borough is a valued landscape. The Inspector concluded that he would "not describe the site or part of it as lying within a valued landscape". This appeal decision is a material consideration in the determination of this application and it is consequently considered that this should be given significant weight. Accordingly it is considered that the application site is not a valued landscape for the purposes of paragraph 109 of the Framework.

Impact of Development on Landscape

It is clear that the proposed development on this application site would significantly and fundamentally change the character and appearance of the existing landscape in this location. The construction of dwellings upon this land would result in the permanent and irreversible loss of green fields where no development is currently located. It would particularly result in the encroachment and extension of development into an area of open countryside beyond the clear edge of the existing settlement boundary and defined boundaries of the Rugby Urban Area. Indeed, the proposed development would not appear as an 'infill' development respecting the line of the existing settlement edge. It would rather extend significantly beyond the line of any previous development within the existing settlement into an area of open countryside. As a consequence the development would appear highly intrusive, prominent and

incongruous within this landscape. The level and extent of this would be such that it would be significantly harmful to the qualities, character and amenity of both the countryside and setting of Hillmorton. It would particularly diminish the locality's open character and appearance which currently provides a pleasant green and rural setting to this edge of the town.

In respect of landscape features the proposed development would encroach on the southern escarpment which defines the margins of the Dunsmore Plateau, where land steeply slopes down towards the Rainsbrook Valley. Indeed, this landscape zone is highly visible and in strong condition. The result of this is such that the southern escarpment is highly sensitive to change and its importance in the wider landscape should not be underplayed. This means that it would not be able to accommodate the proposed development without resulting in a significant and harmful impact to the landscape both on the appeal site and also wider area. Indeed, allowing development on the site would erode the value of this landscape feature by interrupting its continuity.

According to the Design and Access Statement the proposed houses would be two storey in height. Dense flatted accommodation is also shown on the eastern edge where the land slopes the steepest. Furthermore, focal or landmark buildings are indicated at junctions along the proposed access road where the ground is at its highest. In recognition of the impact of this on the landscape it is indicated that the scheme would incorporate significant green infrastructure together with design features to try and offset the harm. It would therefore retain the majority of existing hedgerows and trees. This would be supplemented with additional structural planting comprising of heavy and extra heavy standard trees along the site boundaries to screen the site from the south.

The proposed mitigation would not adequately reduce the harmful impacts of this proposed development to an acceptable level. The harm to the escarpment would be particularly damaging and intrusive as already detailed. The existing and proposed planting would also fail to adequately screen and soften the development from the surrounding area and southern viewpoints. In part this is because deciduous trees and hedgerows lose their leaves during the autumn and winter months. This would allow for clear views of the entire development for half of the year. It is also the case that street lighting and domestic lighting within the development would illuminate and draw attention to this site. This would appear as a significant and intrusive urban feature within a settlement edge where little such lighting is currently visible. These factors combine with the fact that the difference in levels across the site is such that tree planting along the southern boundary would not grow sufficiently high to screen two storey dwellings erected along the northern boundary of the site. Indeed, the difference between the ground levels to the southern boundary and ridge height of two storey dwellings could be in the region of 18 metres. It has therefore not been demonstrated that tree planting would provide an effective screen to the development throughout the year even when deciduous trees and hedges are in leaf.

Consideration has further been given as to whether development would be acceptable if it was limited to the small part of the site which falls within the Plateau Farmlands LCT of medium sensitivity to change. However, as already outlined, the medium sensitivity rating does not necessarily apply across the whole LCT (see paragraph A1.5 of the 2006 Study). Indeed, in this case WCCLT has specifically stated that the landscape across the whole appeal site, including that falling within the Plateau Farmlands LCT, is of high sensitivity. This is because the northern part of the appeal site sits on higher ground (123m AOD) which immediately starts sloping away from the existing settlement edge. The land is described in the Design and Access Statement as being on top of a ridge, open to a number of views from the south and particularly visible as the gradient rises to Barby. What is clear is that the escarpment does not start at the 120m contour line but actually starts along the northern edge of the site. The entire site is therefore particularly sensitive to development with this consequently being of high sensitivity to change. This is consistent with the view that the entire site is a valued landscape. The proposed development would therefore have an adverse impact upon the continuity of the southern escarpment which would in turn have an adverse impact upon the local landscape character.

Aside from the proposed dwellings, special regard should be had to the proposed attenuation basin. The levels of the site are such that this would have to be located in the southeast of the site in the area shown on the Framework Plan submitted with the application. It would effectively sit in an open field below the northern parcel of land which is defined by hedgerows. Full details of the design have not been submitted with the application and so no guarantees or certainty can be provided in regard to the form or appearance of the basin. For example, it could be the case that only a predominately dry depressed area of ground seeded with grass could be provided in this location. In any event, the construction of this basin would require significant engineering works to be carried out including

substantial earthworks and re-profiling of the land. This would need to include significant excavation and cutting into the ground into the higher parts of the land so as to create a flat/gentle slope to the bottom of the basin. The introduction of this alien feature on the steeply sloping escarpment would be profound. The harm arising from this would also be readily visible owing to the clear views of this area of the site from Barby Lane. The use of landscape planting could help to soften this impact but would not be sufficient to offset the very distinct harm arising from the effective part removal and engineering of this escarpment landscape feature. The introduction of landscaping into this part of an open field would also cause harm itself. This is because it would appear at distinct odds with the otherwise open green agricultural field with regular geometric field boundaries with hedgerow and tree planting only to the boundaries.

Precedent and Cumulative Impact

Aside from the impact arising from this proposed development on the landscape, there is a very real and valid concern that allowing the scheme would set a precedent for allowing similar developments along this southern fringe of Rugby town. Whilst each application must be treated on its individual merits, it is undeniably the case that this scheme would be utilised in support of such similar schemes if the application is approved. This is not a generalised fear of precedent, but a realistic and specific concern. Indeed, the proposed development would establish a new 'build line' protruding significantly beyond the established settlement edge into open countryside. It is a realistic prospect that owners of adjoining land along the southern fringe would therefore seek to build down to this new 'build line'. This would fundamentally harm and change the landscape character of this part of the Borough.

To illustrate the above point it is necessary to draw attention to an outline application for up to 113 dwellings which has recently been submitted on land immediately to the east of the appeal site on Barby Lane. It is consequently clear to see that this application and other potential similar applications would have a greater cumulative impact that would arise from the scheme proposed on the appeal site alone. This cumulative effect would exacerbate any identified harm to the landscape and serves as an important material consideration in this application.

Conflict with Planning Policies

In respect of saved policy GP2 of the Local Plan it is clear that the proposed development would be in conflict within criteria 1, 2 and 6. In respect of criteria 1, it has been found that the escarpment on the site is an important and valuable site feature worthy of retention. In respect of criteria 2, it has been shown that this is a landscape of high sensitivity to change. The proposed development on the escarpment would therefore fail to retain the landscape character of this area. Indeed, it would cause particular harm to both the NCAP and Plateau Farmland and Plateau Fringeland LCTs. In respect of criteria 6, the proposed planting around the perimeter of the site would not sufficiently minimise the visual intrusion of the development to the surrounding countryside.

In respect of policy CS16 of the Core Strategy it has been found that the scale, density and design of the proposed development would result in material harm to the qualities, character and amenity of the landscape in this location.

Policies GP2 and CS16 were adopted before the introduction of the Framework in 2012 and the weight to be given to them therefore depends on their consistency with the Framework. In this respect the Inspector dealing with the Waldings Farm appeal was of the opinion that policies CS16 and GP2 should only carry moderate weight because they set a higher bar for landscape protection than the Framework. However, it is nonetheless maintained that the wording does not set a higher bar and these policies should therefore be given full weight.

Further to the Development Plan policies, it has been established that the proposal would be harmful to the intrinsic character of the countryside. In particular, the escarpment is considered to have a different and more significant role in the wider landscape and higher sensitivity than many areas of countryside on the edge of settlements. The proposed development on this site would therefore be in conflict with paragraph 17 of the Framework.

Landscape Character and Appearance Conclusions

The proposed development would result in the loss of green fields and would encroach into open countryside. It is acknowledged that the site does not benefit from any formal landscape designations and is not a “valued landscape” for the purposes of paragraph 109 of the Framework. However, the landscape in this location plays a significant role in the wider landscape and is of high sensitivity. Indeed, at a local level the site falls within the Dunsmore and Feldon National Character Area, Dunsmore Plateau Farmlands LCT and Dunsmore Plateau Fringe LCT. The impact of developing the site would therefore have a significant and detrimental impact upon these. This is because the scheme would encroach onto the escarpment which is highly sensitive and in strong condition. It is therefore considered that the landscape and visual impact of the proposed development in this location would weigh substantially against the submitted scheme. Indeed, this is the conclusion that was reached by the Inspector in the Walding Farm appeal. There have been no significant material changes in circumstances since the appeal decision. It is consequently considered that the appeal decision carries significant weight as a material consideration in the determination of this application. The identified substantial harm must therefore be considered within the overall planning balance.

5. 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.

Existing Trees and Hedgerows on Site

The majority of trees on the application site are located around the site boundaries but there are also a smaller number of trees sporadically positioned around the farmstead. None of the trees on or adjacent to the site are covered by Tree Preservation Orders. An Arboricultural Impact Assessment (2016) submitted with the application includes a survey which identifies the arboricultural value of all existing trees, tree groups and hedgerows, on and adjacent to the site. The results of this indicate that out of a total of 51 individual trees 2% were high quality, 25% were moderate quality, 69% were low quality, and 4% were unsuitable for retention. The 7 tree groups were all indicated to be low quality.

A total of 1,135 linear metres of hedgerows were recorded as being of low arboricultural quality and in fair condition. These can be found around the perimeter of the site and also intersecting the northern parcel of land in one place from north to south. An Ecological Appraisal (2015) submitted with the application also identifies that five of the nine identified hedgerows are of ‘moderately high to high’ nature conservation value and significance for wildlife. The remaining hedgerows are classified as being of moderate value. Only one of the nine identified hedgerows was classified as being an important hedgerow under the Hedgerow Regulations 1997.

Proposed Tree and Hedgerow Planting and Removal

Although only an outline application with all but access reserved, the Arboricultural Impact Assessment indicates that no significant tree loss would be required to accommodate the proposed development. Existing trees situated around the perimeter of the site would be retained with suitable protection provided during construction. However, a small number of trees with low arboricultural value and/or in poor condition would be removed. Equally, two small sections of hedgerow would be removed to facilitate access into the site and the creation of a residential parcel. To mitigate for this loss it is proposed that new tree planting would be provided within the landscape buffer strips and public open space to enhance and increase the amount and quality of tree cover on site. New hedgerows would also be planted whilst existing hedgerows would be enhanced with additional planting.

Assessment of Impact on Trees and Hedgerows

The Council's Arboricultural Officer has assessed this 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 tree and hedgerow planting is also welcomed to offset the harm of proposed losses. In respect of the site layout an illustrative layout plan has been submitted which shows that the proposed development could be accommodated on the site without causing significant and detrimental harm to existing trees. However, finer details of the layout would need to be considered at the reserved matters application stage. This would particularly be the case in relation to the Ash tree (T2) located on the northern site boundary to the rear boundary of 5 Westwood Road. This is a large, high quality tree with excellent public amenity value which will need to be carefully incorporated into the detailed layout.

Trees and Hedgerows Conclusion

It has been demonstrated that the proposed development could be accommodated on the application site without requiring the significant removal of existing trees and hedgerows. Where limited tree and hedgerow removal is indicated it is proposed to offset this by planting new trees and hedgerows. It is consequently considered that the proposed development would not have a harmful impact on existing trees and hedgerows. Moreover, the amount and quality of tree and hedgerow cover on the site would increase owing to the extent of the proposed tree and hedgerow planting with enhancement of existing hedgerows with additional planting.

6. Heritage and Archaeology

Policy CS16 of the Core Strategy sets out 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. This is consistent with section 12 and the tenth core planning principle outlined within paragraph 17 of the NPPF which sets out the need to conserve and enhance heritage assets in a manner appropriate to their significance.

Archaeological Potential

The archaeological potential of the site has been considered within an Archaeological Desk-Based Assessment (2015) and Geophysical Survey Report (2015) submitted with application. This firstly outlines that there are no designated heritage assets located on or near to the application site. In respect of non-designated heritage assets the Historic Environment Records for Warwickshire indicate the remains of ridge and furrow earthworks on the application site. The assessment also concludes that there is moderate potential for Iron Age and Roman remains of local significance on the land subject of this application.

The subsequent geophysical survey of the site did not identify any features of probable archaeological origin. However, a number of features of possible archaeological origin were identified although these may be agricultural or natural in origin. Evidence of ridge and furrow cultivation were also identified which suggests the site was used for agricultural purposes during the medieval period. Despite this there is no longer evidence of ridge and furrow earthworks on the site and this is deemed to be of no more than local archaeological significance.

WCC Archaeology has subsequently carried out an independent assessment of the submitted information and taken into account nearby evidence that suggests the potential for a Roman settlement within the vicinity of the site. Regard has also been had to the destructive impact that soil stripping for house foundations, infrastructure and landscaping would have on sub-surface archaeological deposits. Based upon this they have outlined the need for evaluative trial trenching to be undertaken prior to the submission of a reserved matters application. They have therefore raised no objection to the proposed development subject to a condition requiring an appropriate programme of further archaeological work including evaluative trial trenching.

Impact on Heritage Assets

The potential impact of the proposed development on designated and non-designated heritage assets has been considered within the Heritage Assessment (2015) submitted with the application. This firstly outlines that there are no designated heritage assets located on or within the immediate vicinity of the

application site. However, there are five listed buildings and two Scheduled Monuments located within 1km of the site. Despite this it is considered that the proposed development would not have any adverse effects upon their settings or heritage significance owing to distance, intervening topography, trees, hedgerows and existing modern development. For the same reasons there would be no adverse impacts or effects on non-designated built heritage assets identified within Historic Environment Records. One exception to this the impact upon the Barby Lane bridge over the Rains Brook but in this circumstance there would still be no adverse impact of the development on the bridge's heritage significance.

In respect of the site itself the assessment notes the presence of 'a small complex of multi-phased farm buildings'. These can be sub-divided into pre-20th century buildings and 20th century buildings. It is indicated that the five surviving historic (pre-20th century) farm buildings and fragmented farmyard wall retain some local heritage value as post-enclosure farm buildings. These are therefore classified as being non-designated heritage assets with low evidential significance, low historical value, medium-low aesthetic value and low communal value. Despite this it is proposed that all of the farm buildings would be demolished to allow for the comprehensive redevelopment of the site. The assessment therefore concludes that the evidential and historical value of the buildings could be preserved through the preparation and deposition of a suitable formal record. However, the demolition of the buildings would result in the remaining small aesthetic and communal values being removed. It is consequently the case that harm of limited weight would arise from the loss of this local non-designated heritage asset.

Heritage and Archaeology Conclusions

The evidence submitted to date indicates that there is only a small potential for archaeological remains to be present on the application site. However, a condition requiring a programme of further archaeological works including evaluative trial trenching will ensure that any archaeological remains of significance are found and recorded before development commences. The potential impact of development on designated and non-designated heritage assets within the vicinity of the site has been considered and found to have no significant impact. No designated heritage assets are located on the site but some of the historic farm buildings would be categorised as non-designated heritage assets. The proposed demolition of these building would result in the small aesthetic and communal values of the buildings being removed but the evidential and historic value of these buildings could be recorded. On balance, it is considered that the low impact arising from the loss of the non-designated heritage asset would not be sufficiently detrimental to warrant refusing the application. Nonetheless, some harm of limited weight would still arise and must therefore be considered within the overall planning balance.

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

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.

Proposed Site Access

This is an outline planning application to include consideration of access at this stage with all other matters reserved for consideration at a later stage. In this respect it is proposed that the development would be accessed off Barby Lane via a priority 'T' junction to the northeast corner of the application site. The Transport Assessment (TA) (2015) submitted with the application indicates that the site access would take the form of a 5.50 metre wide carriageway with 2 metre wide footways on either side. A pedestrian crossing comprised of dropped kerbs and tactile paving on both sides off the proposed access would also be provided.

The proposed access point would be located just to the south of the existing vehicular access point to the farmstead. This area is subject to the national speed limit of 60mph with a change to 30mph just to the south of the existing site access. On the northern approach to the change in speed limit from 60mph to 30mph there are traffic calming features in the form of dragon's teeth, speed limit roundel and speed limit signage. There are also speed cushions just past the north of the existing access. The result of this is such that northbound traffic slows down on the approach to the proposed site access before reaching the 30mph zone whilst southbound traffic is accelerating up after just entering the 60mph zone.

It is within this context that the visibility splays for the proposed access have been calculated based on stopping sight distances for vehicles as outlined within the national Manual for Streets 2 guidelines. This takes into account speed, lines of sight and changes in topography. Actual traffic speeds at the proposed site access were therefore recorded as being 38.4mph northbound and 38.7mph southbound. The implication of this is such that visibility splays of 2.40m by 95m to the right and 96m to the left are required. The proposed access plans show that this can be achieved by providing a safe and suitable access into the development.

A stage 1 Road Safety Audit of the proposed access arrangements was subsequently undertaken to identify any road safety problems and suggest measures to eliminate and mitigate concerns. This indicated that there were no significant problems and one recommendation to provide dropped kerbs for pedestrians has been incorporated into the proposed plans.

Although it has been demonstrated that access to the site can be safely achieved based on existing speeds, the applicant has recognised that moving the 30mph speed limit further south than its present position would help to improve the safety of the access further. This would arise because actual vehicle speeds at the site access would drop further thereby reducing the required visibility splays. The applicant has consequently agreed to finance the required change to the Traffic Regulation Order in addition to providing two new speed cushions to achieve this.

WCC Highways have carried out an independent assessment of the proposed site access and TA. They have subsequently indicated that they are satisfied that the proposed site access would be able to operate in a safe and efficient manner without being detrimental to highway safety. However, they have requested a condition requiring the provision of the proposed speed cushions in addition to a requirement on the applicant to pay the costs involved in changing the Traffic Regulation Order which the applicant has agreed to. It is consequently considered that the proposed access would provide a suitable and safe access to the development proposed.

Proposed Parking Provision

The explanatory text accompanying policy T5 sets out that the availability of car parking can influence people's transport decisions and that an excessive increase in car parking can reinforce car dependency. Equally, the guidance on parking standards within the Planning Obligations SPD sets out that the Council will seek well designed parking solutions that will accommodate the likely level of car ownership in any given area and reduce the level of on street parking.

As this is an outline application the provision of parking on the site would only be considered at the detailed reserved matters stage. However, the TA indicates that parking would be provided in accordance with the Council's standards in the Planning Obligations SPD.

Findings of Transport Assessment on Traffic Flows

The TA submitted with this application provides an assessment of existing traffic levels within the local highway network and sets out the impact that would arise from the vehicular trips generated by the proposed development. The scope of this was agreed with WCC Highways who have accepted that the methodology, data and modelling used provides a robust basis for assessment.

In order to understand the existing traffic situation the TA draws on the findings of manual turning count, queue length and speed surveys in addition to site visit observations.

The TA then establishes a baseline for future traffic flows without the proposed development. This is based upon committed developments with permission and five years of forecast traffic growth using the

Government's trip end model (TEMPO). This consequently takes into account traffic from development on the Mast Site and Ridgeway Farm. A national database (TRICS) was then used to estimate the likely amount of traffic that would be generated by 110 dwellings (being the amount of development originally proposed). This indicates that 110 dwellings could be expected to generate 62 trips in the AM peak (16 arrivals and 46 departures) and 69 trips in the PM peak (45 arrivals and 24 departures).

Traffic modelling has been used to calculate how the additional trips would be distributed on the highway network. The outcome of this is such that 46% of the trips would be to the northwest along the A428 Hillmorton Road, 24% would be to the east along the A428 Ashlawn Road and 23% would be to the west along Ashlawn Road. This equates to 93% of the trips being northbound along Barby Lane and then dispersing as detailed above with 7% of trips going southbound along Barby Lane.

Based upon the above data the TA compares expected traffic flows within the surrounding area with and without the proposed development. It identifies that the greatest impact would be at the junction of Barby Lane with Ashlawn Road where the proposed development would result in a 3.2% (AM peak) and 3.6% (PM peak) increase in traffic flows. It would also result in a 2.2% (AM peak) and 2.4% (PM peak) increase in traffic flows at the junction of Hillmorton Road with Ashlawn Road.

Industry standard traffic modelling (Picady) was then used to determine the capacity of these junctions. This indicated that the junction of Barby Lane with Ashlawn Road would continue to operate with spare capacity with traffic growth, committed development and development traffic all accounted for. However, the junction of Hillmorton Road with Ashlawn Road is shown to currently be operating at and over capacity resulting in traffic queuing. Traffic from the proposed development would therefore add a further 2% more traffic to this junction. Although this would add to the existing queuing issues, the relatively small increase cannot be said to have a material and severe adverse impact on the junction above what already occurs.

Further to the above, it is necessary to take into account that the junction of Hillmorton Road with Ashlawn Road will be signalised in due course. This improvement will be provided in full as part of the approved development at the Mast Site. Industry standard traffic modelling (LinSig) has been used to determine that the signalisation of this junction would offer considerable capacity improvements with close to 30% spare capacity remaining. The proposed development would therefore comfortably be accommodated within the spare capacity that would be available.

Impact on Highway Safety and Traffic Flows

WCC Highways have carried out an independent assessment of the TA and are satisfied that this offers a robust and sound basis upon which to judge the impact of the development on traffic flows. In respect of the impact on the local highway network they have therefore accepted that whilst there would be an increase in queue lengths in the morning and evening peak hours, any such residual traffic impact from the development would not be severe and would not result in any justifiable need for mitigation. Indeed, the impact of the traffic generated by the proposed development would not lead to a material change in traffic conditions.

In relation to the junction of Hillmorton Road with Ashlawn Road they concluded that the direct impact of the proposed development alone would not be to such a level so as to require the developer to implement signalisation of the junction. This is particularly so given that the signalisation will be delivered by development on the Mast Site.

However, in order to try and encourage further reductions in car usage, they consider that the development should fund improvements towards sustainable transport facilities in the area. The applicant has therefore agreed to enter into a S106 Agreement to secure contributions towards PRoW improvements, pedestrian crossing facilities on Barby Lane, bus stop infrastructure, Rugby Parkway Station business case, cycle network improvements and sustainable welcome packs. Such improvements would reduce the potential number of vehicular movements through junctions within the local highway network thereby lowering the impact it would otherwise have.

WCC Highways has subsequently accepted that the proposed development would not have a detrimental and severe impact upon the efficient operation of the local highway network. Their response is consequently one of no objection subject to conditions and financial contributions.

Aside from the impact on the local highway network, Northamptonshire Highways has considered the proposal and raised no objection to the potential impact on the highway network within their County. Highways England has also carried out an independent assessment of the TA in relation to the impact of this development on the strategic road network and raised no objection to this.

As previously indicated, paragraph 32 of the NPPF outlines that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. In this case it has been demonstrated that the residual cumulative impacts of the proposed development would not be severe. The impact on highway safety and traffic flows is consequently considered to be acceptable.

Objections from Residents

Notwithstanding the comments from WCC Highways, Northamptonshire Highways and Highways England, it is acknowledged that a number of the objections raise concerns based upon personal experience and local knowledge of the road network. There are particular concerns in relation to the impact on key junctions and parking along Barby Lane associated with school opening and closing times.

In relation to concerns about queuing traffic around key junctions there is no dispute that there are existing queues during both morning and evening peaks. This is particularly so around the junction of Barby Lane with Ashlawn Road and the junction of Hillmorton Road with Ashlawn Road. Nevertheless, the impact upon these junctions has been thoroughly assessed. Whilst it is accepted that the proposed development would result in an increase in queuing at these junctions, it has been demonstrated that this would not be to a severe extent.

Further concerns have been raised regarding on-street parking along Barby Lane during opening and closing times at Ashlawn School. It is accepted and has been observed that parking does occur both along the road and on highway verges at such times. The effect of this can, at times, be such that this effectively makes Barby Lane a single carriageway in places with vehicles needing to wait behind parked cars for oncoming traffic to clear before proceeding. At times this can result in vehicles mounting the kerb or highway verge to manoeuvre along the road. The upshot of this is such that the parking can cause a degree of conflict between vehicles, pedestrians and local residents. There is consequently concern that the extra traffic from this development would exacerbate these existing problems as more vehicles will traverse through this section of Barby Lane. This also raises fear that there could be an accident.

In respect of the above it is necessary to note that the current problems being experienced relate to an existing situation. There are currently no specific restrictions preventing parking along this section of Barby Lane. In broad terms it is also not an offence to park on the highway providing it does not cause an obstruction to the footway or any points of access such as a dropped kerb. The parking of vehicles in this location can consequently occur in a legitimate manner and the police have powers to deal with any parking in contravention of this. Moreover, the problems experienced are limited to two relatively short periods of time each day rather than being a systemic problem at all hours of the day. It is within this context of this existing situation that the projected vehicular movements from the proposed development along Barby Lane, even at the highest morning and evening peaks, would not be to such a level so as to significantly and severely exacerbate existing problems to the extent that they would become detrimentally worse. Indeed, it is important to note that WCC Highways did not raise any concerns or objection in respect of this matter.

Access, Parking Provision, Traffic Flows and Highway Safety Conclusions

It is proposed that the site would be accessed off Barby Lane via a priority 'T' junction to the northeast corner of the application site. It has been found that this would be able to operate in a safe and efficient manner without causing detrimental harm to highway safety. The TA has then considered the impact of traffic flows to and from this proposed access on the local highway network. It consequently looks at the impact on key junctions with and without the proposed development to determine what the impact would be and whether this would lead to any capacity issues. The impact to all junctions was found to be acceptable although it was acknowledged that there was an existing capacity issue at the junction of Hillmorton Road with Ashlawn Road which causes queuing during peak times. However, it was calculated that the proposed development would only result in a 2% increase in traffic through the

junction. WCC Highways has therefore accepted that this would not be severe enough to warrant mitigation, particularly given that development on the Mast Site will fund the signalisation of this junction in time. It has therefore been demonstrated that the impact on the local highway network would not be severe in terms of safety or capacity.

8. Public Rights of Way

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

In this case there is one Public Right of Way (RB29) which runs across the centre of the application site from the northern to southern boundary. As this is an outline application, matters relating to the layout will only be considered at a later date when a reserved matters application is submitted. It is only at this time that the full impact of the proposed development on the PRow can be assessed. Notwithstanding this, it is noted that the Design and Access Statement indicates that the PRow would be retained along its existing line with a green corridor created around this. An illustrative layout plan has also been submitted to demonstrate that the proposed development could be designed and accommodated on the site without having a detrimental impact upon the PRow.

WCC Rights of Way Team have considered the application and raised no objection to the proposed development. However, they have requested that advisory notes concerning the PRow are included on the decision notice should permission be forthcoming. A planning condition requiring details of the surfacing and maintenance of the PRow would also be necessary to ensure that the treatment of this is acceptable.

The PRow running across the site also extends beyond the northern boundary of the site inbetween Ashlawn School and Hillmorton Allotments and terminates at the footway on Ashlawn Road. This currently takes the form of an unsurfaced path with mature tree and hedgerow planting to the allotment side and fencing along the school side. As already outlined, the applicant has agreed to provide improvements to this section of the PRow. Improvements to this would therefore include the provision of a 2 metre wide tarmac surface with the potential for lighting and drainage to be considered at a later stage. Both WCC Highways and WCC Rights of Way have requested that these improvements are carried out and the applicant has agreed for this to be secured through a S106 Agreement. In doing this the PRow would provide a more direct route for future residents to utilise and access the services and facilities they would require. Importantly the directness of this route would be favourable to the alternative route via Barby Lane and would consequently make walking a significantly more attractive option.

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. In addition, policy CS14 of the Core Strategy requires proposals to protect, restore and enhance green infrastructure assets within the defined Strategic Green Infrastructure Network. These policies are 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.

It is within the context of the above that the applicant has submitted an Ecological Appraisal 2016 based on an Extended Phase 1 Habitat Survey and protected species surveys for bats and great crested newts. A detailed Bat Survey Report (2016), Biodiversity Impact Assessment (2016) and Biodiversity Enhancements Plan (2016) have also been submitted.

Impact on Statutory and Non-Statutory Ecological Sites

No sites of International Importance were identified within 10km of the application site. However, the Ashlawn Railway Cutting Local Nature Reserve (LNR) is located 0.81km west of the site boundary.

Kilsby Lane Meadow Local Wildlife Site and Old Cross Fields Potential Local Wildlife Site are also located 0.90km and 0.48km east and west of the site boundary respectively. The proposed development could result in a slight increase in visitors to these statutory and non-statutory sites but this is unlikely to be significant. Any additional impact would therefore be minimal and would not result in detrimental and adverse impacts occurring.

Habitats

The appraisal identifies that there are a limited habitats located on the application site which include poor semi-improved grassland, improved grassland, hedgerows, mature trees, dry ditch and farm complex.

The proposed development would result in the loss of the existing grassland but these are common and widespread species. The loss of this would therefore not adversely affect the local nature conservation value and will be compensated for in any event through the provision of species-rich grassland within the proposed on-site open space.

A total of 1,135 linear metres of hedgerows were recorded and categorised as forming nine distinct hedgerow groups. All of these hedgerows are classified as being habitats of principal importance and provide connectivity, foraging and nesting habitat for local wildlife. The mature trees on the site provide potential habitats for invertebrates, nesting birds and other local wildlife in addition to providing structural diversity and continuity of habitat.

As this is an outline application, matters relating to the layout and landscaping will only be considered at a later date when a reserved matters application is submitted. However, access is a matter which is being considered at this stage and the plans show that a small section of hedgerow (H6) along the eastern boundary would need to be removed to facilitate this. The illustrative layout plan also shows that a small section of hedgerow (H7) would need to be removed to allow for access and the creation of a residential parcel. This illustrative plan also demonstrates that the remaining hedgerows could be retained and protected within the proposed development. Furthermore, the majority of the trees would be retained but a small number of trees with low arboricultural value and/or in poor condition would be removed.

To mitigate for the identified loss in habitat it is proposed that new hedgerows would be planted whilst existing hedgerows would be enhanced with additional planting. It is also proposed that new tree planting would be provided within the landscape buffer strips and public open space to enhance and increase the amount and quality of tree cover on site. In addition, the appraisal indicates that the proposed attenuation basin would be designed in consultation with an ecologist as a pond to provide ecological benefits. Nesting and roosting features for birds and bats would also be provided.

A Biodiversity Impact Assessment has subsequently 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. This was then compared with the post-development habitat values which were derived from the proposed retention of existing habitats in addition to proposed habitat creation and enhancement on-site. The assessment therefore concluded that there would be a 1.8% biodiversity impact loss arising from the proposed development. However, the proposed hedgerow planting and enhancement is such that there would be a linear biodiversity gain.

WCC Ecology has considered all of the above and reasoned that there would be sufficient scope for the detailed design of the scheme to mitigate for the very slight biodiversity impact loss of 1.8%. They consequently do not object to the proposed development in regard to the impact on habitats subject to conditions requiring the submission of: a tree and hedgerow retention and protection plan; construction and ecological management plan; and Landscape and Ecological Management Plan. This position is also supported by Warwickshire Wildlife Trust whilst Natural England have responded to confirm that they do not wish to comment on the application.

Protected and Priority Species

In relation to protected and priority species, the appraisal draws on data records and surveys which indicate that the development has the potential to have an impact on bats, great crested newts, badgers, birds and reptiles. However, WCC Ecology are satisfied that the potential impact to these species could be mitigated against through the planning conditions listed above in addition to a sensitive lighting

scheme. Again, this position is supported by Warwickshire Wildlife Trust whilst Natural England have responded to confirm that they do not wish to comment on the application.

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 diversity and value of existing habitats on site is currently limited. Nonetheless, the proposed development would still require the loss of some habitats whilst still allowing for the significant retention of trees and hedgerows. It is consequently proposed that any loss would be mitigated for and biodiversity enhanced through proposed habitat creation and enhancement on-site. 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.

10. 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 systems (SUDS) should be proportionality incorporated into new development where practical.

Flood Risk

The Flood Risk Assessment (FRA) (2015) and FRA Supplement – Greenfield Runoff Rates (2016) confirm that the application site falls within flood zone 1 (low risk) and therefore passes the requirements of the sequential and exception tests outlined within the NPPF. It also outlines that there would be no increase in flood risk from the land whilst the risks from sewers/drainage and groundwater/land drainage need to be considered more fully.

Surface Water Drainage

In respect of surface water drainage, the FRA considers the impact of ground conditions, topography and layout upon this. It concludes that the use of infiltration based drainage solutions would be limited by the gradient of the existing topography despite suitable ground conditions. Nevertheless, it indicates that the feasibility of some infiltration based drainage would need to be considered at the detailed reserved matters application stage. In addition to this it is proposed that an adoptable piped system outfalling into an attenuation pond would be provided within the southern parcel of land. It has been demonstrated that this would be able to attenuate flows up to and including 1 in 100 year plus 30% for climate change rainfall event. Such a system would consequently contain water within the site boundaries and limit discharge rates to that of existing greenfield runoff rates into the existing ditch system to which runoff already flows. This would therefore ensure that flood risk off the development site would not increase.

WCC Flood Risk Management has carried out an independent assessment of the FRA and raised no objection to this subject to a condition requiring the submission of a detailed surface water drainage scheme. This would also require the submission of detailed design plans and future maintenance proposals. The response from STW further supports this position whilst the Environment Agency has responded to confirm that they do not wish to comment on the application.

Foul Sewage

The Foul Drainage Analysis (2015) submitted with the application identifies that the nearest foul water sewer system to the site is located within the highway at the junction of Westwood Road and Barby Lane. The foul sewage design scheme will be prepared at the detailed reserved matters application stage but it is considered that the development would be unlikely to be able to utilise gravity sewers. It is therefore proposed that an onsite sewage pumping station would be required along the southern site

boundary to receive foul flows from the development. Foul flows would then be directed to the public sewer on Barby Lane via a rising main (a pipe under pressure). STW has confirmed that the public foul sewerage system has sufficient capacity to accommodate the new foul flows that would be generated by the proposed development. In any event, under the Water Industry Act the applicant has the right to connect to public sewers with STW being liable to provide any necessary upgrades to enable this. The response received from STW is ultimately one of no objection subject to the submission of drainage plans for the disposal of foul sewage.

Flood Risk and Drainage Conclusions

It has been found that the findings of the FRA and Foul Drainage Analysis are acceptable and form a robust basis for considering the flood risk and drainage impacts arising from the proposed development. In the first instance it has been established that the proposed development would be located in a low risk flood zone and would therefore not be susceptible to flooding. Surface water drainage will principally be dealt with through the use of an adoptable piped system outfalling into an attenuation pond in addition to potential infiltration based drainage. This would ensure that the proposed development would not increase flood risk off site whilst ensuring that the development itself would not be at risk from surface and ground water flooding. Aside from this, it has been demonstrated that foul sewage could be drained from the site via a sewage pumping station which would direct foul flows to the public sewer on Barby Lane. It is consequently considered that the proposed development would not have an adverse impact upon flood risk and drainage.

11. Air Quality

The NPPF establishes the need to consider whether the proposed development would result in unacceptable levels of air quality to the detriment of new or existing development (paragraph 109). It further outlines a requirement to consider the impact on Air Quality Management Areas (AQMA) and the cumulative impacts on this (paragraph 124). This is consistent with policy CS10 of the Core Strategy and the Air Quality section of the Planning Obligations SPD which set out the need to ensure that new development does not result in a significant increase in the production of air quality pollutants.

Air Quality Management Area

The application site falls within the Rugby Air Quality Management Area (AQMA) which has been designated due to an excess of nitrogen dioxide primarily related to traffic congestion near the centre of Rugby and Dunchurch. An Air Quality Assessment (2016) has therefore been submitted with the application. This outlines the potential impacts of the additional vehicular traffic that would be generated by the proposed development. Air pollutant levels are considered at existing sensitive receptors within the vicinity of the site and at proposed receptors within the site. The assessment subsequently concludes that the proposed development would have a negligible impact on existing sensitive receptor locations. Environmental Health and WCC Highways have considered this and responded to indicate that they have no objections to the modelling carried out and the impact of this development on air quality.

Dust and Fine Particulate Emissions

Aside from the above, the Air Quality Assessment also identifies the potential for construction activities to give rise to dust and fine particulate emissions. It therefore outlines the need for mitigation measures to be implemented to substantially reduce the potential impact on surrounding residential receptors. Environmental Health are in agreement with this and have therefore requested a condition requiring the submission of a Construction Environmental Management Plan. This would need to include details of how and what specific dust, noise and vibration mitigation measures will be incorporated into the proposed development to prevent off site migration of dust, mud and debris impacting on receptors and the local highway network.

Air Quality Conclusions

It has been found that the findings of the Air Quality Assessment are acceptable and form a robust basis for considering the air quality impacts arising from the proposed development. In respect of the impact upon the Rugby AQMA it is acknowledged that the additional vehicular traffic would have a negligible impact on existing sensitive receptor locations. The potential for dust and fine particulate emissions

arising from construction activities could be reduced through mitigation measures to be provided by condition. It is consequently considered that the proposed development would not have an adverse impact upon air quality.

12. Noise

Paragraph 123 of the NPPF 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 NPPF 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

The submitted Noise Screening Report 2015 considers the impact of noise from road traffic along Barby Lane and activities at Ashlawn School on the residential amenity of future occupants. In respect of noise from road traffic it is indicated that mitigation may be required to achieve internal maximum noise limits at night. Noise from Ashlawn School could be controlled through the use of local mitigation. It is consequently indicated that a full noise assessment would be submitted at the detailed design stage when the layout of properties is known.

Impact of Noise to Existing Dwellings

The report indicates that the increase in local road traffic arising from the proposed development may result in a small increase in noise at existing residential properties. However, it is considered that this is not likely to result in a perceptible change in noise levels and should therefore not be a determining factor.

Assessment of Noise

Environmental Health has carried out an independent assessment of the noise screening report and raised no objection to this subject to a condition requiring the submission of a full noise survey and assessment prior to the commencement of development. They have particularly indicated that this would need to take into account noise emitted from activities linked to Ashlawn School and road traffic noise

Environmental Health has further identified the potential for noise to arise from the demolition of the existing buildings on the site and construction activities associated with the proposed development. They have consequently requested conditions restricting the days and times demolition and construction activities can take place. This could therefore be incorporated into a condition requiring the submission of a Construction Environmental Management Plan.

Noise Conclusions

It has been found that potential noise from road traffic and Ashlawn School has the potential to impact upon the residential amenity of future occupiers. A noise assessment including mitigation measures would consequently need to be submitted to ensure detrimental harm does not arise. In respect of existing properties it is considered that the noise from additional road traffic arising from the development would not be readily perceptible thereby causing no detrimental harm. The impact of demolition and construction noise on these properties can also be limited to appropriate days and hours to ensure that harm from this does not occur.

13. Contamination

The NPPF 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).

The submitted Phase 1 Geo-environmental Assessment 2015 reviews source material and the existing setting of the site. It concludes that there is only a low risk of contamination and that the site would not be designated as contaminated land under the Environmental Protection Act 1990.

Environmental Health has subsequently considered the assessment and acceptability of the proposed development in relation to potential contamination issues at the site. Their response is one of no objection subject to a condition requiring the submission of an investigation and risk assessment including a remediation scheme and measures to report unexpected contamination found on the site. It is therefore considered that this would ensure that contaminated land does not affect the health of the future occupiers of the proposed development.

14. Economic Growth

Section 1 of the NPPF highlights the need for the planning system to support sustainable economic growth with notable references to job creation and prosperity. In view of this, a Socio-Economic Sustainability Statement (2016) has been submitted with the application. This supports the accepted view that the proposed development would result in: money being invested in construction on the site; construction and associated in-direct jobs being supported; potential new construction employment opportunities; increase in Gross Value Added; new household spending in the Borough; potential new jobs within the Borough; an increase in the viability of local retail uses, services and businesses; an increase in the viability of existing public services; and additional Council Tax revenue. Such matters would have a positive impact on the local economy and prosperity of the Borough.

Notwithstanding the above, it is recognised that the benefits arising from this proposed development would not be unique. Indeed, the same benefits would arise if development was carried out at other locations on the edge of Rugby town. However, not enough homes are being constructed within the Borough to meet identified housing needs and these potential benefits are therefore not being realised. In such circumstances, the availability of any site that could contribute to house building and economic development, in the short term, should attract significant weight.

The proposed development would also result in the payment of the New Homes Bonus. However, in accordance with the Town and Country Planning Act 1990 (as amended) and NPPG it is considered that whilst the Bonus is a material planning consideration, it is not one to which positive weight can be attached and viewed as a benefit of the proposal.

15. Design, Layout and Visual Amenity

Policy CS16 of the Core Strategy sets out that 'All development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated'. Paragraph 7.4 of the Core Strategy allows for consideration of the Sustainable Design and Construction SPD which further expands on this policy. Paragraph 17 and Chapter 7 of the NPPF are also relevant and set out the importance of good design in relation to new development.

Illustrative Design and Layout

As this is an outline application, details of the appearance, landscaping, layout and scale of the proposed dwellings have not been submitted at this stage. However, a Framework Masterplan, Illustrative Layout Plan and 3D Birds Eye View Plan has been submitted showing how the proposed development could be provided on site. This is further supported by a Design and Access Statement which includes design principles to help inform and guide the preparation of detailed plans at a later stage.

The plans and statement collectively show how up to 107 dwellings could be laid out on the application site. However, it is important to acknowledge that the plans should only be viewed as one iteration of how the site can be developed. Equally, the proposal is for 'up to' 107 dwellings which consequently provides a degree of flexibility in that less dwellings could actually be built if this was found to be justified. There is consequently inherent scope for layout to be adjusted at the reserved matters application stage.

With the above said, the illustrative layout plan and design and access statement helps to provide a broad overview as to whether an acceptable design and layout could be achieved. An assessment of the proposals has subsequently been undertaken in accordance with the Government endorsed Building for Life 12 criteria. This has enabled consideration of how the proposed development would integrate into the existing neighbourhood, create place and provide suitable streets and homes.

Integration with the Existing Neighbourhood

In relation to integration with the existing neighbourhood it is proposed that the vehicular access to the site would only be achieved via a single access point onto Barby Lane. The location and size of the application site is then such that it would create an entirely self-contained development with no vehicular connections into the wider neighbourhood. However, the existing PRow through the centre of the site would be retained along its current alignment and enhanced to create a green corridor. This PRow link provides pedestrian and cycle access onto Ashlawn Road to the north and open countryside to the south. The highway footway along Barby Lane would also extend down to the proposed site access thereby creating further links with the existing surroundings.

The proposed pedestrian and cycle connections would help to ensure that the development would integrate with the existing neighbourhood surrounding it. These proposed connections would further help to increase the accessibility of the development in relation to the facilities and services future occupants would need. Broader considerations relating to the accessibility and capacity of existing facilities and services, public transport and meeting local housing requirements have been considered in other sections of this report. The effect of the above is such that the proposed development could, on balance, integrate sufficiently well with the existing neighbourhood.

Creating Place

In relation to creating place it is considered that the size and location of the proposed development is such that it would be able to create its own distinct character. However, it has been demonstrated that a scheme could be designed to take account of a number of site constraints including the position of the single site access point, topography, existing hedgerows and trees, PRow through the centre of the site, sensitive boundaries with neighbours and general landscape sensitivities. It would achieve this by ensuring that dwellings would be located within development blocks which correspond with the landscape. A central component of this would be the positioning of urban development towards the north of the site and providing public open space, green infrastructure and an attenuation pond towards the southern boundary. In addition, existing trees and hedgerows would be retained with new planting also provided to create a significant area of green infrastructure. The scale of development is indicated to be no greater than two storeys in height. A simple street hierarchy would be utilised consisting of a primary main street running from east to west with secondary streets running of this from north to south and then terminating in small lanes and private drives. The effect of the above is such that the proposed development could, on balance, create a place with a good character and appearance.

Suitable Streets and Homes

In relation to providing suitable streets and homes it is proposed to utilise primary and secondary roads to distinguish between the main vehicular distributor road and more pedestrian friendly roads to local housing. At a more specific level the proposed dwellings around the streets would be able to offer good natural surveillance opportunities over the streets, PRow and public open space. Design features listed within the Design and Access Statement have the potential to further contribute to the creation of streets which have a degree of visual interest whilst providing a suitable mix of parking treatments. In addition, public open space and a play area for children would be provided within the development in a clearly defined area. The effect of this is such that public spaces would be readily distinguishable from private spaces. External storage space for bins and recycling would need to be carefully considered to ensure these are located to the rear of properties and out of intrusive public views. The effect of the above is such that the proposed development could, on balance, provide suitable streets and homes.

Visual Amenity Conclusions

Overall, it is considered that the proposed development could be designed to satisfactorily integrate into the existing neighbourhood, create place and provide suitable streets and homes. Indeed, the illustrative layout plan provides the required level of comfort in this stage of the planning process that an acceptable design and layout could be achieved. There is also sufficient flexibility within the scheme to reduce the number of dwellings if necessary to achieve an acceptable layout. It is within this context that it is considered that the impact of the proposed development on visual amenity would be acceptable.

16. Residential Amenity (Light, Aspect and Privacy)

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 houses. Paragraph 17 of the NPPF 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.

Existing Properties

The closest dwellings to the application site are located to the south of Westwood Road. Eight of these dwellings have elevations containing primary windows to habitable rooms facing towards the proposed development area. The rear elevation of 1 Westwood Road is the closest to the application site at a distance of approximately 11 metres to the site boundary at the closest point. The private gardens to each of these properties also adjoin the northern boundary of the site. The proposed development on the application site consequently has the potential to have an impact upon the residential amenity of these existing properties.

Impact to Existing Properties

As this is an outline application, details of the appearance, landscaping, layout and scale of the proposed dwellings have not been submitted at this stage. However, a Framework Masterplan, Illustrative Layout Plan and 3D Birds Eye View Plan has been submitted showing how the proposed development could be provided on site. This is further supported by a Design and Access Statement which includes design principles to help inform and guide the preparation of detailed plans at a later stage.

The plans and statement collectively show how up to 107 dwellings could be laid out on the application site. However, it is important to acknowledge that the plans should only be viewed as one iteration of how the site can be developed. Equally, the proposal is for 'up to' 107 dwellings which consequently provides a degree of flexibility in that less dwellings could actually be built if this was found to be justified. There is consequently inherent scope for layout to be adjusted at the reserved matters application stage.

With the above said, the illustrative layout plan and design and access statement helps to provide a broad overview as to whether an acceptable level of residential amenity could be achieved between existing and proposed dwellings. In this respect it is considered that the illustrative plans provide confidence that dwellings could be laid out on the site without giving rising to significant and detrimental impacts on the light, aspect and privacy to existing properties on Westwood Road. The actual impact to these properties would be considered at the detailed reserved matters application stage.

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.

17. Open Space, Landscaping and Green Infrastructure

Policies H11, H12 and LR1 of the Local Plan require proposals for new residential development of the size proposed to provide appropriate play and open space on site in accordance with the Council's Open Space Standards. Policy LR3 relates to this and sets out the need for new open space provision to be of a high quality and accessible. Further guidance is outlined within the Council's Planning Obligations SPD which recognises that financial contributions may be appropriate to allow off site provision to be provided or improved in a suitably accessible location where these elements cannot be provided on site.

On-Site Open Space, Landscaping and Green Infrastructure

Following discussions with the Parks and Grounds Manager and assessing existing surpluses and deficits of open space in this part of town, together with what is judged to be reasonable, it was

considered that an element of on-site provision and financial contributions for off-site provision should be made. As this is an outline application, details of the appearance, landscaping, layout and scale of the proposed dwellings have not been submitted at this stage. However, a Framework Masterplan, Illustrative Layout Plan and 3D Birds Eye View Plan has been submitted showing how the proposed development could be provided on site. This is further supported by a Design and Access Statement and Landscape and Visual Appraisal which includes design and landscaping principles to help inform and guide the preparation of detailed plans at a later stage.

The plans, statement and appraisal collectively show how up to 107 dwellings could be laid out on the application site. However, it is important to acknowledge that the plans should only be viewed as one iteration of how the site can be developed. Equally, the proposal is for 'up to' 107 dwellings which consequently provides a degree of flexibility in that less dwellings could actually be built if this was found to be justified. There is consequently inherent scope for layout to be adjusted at the reserved matters application stage.

With the above said, the plans, statement and appraisal indicate the minimum amount and nature of different types of public open space and green infrastructure that would be required on the site. In particular, it is indicated that the proposed development would provide a minimum of 2.22ha of public open space and green infrastructure. This would include a large area of amenity greenspace (0.99ha), green corridor (0.23ha), natural and semi-natural greenspace (0.9ha), attenuation basin (0.013ha) and Locally Equipped Area of Play. This would be secured within a S106 Agreement.

Financial Contributions for Off-Site Provision

Aside from the on-site provision it is acknowledged that the size of the development and application site is such that it would not be possible or desirable for all of the required types of open space to be provided on-site. The applicant has consequently agreed to make financial contributions for off-site provision towards Parks and Gardens and Natural and Semi-Natural Space.

In relation to Parks and Gardens, the applicant has agreed to provide a financial contribution to pay for the replacement of the existing pavilion at Hillmorton (Featherbed) Recreation Ground. This would be secured within a S106 Agreement. The Parks and Grounds Manager has indicated that the existing pavilion including changing facilities has been condemned and is therefore closed. It is particularly noted that this building contains asbestos and potential repairs would consequently not be cost effective. However, Hillmorton Recreation Ground is home to Hillmorton Wanderers FC who are in need of a pavilion and associated changing facilities. The need for a new sports pavilion is highlighted in the Council's Playing Pitch Strategy as a priority for this area and is supported by Sport England.

The proximity of Hillmorton Recreation Ground (with associated sports pitches) to the application site is such that future occupants of the proposed dwellings are highly likely to use this space. However, the quality of this space is currently below standard owing to the lack of the sports pavilion. Additional demand would place further pressure on this space and the need for it to be of a high standard and with all the facilities residents would need and expect. The financial contribution to pay for the replacement of the existing pavilion would therefore offset the additional pressure and needs arising from future occupants on this space. However, it would also provide a significant benefit to the existing local community who would also benefit from and use the new pavilion. Indeed, if the development does not go ahead and provide this contribution then it is unclear as to how the new pavilion would be funded. The existing deficiency and need would consequently remain.

In relation to Natural and Semi-Natural Space, the applicant has agreed to provide a financial contribution to contribute towards the development and enhancement of the Diamond Jubilee Wood. This would be secured within a S106 Agreement.

Open Space, Landscaping and Green Infrastructure Conclusions

Following an assessment of existing surpluses and deficits of open space in this part of town, together with what is judged to be reasonable, it has been considered that an element of on-site provision and financial contributions for off-site provision should be made. On-site provision would include a minimum of 2.22ha of public open space and green infrastructure. Financial contributions would enable funding of a replacement pavilion at Hillmorton (Featherbed) Recreation Ground and development and

enhancement of the Diamond Jubilee Wood. The proposed play and open space on-site together with contributions to improve existing off-site provision would consequently be acceptable.

18. Sustainable Design and Construction

Core Strategy policies CS16 and CS17 refer to sustainable design, water efficiency and reducing carbon emissions. The Sustainable Design and Construction Supplementary Planning Document (SDC SPD) 2012 further expands upon this and sets out the potential to reduce carbon emissions through improving energy efficiency in construction and design. This is consistent with chapter 10 of the NPPF which supports the inclusion of renewable and low carbon energy within new development.

Water Efficiency

Policy CS16 and SDC SPD specifically state that all new residential developments should incorporate measures to meet the water conservation standards in Level 4 of the Code for Sustainable Homes. This is consistent with paragraph 94 of the NPPF which outlines the need to take account of water supply and demand.

Level 4 of the Code for Sustainable Homes sets out that the potential consumption of water by persons occupying a new dwelling should not exceed 105 litres per person per day. However, it is necessary to note that the Code for Sustainable Homes was withdrawn by the Government in March 2015 and this policy is effectively out-of-date.

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 development of 10 or more dwellings should incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%.

The Design and Access Statement submitted with the application indicates that the development would utilise renewable energy technologies to reduce carbon emissions. A condition requiring the submission of these details would therefore need to be imposed to ensure such renewable energy technologies are provided. A further condition stipulating that the proposed dwellings must comply with the Building Regulations relevant at the time of construction would also be necessary.

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. A planning condition would need to be imposed to ensure that this is provided.

19. Infrastructure and Planning Obligations

Policy CS10, the Planning Obligations SPD and paragraph 203 of the NPPF set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable. Policy CS13 also states that 'Where new developments are proposed the implications on existing services need to be taken into account. This may result in contributions to existing services or new provisions being accrued'. This is consistent with one of the core planning principles outlined within paragraph 17 of the NPPF which outlines the need for planning to 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

Notwithstanding the above, paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:

- a. Necessary to make the development acceptable in planning terms;
- b. Directly related to the development; and
- c. Fairly and reasonably related in scale and kind to the development.

If a requested planning obligation does not comply with all of these tests then it is not possible for the Council to require this. It is within this context that the Council has received a number of requests for planning obligations from technical consultee's as detailed below.

Affordable Housing: 40% of the proposed dwellings would be affordable dwellings comprising of a split of 75% social rented housing and 25% intermediate housing unless otherwise agreed in writing with the Local Planning Authority. This would be secured within a S106 Agreement.

Education: The proposed development would result in more children moving into this area of Rugby who would consequently need a place within local schools. WCC has therefore undertaken an assessment as to whether there would be sufficient spaces within existing schools to accommodate the estimated number of pupils that would be likely to arise from this development. They have consequently indicated that there would not be sufficient capacity for Pre-School, Primary, Primary Special Educational Needs, Secondary (11-16 years), Secondary Age Special Needs and Post 16 provision. Financial contributions have consequently been sought for increased provision at local schools to provide for the projected increase in demand. This would be secured within a S106 Agreement.

GP Surgeries: NHS England has responded to the Council's consultation to indicate that they do not want to comment on the proposed development. They have therefore not made any requests for financial contributions towards GP Surgeries.

Policing: The proposed development would result in an increase in demand for policing within this area of Rugby. Warwickshire Police and West Mercia Police have consequently requested a financial contribution to offset this impact. This would be used by the Rugby Town East Safer Neighbourhood Team for the recruitment and equipping of officers and staff, police vehicles and office accommodation. The applicant has accepted this request and agreed for it to be secured within a S106 Agreement.

Paddox Junction Improvements: Financial contributions are required to enable WCC Highways to provide capacity enhancements at the Paddox junction. This would be secured within a S106 Agreement.

Bus Stop Improvements: Financial contributions are required to improve the existing on-street bus stop infrastructure at the pair of bus stops on Ashlawn Road/High Street (A428). This would be secured within a S106 Agreement.

Cycle Network Improvements: Financial contributions are required towards cycle network improvements within the southeast of Rugby. This would be secured within a S106 Agreement.

Pedestrian Crossings: The applicant has agreed to provide two pedestrian crossings. One would be provided on Barby Lane near junction with Ashlawn Road at the request of WCC Highways. A further crossing would be provided on Ashlawn Road at a position to be agreed at a later stage. The two crossing would be secured by planning condition.

Sustainable Travel Packs: Financial contributions are required towards the provision of sustainable welcome packs promoting sustainable living and delivering road safety education in the area. This would be secured within a S106 Agreement.

Hillmorton Recreation Ground Pavilion: The applicant has agreed to make financial contributions to provide a replacement pavilion at Hillmorton Recreation Ground. This would be secured within a S106 Agreement.

Diamond Jubilee Wood: The applicant has agreed to make financial contributions towards the development and enhancement of the Diamond Jubilee Wood. This would be secured within a S106 Agreement.

Open Space: The applicant has agreed to provide open space and a LEAP on the application site in as detailed within the Open Space, Landscaping and Green Infrastructure section above. This would be secured within a S106 Agreement.

Indoor Sports Facilities: The applicant has agreed to make financial contributions towards off-site health and fitness and sports halls in accordance with the Council's Planning Obligations SPD. This would be secured within a S106 Agreement.

Public Rights of Way: The applicant has agreed to provide improvements to Public Right of Way RB29 running from the northern boundary of the site to Ashlawn Road. This would be secured within a S106 Agreement.

Infrastructure and Planning Obligations Conclusions

It is considered that the impact of the proposed development on existing services, facilities and infrastructure would be acceptable. Consultation has been carried out with key service providers within this area. In some circumstances it has been found that there is sufficient capacity to accommodate increased usage that would arise from the occupants of this proposed development. In other circumstances the impact of the development would be offset through in-kind provision or financial contributions. The applicant has agreed to enter into a S106 Agreement which will ensure in-kind provision and financial contributions are delivered and paid.

20. Planning Balance and Sustainability of Development

The application site is located within designated countryside. Policy CS1 of the Core Strategy sets out that development will only be permitted in this location where national policy allows. In this respect the Council does not have a five year supply of deliverable housing sites to meet the identified housing need within the Borough. The presumption in favour of sustainable development set out in paragraph 14 of the Framework is consequently engaged. For decision-taking it explains that this means that where the development plan is absent, silent, or out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole, or specific policies in the Framework indicate development should be restricted.

In this case there are no specific policies within the Framework which indicate that development on this site should be restricted. In accordance with paragraph 14 of the Framework a tilted balance in favour of granting permission consequently applies. It is within this context that it is necessary to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment below consequently sets out the Council's considerations as to whether the proposed development would be "sustainable development".

From an economic perspective the proposed new dwellings would result in money being invested in construction on the site, employment relating to construction jobs over the build period, new household spending in the Borough, a contribution to the viability of local retail uses, services and businesses and additional Council Tax revenue. Such matters would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the application. As such, the proposed development would satisfy the economic role of sustainable development.

From a social perspective there is a significant need for new housing within the Borough and the Council does not have a five year housing land supply to meet that need. This is consequently a matter which in itself weighs significantly in favour of the application. The proposed development of up to 107 dwellings, of which up to 40% would be affordable dwellings, would consequently make a significant and positive contribution towards meeting this housing need. Aside from this, the proposed development would provide a range of infrastructure improvements which would offset the impact of this development. Such improvements include a replacement pavilion at Hillmorton Recreation Ground, the development and enhancement of the Diamond Jubilee Wood, bus stop improvements, cycle network improvements and pedestrian crossings. As such, the proposed development would satisfy the social role of sustainable development.

From an environmental perspective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, trees and hedgerows, heritage and archaeology, highway safety, traffic flows, ecology, flood risk, drainage, air quality, noise, contamination, residential amenity, water conservation and carbon emissions have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, in other instances where

potential adverse impacts are identified, it would be possible to mitigate against this impact through a number of different measures and strategies. This mitigation could be secured through conditions and a S106 Legal Agreement to ensure that this is delivered.

Notwithstanding the above, it is clear that the proposed development would give rise to some unavoidable environmental harm which could not be adequately mitigated against. In this first instance the proposal would result in the loss of an area of the best and most versatile agricultural land which would result in harm of limited weight. Secondly, the physical location of the site in relation to some of the services and facilities that future residents would need is such that they are more likely to rely on the use of private cars rather than sustainable transport alternatives such as walking. However, the majority of services and facilities could still be accessed by a range of transport options and harm of only limited weight is therefore attributed to this. Thirdly, the proposed development would result in the loss of some farm buildings which are considered to be non-designated heritage assets which would result in harm of limited weight.

In relation to the impact on landscape character and appearance it has been found that the proposed development would cause significant and detrimental harm to a highly sensitive landscape of strong condition. This would result in substantial environmental harm.

In conclusion, whilst the economic and social benefits of the additional housing would be significant, this this would not outweigh the substantial and limited environmental harm which would result from the proposal. The submitted scheme would therefore not be sustainable development. National policy consequently indicates that development in this location should not be allowed. In turn the proposal conflicts with policy CS1 of the Core Strategy as national policy indicates that development should not be permitted in this countryside location. In effect, the proposal fails to comply with the “only where national policy on countryside locations allows will development be permitted” exception of policy CS1. Furthermore, the proposed development conflicts with both policy CS16 of the Core Strategy and saved policy GP2 of the Local Plan.

It is concluded that the proposal does not comply with the Development Plan and that there are no material considerations which indicate that the proposal should be approved. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that planning permission refused.

Recommendation:

The proposed development would have a significant and adverse impact on the character and appearance of the landscape in this location. In particular, the proposed dwellings would appear as an intrusive extension of the urban area into the surrounding countryside and would diminish the landscape character of this area. They would further appear visually intrusive and prominent within the landscape to the point of being harmful to the qualities, character and amenity of both the countryside and setting of Hillmorton. The proposed mitigation would not adequately reduce these impacts to an acceptable level. The adverse impacts that would arise from this would consequently significantly and demonstrably outweigh the benefits of the proposed development. The proposal would consequently not constitute sustainable development and would be contrary to policies CS1 and CS16 of the Rugby Borough Core Strategy 2011, saved policy GP2 of the Rugby Borough Local Plan 2006 and paragraphs 14 and 17 of the National Planning Policy Framework.

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.

NOTE:

This refusal relates to the plans and reports contained in the following schedule:

<u>Plan/Report Description</u>	<u>Plan/Report No.</u>	<u>Date Received</u>
Location Plan	6844-L-03 rev.C	04-11-16
Development Framework Plan	6844-L-02-K	04-11-16
Access Plan	GA019-001-001-C	24-11-16
Planning Statement	N/A	24-11-16

Design and Access Statement	6844 DAS rev.C	04-11-16
Landscape and Visual Impact Assessment	Rev.C	01-03-17
Response to WCC Landscape Comments	Rev-A	01-03-17
Ecological Appraisal	Rev. A	04-11-16
FPCR Ecology Letter Dated 31.03.16	6220-ED	24-11-16
Biodiversity Enhancements Plan	6220-E-01	24-11-16
Bat Survey Report	Rev.A	04-11-16
Arboricultural Assessment	Rev.A	04-11-16
Arboricultural Addendum Report	6844AAD	24-11-16
Transport Assessment	GA019	04-11-16
Travel Plan	GA019	04-11-16
Archaeological Desk-Based Assessment	PRC-SD-20642	04-11-16
Geophysical Survey Report	J9187	04-11-16
Heritage Assessment	RKS-EW-20758	04-11-16
Phase 1 Geoenvironmental Assessment	5977R1	04-11-16
Flood Risk Assessment	5977R2	04-11-16
Flood Risk Assessment Supplement	Lees Roxburgh	24-11-16
Foul Drainage Analysis	N/A	04-11-16
Air Quality Assessment	LE13130 001	04-11-16
Noise Screening Report	CMD-GH-LE-LE13130-004	04-11-16
Socio-Economic Sustainability Statement	N/A	04-11-16
Soils & Agricultural Use & Quality of Land Report	1151-1	04-11-16

Reference number: R16/2490

Site address: Land East of Barby Lane and South of Fellows Way, Barby Lane, Rugby

Description: Residential development of up to 113 dwellings including vehicular access from Barby Lane, open space, landscaping, surface water attenuation pond and associated infrastructure (outline planning application to include access with appearance, landscaping, layout and scale reserved)

Case Officer Name & Number: Chris Kingham, 01788 533629

Background:

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

Site Description:

The application site comprises of 4.30 hectares of agricultural land to the east of Barby Lane and south of Fellows Way in Rugby. The land is broadly regular in shape and is currently used as grazing land for sheep. It is defined by wire stock fencing and hedgerows interspersed with mature trees to the eastern and western boundaries. The northern boundary is defined by post and rail fencing and a section of hedgerow. The southern site boundary is undefined and actually falls within part of a larger field. The site contains a small number of trees which run in a linear fashion across the centre of the site from north to south. Topographically, the site is set on a slope which drops down by approximately 12 metres from the northern boundary to the southern boundary. The site also rises up from the western boundary with Barby Lane towards the east.

To the north of the site is the established Rugby Urban Area which contains a number of residential dwellings. The property of 19 Barby Lane is a large detached dwelling surrounded by a large garden which borders part of the application site. There are a number of windows within the southern elevation of this dwelling which overlook the application site. The southern boundary with the site is defined by stock fencing and hedgerow planting in addition to trees. The remainder of the site is bordered by dwellings accessed off Fellows Way. These dwellings have a number of windows within the southern elevations overlooking the application site. The rear/side elevations of these dwellings are located within close proximity to the boundary of the application site. The gardens to these dwellings back onto the site with boundary treatments consisting of post and rail fencing. Some properties contain mature planting along this boundary but others are more open.

English Martyrs Roman Catholic Primary School is located to the northeast and east of the application site. The school buildings are predominately single storey in height with a two storey feature element. The school playing fields/sport pitches are located to the south of these buildings and border the eastern site boundary. An area of overgrown scrubland is located to the south of the school fields and also borders the eastern boundary of the site. The boundary itself is defined by stock fencing with mature hedgerow planting. A number of contained fields and the residential area of Moat Farm Drive and Barley Close is located beyond the school to the east.

To the south the site forms part of a large agricultural field used for grazing land. This field is defined by post and rail fencing, stock fencing and hedgerows. The topography of the land is such that it slopes down significantly from north to south. A building used for storage and with an agricultural appearance is located towards the bottom of this field and is accessed via a single access track constructed from hardstanding. The access track leads onto Barby Lane with a gate running across this. The land beyond the south of this is comprised of open agricultural fields which run down to Rains Brook before then rising again.

To the west, the site is bordered by Barby Lane which provides a vehicular access link between Rugby town and Barby village. The section of road running parallel to the site is subject to a 60mph speed limit which then drops down to 30mph at the entrance to the urban area. Speed cushions and dragon teeth markings on the roads help to delineate the change in the speed limit. The eastern side of Barby Lane contains a grass verge which runs parallel to the highway. This grass verge slopes down steeply to a ditch beyond which is a hedgerow interspersed with mature trees. The land beyond this hedgerow forms part of Waldings Farm and is an area of grazing land which slopes steeply upwards from the ditch to the west. A

number of farm buildings are located at the top of the slope and these are surrounded by open agricultural fields to the west and south.

To the northwest of the site are a number of residential dwellings which are accessed off Westwood Road. These dwellings take the form of detached buildings ranging from one to two storeys in height. The design, layout and appearance is also highly varied giving rise to a unique and diverse streetscene.

Relevant Planning History (Application Site):

None.

Relevant Planning History (Within Vicinity of Application Site):

R16/2391: Land at Waldings Farm, Barby Lane, Hillmorton, Rugby. Residential development of up to 107 dwellings including vehicular access from Barby Lane, open space, landscaping, surface water attenuation pond, footpaths, cycleways and associated infrastructure (all existing buildings to be demolished) (outline planning application to include access with appearance, landscaping, layout and scale reserved) (re-submission following refusal of planning application R15/2039). To be determined.

R15/2039: Land at Waldings Farm, Barby Lane, Hillmorton, Rugby. Residential development of up to 107 dwellings including vehicular access from Barby Lane, open space, landscaping, surface water attenuation pond, footpaths, cycleways and associated infrastructure (all existing buildings to be demolished) (outline planning application to include access with appearance, landscaping, layout and scale reserved). Refused 28/07/2016. Appeal dismissed 05/07/2017 (ref: APP/E3715/W/16/3158785).

R15/2239: Land Adjacent Ridgeway Farm, Ashlawn Road, Hillmorton, Rugby, CV22 5QH. Application for Reserved Matters for 96 dwellings relating to appearance, landscaping, layout and scale against outline planning permission R14/0407 for demolition of agricultural buildings and use of land for residential development and associated works, including access. Approved 27/05/2016.

R14/0407: Land Adjacent Ridgeway Farm, Ashlawn Road, Hillmorton, Rugby, CV22 5QH. Outline planning application for demolition of agricultural buildings and use of land for residential development and associated works, including access. Approved 02/12/2015.

R05/0151/07794: Outline application for three 1.5 storey detached dwellings. Refused 06/04/2005. Appeal dismissed 20/09/2005 (ref: APP/E3715/A/1181699).

Technical Consultation Responses:

Daventry District Council	No response
Development Strategy	No response
Environment Agency	No response
Environmental Health	No objection subject to condition
Highways England	No objection
Housing	No objection subject to planning obligation
National Grid	No response
Natural England	No comment
NHS England	No comment
Northamptonshire CC Highways	No objection
Parks and Grounds	No objection subject to planning obligation
Severn Trent Water	No objection subject to condition
Sport and Recreation	No response
Stagecoach	No response
Tree/Landscape Officer	Objection
Warwickshire Fire and Rescue	No objection subject to condition
Warwickshire Police	No objection subject to planning obligation and advisory notes
Warwickshire Wildlife Trust	No objection subject to condition and planning obligation
WCC Archaeology	No objection subject to condition
WCC Ecology	No objection subject to conditions and planning obligation
WCC Flood Risk	No objection subject to condition

WCC Highways	No objection subject to conditions, planning obligations and informatives
WCC Infrastructure	No objection subject to planning obligations.
WCC Landscape	Objection
WCC Planning	No response
WCC Public Health	No response
WCC Rights of Way	No objection subject to planning obligation
Western Power Distribution	No response
Works Services Unit	No objection

Third Party Consultation Responses (Original Plans and Reports):

Residents (46) Objection

- Volume of traffic and congestion already bad along existing roads in area.
- Noticeable increase in traffic from DIRFT development.
- Crematorium attracts traffic to area.
- Mast site and other planned developments will worsen traffic problems.
- Traffic associated with Ashlawn School has impact on area.
- Barby Lane unable to deal with traffic from development.
- Traffic projections and levels queuing traffic significantly understated in supporting documents.
- Cumulative impact of traffic from other developments and local fluctuations need to be considered in traffic surveys and reports.
- Significant impact from additional traffic from proposed development on roads.
- Traffic flow and safety issues around Barby Lane and Ashlawn Road junction.
- Lengthy queues and time delays turning right out of Barby Lane onto Ashlawn Road.
- Traffic lights will not solve traffic problems in area.
- Traffic lights or roundabout required at Ashlawn Road, Deerings Road, High Street and Barby Lane junctions.
- Parking on Barby Lane for picking up and dropping off school children creates traffic flow and highway safety problems.
- Draft Local Plan indicates southeast Rugby worst for handling traffic.
- Access to site should be mini-roundabout to slow speeding traffic.
- No plans to improve highway infrastructure.
- Remodelling of roads would impact on character and appearance of historic Hillmorton Green.
- Not on bus route so limited access to public transport.
- Cycle link would not solve problems of car use.
- Parking around existing shops and services limited and dangerous.
- Parking spaces only meeting minimum standards would result in parking on road.
- Cumulative traffic impact of development on this site and Waldings Farm site on highway network.
- Should wait for outcome of County traffic survey work.
- Figures and modelling within transport assessment not validated.
- Traffic at Paddox junction already at unacceptable levels.
- Won't be able to cross road safely.
- Increase in traffic presents danger to pedestrians, cyclists and horse riders.
- Lack pedestrian crossings on A428/Ashlawn Road leading to pedestrian safety concern.
- Access location on blind corner not acceptable.
- Restricted view from proposed access with vehicles unlikely to slow down.
- Existing traffic calming measures have failed to reduce speed.
- Planned pedestrian crossings, particularly by site access, would not be safe.
- Increase in air, noise and light pollution.
- Negative impact on health from air quality.
- Further air quality assessments required.
- Existing air quality issues around Dunchurch crossroads with Paddox junction also at risk.
- Impact on natural habitat and wildlife.
- Noise from construction and traffic increase will impact on health and wellbeing of older residents.
- Changing landscape will lead to disorientation and detrimental effect on physical and emotional wellbeing of people in area.
- Foul sewerage can only be dealt with via pumping station.
- Capacity of foul sewer must be checked.

- Flow of surface water runoff needs to be established.
- Land designated as countryside in Local Plan and not identified for development.
- Contrary to NPPF.
- Contrary to Core Strategy policies CS1, CS11, CS12, CS13 and CS16.
- Contrary to Local Plan policies GP2 and E6.
- Departure from Local Plan.
- Not identified for housing in emerging Local Plan.
- Site not sustainable for housing.
- Appeal to build 3 dwellings on site opposite dismissed with Inspector stating site unsustainable.
- Similar application at Waldings Farm refused by Council.
- Application relies on Council not having five year housing land supply.
- Harm caused by development would not outweigh benefits.
- Does not satisfy social, economic and environmental dimensions of sustainable development.
- Proposal should not benefit from presumption in favour of sustainable development.
- Environmental dimension sustainable development not met owing to harm to and loss of countryside.
- Housing need should be met by Mast site development.
- Should develop sites within urban area and brownfield sites first.
- Should develop Mast Site first to allow impact to be assessed before permitting more schemes.
- Intrusive extension and encroachment of urban area into countryside.
- Significant and detrimental visual impact on landscape.
- No amount landscaping would disguise development.
- Proposed landscaping to southern boundary not sufficient to screen development.
- Location on ridge of valley means site is prominent in whole rural valley.
- Style, density, scale and layout of proposed buildings would contrast to existing rural character and valley area.
- Dwellings would appear dominant and prominent in landscape.
- Does not relate well to existing dwellings in immediate locality.
- Site particularly noticeable on approach to Hillmorton from Barby and south.
- Loss of visual amenity.
- Would change area of outstanding landscape, character of Hillmorton and locality.
- Loss of environment is loss to area.
- Loss of agricultural land.
- Lower quality agricultural land should be used before higher quality agricultural land is used.
- Use of agricultural land not appropriate for development.
- Allowing would set precedent for further development in countryside with cumulative impacts.
- Location in open countryside overlooking Rainsbrook Valley not suitable for housing.
- Rainsbrook Valley is local area of outstanding beauty.
- Landscape tranquil, attractive and desirable in contrast to urban area.
- Landscape should be retained for future generations.
- Area enjoyed by public for leisure pursuits.
- Rainsbrook Valley should be given green infrastructure status in emerging local plan.
- Rainsbrook Valley should be designated as parkland.
- Appeal to build 3 dwellings on site opposite dismissed with Inspector citing impact on landscape, character of area and precedent.
- Overbearing and not in character with area.
- Land to southeast Rugby should not be developed.
- Rainsbrook Valley area of rare beauty.
- Negative impact on Hillmorton village.
- High density development not suitable in this location.
- Would destroy vista.
- No street lights on land adjoining site at present adding to rural feel and benefit to wildlife.
- Loss of habitats for protected species and wildlife.
- Harm to protected species and wildlife.
- Loss of hedges, trees and vegetation.
- Protected species (e.g. bats) use site.
- Loss of light and privacy to property.
- Negative impact on residential amenity.
- Broadband speeds in area too slow.
- Will not benefit Hillmorton community.

- No community facilities are to be provided.
- Schools in area already oversubscribed.
- Will result in more travel by car to schools.
- No GP surgery in Hillmorton – closest in town centre.
- Request contribution towards indoor sports hall based at Rugby Town Junior Football Club.
- Not sufficient infrastructure to support development in terms of schools, doctors, dentists, police, ambulance and hospital.
- Other approved developments already placing additional demand on local infrastructure.
- Places unsustainable pressure on local services.
- Cumulative impact of development on this site and Waldings Farm site on schools.

Residents (1) Support

- Support application.

Cllr Jerry Roodhouse, Paddock Ward Councillor Objection

- Transport impact – particularly at junction of Barby Lane and Ashlawn Road.
- Lack of school places.
- Sustainability.
- Application on Waldings Farm refused.

Cllr Tim Douglas, Paddock Ward Councillor Objection

- Contrary to policy CS11.
- Impact on road network with no significant road improvements proposed.
- Speeding on Barby Lane.
- Traffic volume along Hillmorton Road and at junction of Barby Lane and Ashlawn Road.
- Highway issues demonstrated by need for 30mph signs and transport assessment showing high levels of traffic at junction of Barby Lane and Ashlawn Road at peak times.
- Busyness of road at peak times impacts on lives residents.
- Traffic volume will increase regardless of Paddock junction improvements.
- Mast Site development, expansion at DIRFT and plans for Rugby Parkway train station will continue to bring high traffic volume.
- Contrary to policy CS16.
- Not in keeping with local area.
- Next to Rainsbrook Valley.
- Would set precedent for future development.
- Application on Waldings Farm refused.

Third Party Consultation Responses (Amended Plans and Reports):

Residents (11) Objection

- Original grounds of objection still stand.
- Amendments do not make material difference to negative impact of development.
- Site is unsustainable – does not meet sustainability criteria in NPPF.
- Not suitable for development.
- Volume of traffic and congestion already bad along existing roads in area.
- Current traffic levels not sustainable.
- Negative impact on traffic flows on surrounding roads.
- Significant restructuring of roads required.
- Highway mitigation works would require change to historic Hillmorton Green.
- Adverse impact on highway safety.
- Parking and traffic around shops already bad and will be made worse.
- Access located on blind corner so unacceptable.
- Traffic calming measures have failed to reduce speed of cars on Barby Lane.
- Parking on Barby Lane for picking up and dropping off school children creates traffic flow and highway safety problems.
- Impact on wildlife.
- Loss of agricultural land.
- Would set precedent for future development.

- Cannot hide 113 dwellings on side of undeveloped valley with open views of site.
- Planting and landscaping would not mitigate visual impact.
- Would be an eyesore along valley.
- Harmful impact on area of outstanding landscape.
- Would change rural character of area.
- Harmful to countryside and setting of Hillmorton.
- Intrusive extension of urban area into countryside.
- Proposed housing not in keeping with surrounding properties.
- Rainsbrook Valley should be registered as Parkland.
- Not sufficient infrastructure to support development in terms of schools, doctors, dentists, police, ambulance and hospital.
- No GP surgery in Hillmorton.
- Schools already at capacity.
- Cumulative impact of development significant.
- Warwickshire County Council Landscape Team state should not lose valley.
- Impact on countryside.
- Rainsbrook Valley needs protecting for future generations.
- View from property of panoramic, tranquil, open countryside and wildlife.
- Cannot see or hear roads and other development in surrounding area from property.
- Air pollution.
- Noise, traffic and pollution would significantly and adversely affect residents and quality life.
- Loss of privacy from overlooking.
- Loss of light to properties.
- Countryside location not suitable for housing.
- Departure from Core Strategy.
- Enough new homes already approved elsewhere.
- Local housing needs will be met by Mast site development.
- Similar scheme to refused application at Waldings Farm and nothing changed since.
- Appeal decision at Waldings Farm imminent.
- Cumulative impact of traffic from other developments and local fluctuations need to be considered.

Assessment of Proposal:

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

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

Rugby Borough Core Strategy 2011

CS1	Development Strategy	Does not comply
CS10	Developer Contributions	Complies
CS11	Transport and New Development	Complies
CS13	Local Services and Community Facilities	Complies
CS16	Sustainable Design	Does not comply
CS17	Sustainable Buildings	Complies
CS19	Affordable Housing	Complies

Rugby Borough Local Plan 2006 Saved Policies

GP2	Landscaping	Does not comply
E6	Biodiversity	Complies
T5	Parking Facilities	Complies
H11	Open space provision in residential developments in the urban area	Complies
LR1	Open space standards	Complies
LR3	Quality and accessibility of open space	Complies

Guidance

Housing Needs SPD (2012)

Planning Obligations SPD (2012)
Sustainable Design and Construction SPD (2012)

Material Considerations

National Planning Policy Framework (NPPF or “the Framework”) (2012)
National Planning Practice Guidance (NPPG)
Community Infrastructure Levy (CIL) Regulations 2010 (as amended)
Natural England National Character Area (2013)
Warwickshire Landscapes Guidelines (1993)
Landscape Assessment of the Borough of Rugby: Sensitivity and Condition Study (2006) and associated ‘Summary of Rugby Town’s Urban Fringe’ (2006)
Rainsbrook Valley Landscape Sensitivity Study (2017)
Emerging Rugby Borough Local Plan (see paragraph below)

The Council is in the process of preparing a new Local Plan which will replace the Core Strategy 2011 and saved policies of the Rugby Borough Local Plan 2006. The process commenced in July 2013 with a Discussion Document which sought representations on the implications of the Framework on the Core Strategy 2011. This was followed by further periods of consultation which ended in July 2014 for the Local Plan: Development Strategy Consultation document, February 2016 for Rugby Borough Local Plan Preferred Options DPD and January 2017 for the Rugby Borough Council Local Plan 2011-2031 Publication Draft.

Councillors approved submitting the Local Plan to the Secretary of State for examination at a meeting on 21st June 2017. In doing this the Council has taken account of all representations received during the consultation stages. This decision demonstrates that the Council considers that the Submission Local Plan 2017 has been prepared in line with the relevant legal requirements (including the duty to cooperate) and also meets the tests of ‘soundness’ contained in the NPPF. The Council subsequently submitted the Submission Local Plan for examination on 14th July 2017 and expects this to be adopted by March 2018.

Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. In this respect the Submission Local Plan 2017 has yet to be examined by an Inspector and can therefore only be afforded limited weight as a material consideration because it is still subject to change.

Key Issues

1. Principle of Development, Housing Need and Housing Land Supply
2. Land Designation and Use
3. Location and Accessibility
4. Landscape Character and Appearance
5. Trees and Hedgerows
6. Heritage and Archaeology
7. Access, Parking Provision, Traffic Flows and Highway Safety
8. Ecology
9. Flood Risk and Drainage
10. Air Quality
11. Noise
12. Contamination
13. Economic Growth
14. Design, Layout and Visual Amenity
15. Residential Amenity (Light, Aspect and Privacy)
16. Open Space, Landscaping and Green Infrastructure
17. Sustainable Design and Construction
18. Infrastructure and Planning Obligations
19. Planning Balance and Sustainability of Development

1. Principle of Development, Housing Need and Housing Land Supply

Policy Position

Policy CS1 of the Core Strategy outlines a sequential settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within the countryside which is classified as being the fifth out of six sequentially preferable locations for development. Paragraph 2.8 of the Core Strategy indicates that this is the most unsuitable location for development and will therefore only be permitted where national policy on countryside locations allows. It then clarifies that the only variation to this approach will be 'the exceptional delivery of housing to meet a specifically identified housing need or types of development that are intrinsically appropriate to a countryside setting'.

In accordance with the wording of this policy it is necessary to have regard to national policy which is set out within the National Planning Policy Framework (the Framework). Paragraph 14 of the Framework is particularly relevant and sets out a presumption in favour of sustainable development. For decision-taking this has two parts. The first part sets out that permission should be granted if a proposal accords with the development plan. However, the second part sets out that where the development plan is absent, silent, or relevant policies out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole, or specific policies in the Framework indicate development should be restricted.

In this case the proposal is for new housing and section 6 (paragraphs 47 to 55) of the Framework entitled "Delivering a wide choice of high quality homes" is therefore relevant. In accordance with paragraph 47 of the Framework, the primary objective of this section is "To boost significantly the supply of housing". The group of provisions set out within paragraph 47 to achieve this provides the context for paragraph 49 and particularly the statement that "relevant policies for the supply of housing" should not be considered "up-to-date", unless the Council can demonstrate a five-year supply of deliverable housing sites.

Taking account of the above, regard must be had to the May 2017 Supreme Court Judgment concerning the application and meaning of paragraphs 14 and 49 of the Framework (Suffolk Coastal District Council V Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG V Cheshire East Borough Council). This sets out that "The important question is not how to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47. If there is a failure in that respect, it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies. The shortfall is enough to trigger the operation of the second part of paragraph 14". It is consequently necessary to consider whether the Council has a five year supply of deliverable housing sites which would result in the second part of paragraph 14 of the Framework being engaged.

Housing Need and Housing Land Supply

The Framework sets out a need to significantly boost the supply of housing and therefore requires the Council to fully and objectively assess housing need across the housing market area in co-operation with neighbouring authorities (paragraphs 47, 157 and 159). There is also a requirement for the Council to identify a deliverable five year supply of housing land to meet this identified need (paragraph 47). However, to ensure choice and competition in the market for land, a 5% buffer is further required and this increases to 20% where there is a persistent under delivery of new homes.

It is within the context of the above that the Council has adopted a Core Strategy which includes Strategic Development Targets for new development. In relation to residential development, the Core Strategy sets out that the Council will deliver 10,800 dwellings within the Borough between 2006 and 2026 with at least 9,800 dwellings accommodated within or adjacent to Rugby Town itself. This target equates to the development of 540 dwellings per year over the plan period. It is also important to note that the use of this figure for calculating housing land supply has been accepted by the Inspector who dealt with the Walding Farm appeal in preference to other alternative figures.

The current five year supply of housing land has been calculated by utilising figures set out within the Housing Trajectory provided within the Submission Local Plan Full Council Report (July 2017). This

Trajectory takes account of housing completions up to March 2017. The methodology for the calculation and sites contained within the trajectory were accepted by the Inspector who dealt with the Walding Farm appeal. The calculations subsequently show that the number of dwellings erected within the Borough to date has failed to meet the Core Strategy target. Based on this the Council considers that it has a 4.99 year housing land supply.

Implications of a Lack of a Five Year Housing Land Supply

The presumption in favour of sustainable development set out in paragraph 14 of the Framework is engaged because the Council cannot demonstrate a five year supply of deliverable housing sites. For decision-taking it explains that this means that where the development plan is absent, silent, or out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole, or specific policies in the Framework indicate development should be restricted.

In this case there are no specific policies within the Framework which indicate that development on this site should be restricted. In order to determine whether the proposal constitutes sustainable development it is therefore necessary to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment below consequently sets out the Council's considerations as to whether the proposed development would be "sustainable development".

Benefits of Proposed Housing

It is necessary to recognise that there is a significant need for new houses within the Borough and that there is currently not a high enough level of supply of new houses to meet that need. This is consequently a matter which in itself carries significant weight in favour of the application because it would improve the number of available homes in the Borough and thereby contribute towards resolving current housing land supply issues. In addition, the applicant is a house builder rather than land agent and they have indicated that they would seek to commence development on this site promptly rather than banking the land.

It is therefore considered that this is a deliverable site and one which would make a significant and positive contribution towards meeting the identified housing need in the Borough. This is consequently a matter which must be weighed within the overall planning balance of this case. However, as the applicant is placing an element of weight for the acceptability of their proposal on the Council's lack of housing land supply, the Local Planning Authority is anxious that any approval does then subsequently result in the commencement of a development in a timely manner which can contribute to housing need in the Borough. On this basis, it is considered that it would be reasonable to reduce the time the applicant can submit reserved matters from 3 years to 18 months.

Affordable Housing Provision

Policy CS19 of the Core Strategy and the Housing Needs SPD sets out that 40% of new homes should be affordable homes on sites with an area greater than 1 hectare or capable of accommodating more than 30 dwellings. These affordable homes should be provided in a range of different sizes, types and tenures.

The applicant has consequently proposed that up to 40% of all new homes on this site would be affordable housing in compliance with this policy. This equates to 45 new affordable houses if 113 dwellings are provided. In accordance with the Housing Needs SPD, 25% of these affordable houses would be intermediate housing and 75% would be social rented housing unless otherwise agreed in writing with the Local Planning Authority. Housing Services have not raised any objection to this provision and are satisfied that it would meet the needs of those who require affordable housing in this Borough.

Taking into account the significant need for affordable housing within this area, it is considered that the provision of affordable homes on this site is a matter which weighs significantly in favour of the application.

2. Land Designation and Use

The application site is currently utilised as agricultural land. Paragraph 112 of the Framework (and reference ID: 8-026-20140306 of the NPPG) is therefore relevant and outlines the need to consider the

economic and other benefits of the best and most versatile agricultural land. It goes on to indicate that where significant development of agricultural land is demonstrated to be necessary, the Council should seek to use areas of poorer quality land in preference to that of a higher quality (see paragraph 109 of the Framework). This higher quality land represents that which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. In this respect agricultural land is graded on a scale of 1 to 5 where the grades are: 1 (excellent); 2 (very good); 3a (good); 3b (moderate); 4 (poor); and 5 (very poor). The best and most versatile land are classified as being grades 1 (excellent), 2 (very good) and 3a (good).

Approach to Agricultural Land

The above policy position implies that a sequential approach should be considered where poorer graded land is potentially considered in advance of higher quality land. Although no sequential assessment has been undertaken by the applicant's with regard to agricultural land, the Framework indicates that it is for Local Planning Authorities to judge the economic and other benefits of the best and most versatile agricultural land. This is consistent with the technical note produced by Natural England entitled 'Agricultural Land Classification: protecting the best and most versatile agricultural land' (2012). This note emphasises the importance of such land as a natural resource which is vital to sustainable development. However, it does note that decisions rest with planning authorities and that the agricultural land classification is not the sole consideration.

Agricultural Land Classification within Warwickshire and Rugby

According to Natural England's statistics, approximately 12% of land (23,692 hectares) in Warwickshire falls in grades 1 (excellent) and 2 (very good). In Rugby Borough there is no grade 1 (excellent) land but there are 4,186 hectares of grade 2 (very good) land which equates to 11.8% of land within the Borough. The figures for grade 3 (good/moderate) land provided by Natural England do not split grades 3a (good) and 3b (moderate) but indicate that approximately 75.5% of land within the Borough (26,686 hectares) is grade 3 (good/moderate) land.

Agricultural Land Classification of Application Site

In respect of the application site a Soils and Agricultural Use and Quality of Land Report (2016) has been submitted. This indicates that the majority of the site (3.6 hectares or 84%) is classified as being grade 2 (very good) agricultural land with a smaller area of the site (0.7 hectares or 16%) being grade 3b (moderate) agricultural land. It is consequently clear that the development of the application site would result in the loss of an area of the best and most versatile agricultural land. The amount of grade 2 (very good) land which would be lost by the proposed development is indicated to be 3.5 hectares which equates to approximately 0.09% of all grade 2 (very good) land in the Borough. This loss is considered minimal but is nonetheless contrary to the approach outlined in the NPPF which prioritises the use of poorer rather than higher quality land.

Assessment of Agricultural Land Classification

The Agricultural Land Classification Map of the West Midlands Region produced by Natural England provides an overview of agricultural land quality around the urban area of Rugby town. In broad terms, the land surrounding the town to the north and west is primarily grade 3 (good/moderate) land whereas land to the south and east (with the exception of grade 4 (poor) land for the Mast site) is grade 2 (very good) land. It is consequently apparent that the proposed development would potentially not be located in the most sequentially preferable location when the quality of agricultural land is considered in isolation of other factors. However, as evidenced by the emerging Local Plan, reality dictates that other factors are such that it is highly unlikely that new housing developments would only be located on areas of poorer quality land. That being the case it is highly probable that land classified as being the best and most versatile agricultural land will need to be used to meet Rugby's needs. It would consequently be inappropriate to curtail all development on such land and consideration must therefore be given to the merits of each site. In this respect the economic and other benefits of protecting this agricultural land from development are not clear and can principally only be based on assumptions rather than evidence.

Land Designation and Use Conclusions

Overall, it must be accepted that the proposed development would result in the loss of an area of the best and most versatile agricultural land rather than lower quality agricultural land. It is therefore reasonable to conclude that the permanent and irreversible loss of this land to the proposed residential development is a matter which weighs against it. However, due to the limited area concerned, the availability of other best and most versatile agricultural land within the Borough, the need for housing around the urban edge of Rugby, and in the context of a housing land shortage, it is considered that only limited weight can be afforded to the loss of this area of best and most versatile agricultural land. Nonetheless, this harm of limited weight does still weigh against the proposed development and must therefore be considered within the overall planning balance. This justification and weight has been accepted by the Inspector who dealt with the Walding Farm appeal.

3. Location and Accessibility

The core planning principles outlined in paragraph 17 of the Framework set 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'. It also seeks to ensure that planning 'takes account of the different roles and character of different areas, promoting the vitality of our main urban areas'. The Framework consequently seeks to promote a mix of land uses within an area to minimise journey length times (paragraphs 37, 38 and 70). A range of local services and facilities should all be within walking and cycling distances of most properties. Policy CS11 of the Core Strategy and the Planning Obligations SPD is consistent with this and promotes the use of sustainable transport modes. Further guidance on acceptable walking and cycling distances to shops, services, facilities and employment areas are outlined within Manual for Streets, Building for Life 12 and the Institute of Highways and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot' (2000).

Location

In this case the application site is located on the edge of Rugby's urban area which both the Core Strategy and emerging Local Plan makes clear is the most sustainable location for new housing. Sections 1 and 3 of the Core Strategy explain that this is because the town is considered to be the most sustainable location within the Borough for development, providing the best access to a range of services and facilities. Significant weight is therefore given to the proximity of the site to the urban area when considering whether it is a sustainable location in geographical terms as the NPPF requires.

Accessibility by Walking

In terms of accessibility, the proposed dwellings would be within the preferred maximum Institution of Highways and Transportation (IHT) walking distances to the closest local food retail store, local centre, primary school, secondary school, college, public house, dentist and supermarket. This would consequently provide future residents with an opportunity to walk to these uses rather than having to rely on the use of a private car. However, the proposed dwellings would be over preferred walking distances for a GP surgery, library, leisure centre, town centre and areas of employment. In relation to these uses it would therefore have to be accepted that residents would be more likely to rely on the use of a private car to access them.

Aside from the physical distances between the dwellings and services/amenities it is important to have regard to other factors which can encourage or discourage decisions to walk to destinations. In this respect it is proposed that pedestrian access to/from the site would be positioned at the proposed site access on Barby Lane. Pedestrians would then have to cross over the road onto a proposed footway along the western side of Barby Lane. No signalised pedestrian crossing or pedestrian refuge island is proposed as part of the submitted plans. No details of street lighting along the footway has also been provided. This arrangement would further require pedestrians to cross over Barby Lane twice if they are heading to destinations to the east of Barby Lane – once by the site access and once again at the top of the road by the junction with Ashlawn Road. There are no submitted proposals to improve the pedestrian access across Barby Lane by this junction or on Ashlawn Road/High Street itself. Additionally, the route from the site to the services/amenities would be uphill. It is consequently considered that these factors would combine to deter future residents from walking instead of using a private car.

To try and redress the above it is considered reasonable to impose conditions requiring the provision of a scheme to improve pedestrian crossing facilities by the site entrance on Barby Lane, by the junction of

Barby Lane and Ashlawn Road and on Ashlawn Road/High Street itself. It would also be necessary to impose a condition requiring street lighting to be provided along the proposed footway to the west of Barby Lane to ensure this provides a safe and attractive route for pedestrians at all times of the day. The provision of these improvements would help to make walking a more attractive, safe and direct option thereby aiding the sustainability of the site.

Accessibility by Cycling

Manual for Streets outlines that cycling has the potential to act as a substitute for short car trips, particularly those under 5km. In this respect all of the proposed development would be within a 5km distance of the main local services and facilities that occupants would need. However, it is important to provide good conditions for cyclists on roads so that they are content to use this as a form of transport. At the request of WCC Highways a financial contribution towards cycle network improvements in the southeast of Rugby would therefore be necessary. This would need to be secured within a S106 Agreement. The provision of such improvements will consequently make cycling a safer and more attractive option for future residents.

Accessibility by Bus

The closest existing bus services to the application site can be found on High Street where the eastbound and westbound service is 520m away. These bus stops are served by regular bus services which provide access to both Rugby town centre and DIRFT. Stagecoach currently operate 6 buses per hour into Rugby town along Ashlawn Road with these services due to be improved further as part of the Radio Station and DIRFT 3 commitments. It is consequently the case that the proximity of the site to regular bus services is such that this would provide a viable form of frequent, reliable and sustainable transport for future residents. This would therefore reduce reliance on and provide a suitable alternative to the use of private cars. However, owing to the further demand for bus services arising from this development, WCC Highways has requested financial contributions towards the improvement of bus stop infrastructure at the pair of bus stops on High Street by the junction with Deerings Road. This would need to be secured within a S106 Agreement. The need for pedestrian access to the bus stop also further justifies the need for conditions requiring the provision of a scheme to improve pedestrian crossing facilities and provision of street lighting as outlined above. The provision of such improvements would consequently help to assist in making bus services more attractive to future residents.

Location and Accessibility Conclusions

It is important to recognise that the application site is located immediately adjacent to the defined Rugby Urban Area and is therefore in a sustainable location in geographical terms. In addition, future residents would be within walking and cycling distance of a number of services and facilities they would need. They would also have good access to regular bus services which would particularly provide further sustainable transport opportunities to access Rugby town centre and DIRFT employment areas. Nonetheless, it must equally be accepted that some of the services and facilities they would need would be beyond preferred maximum walking distances. The need to cross busy roads and walk uphill would also deter some users from walking. The implication of this is consequently such that some harm would arise from the reliance of future residents on private cars. However, conditions and obligations requiring the provision of improvements to road crossings, street lighting, cycle infrastructure and bus stop infrastructure would collectively help to reduce the identified harm. It is consequently considered that only harm of limited weight would arise. This is particularly the case when considering that the services and facilities that would be beyond the preferred maximum walking distances are likely to be the same as would be the case for alternative sites around the edge of Rugby. Nonetheless, this harm of limited weight does still weigh against the proposed development and must therefore be considered within the overall planning balance.

4. Landscape Character and Appearance

Two of the core planning principles outlined within paragraph 17 of the Framework establish the need to '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...land for development should prefer land of lesser environmental value'. Furthermore, paragraphs 109 and 113 of the Framework outline the need to protect and enhance valued landscapes whilst ensuring protection is commensurate with their status and gives appropriate weight to their importance and contribution. 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.

Application Site

The application site comprises of 4.30 hectares of agricultural land to the east of Barby Lane and south of Fellows Way in Rugby. The land is broadly regular in shape and is currently used as grazing land for sheep. It is defined by wire stock fencing and hedgerows interspersed with mature trees to the eastern and western boundaries. The northern boundary is defined by post and rail fencing and section of hedgerow. A post and rail fence runs across part of the site towards the south but beyond this the southern site boundary itself is undefined and actually falls within part of a larger field. The site contains a small number of trees which run in a linear fashion across the centre of the site from north to south. Topographically, the site is set on a slope which drops down by approximately 12 metres from the northern boundary to the southern boundary. The site also rises up from the western boundary with Barby Lane towards the east.

Key landscape features include an escarpment, open grassland, regular field shapes, established hedgerows, mature trees and sloping topography. The site is open and undefined to the south with this forming part of a large open field and escarpment which slopes down significantly from north to south. The escarpment on the site is particularly important and is clearly visible within the surrounding landscape. Adjoining fields to the east and west share these landscape features and this collectively forms a clear and distinct edge to existing development within the Rugby Urban Area.

Public views of the site can be gained from the surrounding area including Barby Lane, access to Tacit Golf, development to the north within the Rugby Urban Area, the PRoW network (particularly RB28 and RB29), the Queens Diamond Jubilee Wood, Onley Lane, Oxford Canal to the south, Barby village, Nortoft Lane and M45.

Landscape Designation and Character

In landscape terms the application site is not covered by any formal or statutory landscape designations (for example, an Area of Outstanding Natural Beauty or National Park). However, it does fall within the Natural England 'Dunsmore and Feldon' National Character Area Profile 96 (NCAP). Key characteristics of this NCAP include large fields with regular shapes and "a rural landscape heightened by its close proximity to several urban areas, with a gently undulating landscape of low hills, heathland plateaux and clay vales separated by the occasional upstanding escarpment". These and other listed characteristics can be found on the application site.

The site also falls within the Dunsmore Regional Character Area (RCA) defined within the Warwickshire Landscapes Guidelines published by Warwickshire County Council (WCC) in 1993. This RCA is further broken down into three distinct Landscape Character Types (LCT). Two of the LCTs can be found on the appeal site and are broadly delineated by the 120 metre contour line which runs across the site. The land to the north of the contour line falls within the Dunsmore Plateau Farmlands LCT with the land to the south falling within the Dunsmore Plateau Fringe LCT.

The Plateau Farmlands are characterised as having "A simple and often heavily wooded, farmed landscape, typically confined to low plateau summit and characterised by sandy soil and remnant healthy vegetation". The Plateau Fringe is characterised as having "A rather variable, often large scale farmed landscape with a varied undulating topography and characterised by a nucleated settlement pattern of small, often shrunken villages". The farmed landscape and topographical characteristics are clearly evident on this application site.

The Guidelines particularly highlight that the "interface between new development and the surrounding landscape appears sharp and stark. This is most noticeable when a hard built edge abuts open farmland where the landscape is in decline. This is often the case in Dunsmore, particularly around the edges of the larger settlements". It is consequently necessary to consider the impact of development around the settlement edge, particularly where this would be prominent in the landscape owing to the topography of the land. The potential for landscaping and tree planting to soften any impact should also be considered as part of this.

A detailed assessment of the Dunsmore RCA was carried out by WCC with the findings published within the 'Landscape Assessment of the Borough of Rugby: Sensitivity and Condition Study' (2006) and associated 'Summary of Rugby Town's Urban Fringe' (2006). The Study indicates that "Landscape sensitivity is a measure of the degree to which the countryside can accept change without causing irreparable, long term damage to the essential character and fabric of the landscape". It concluded that the Plateau Farmlands was of strong condition with a moderate sensitivity to change whilst the Plateau Fringe was of strong condition with a high sensitivity to change.

In respect of the Plateau Fringe, the Study particularly highlights that the slopes of the southern escarpment are highly visible. In respect of condition it indicates that "The southern fringe or escarpment ... is not only highly sensitive, but also largely in strong condition, making this an important feature to the south of the town". The associated summary document re-emphasises this and states that "To the south of the town, the importance of the southern escarpment cannot be overemphasised, being highly sensitive, and in strong condition". This southern escarpment is located on the application site. Any change to this landscape arising from development clearly therefore has the potential to cause irreparable, long term damage to the essential character and fabric of this Plateau Fringe landscape.

Landscape Designation and Character Review

WCC's Landscape Team (WCCLT) have undertaken a review of the 2006 Study in relation to the Dunsmore RCA. This has resulted in the publication of the Rainsbrook Valley Landscape Sensitivity Study (January 2017). The review provides an up-to-date and robust evidence base to inform judgments and assessments of planning applications within the Rainsbrook Valley area.

The 2017 Study confirms that the site still contains both the Dunsmore Plateau Farmlands LCT to the north of the 120m contour line and Dunsmore Plateau Fringe LCT to the south. However, a review of the Land Cover Parcels (LCP) originally used within the 2006 Study has resulted in a further subdivision of the LCPs in light of new information and data. These LCPs are referred to as zones within the 2017 Study.

The land falling within the Plateau Farmlands on the site is located within zone 17j of the 2017 Study. It outlines that this "is a very small zone comprising a series of regular small-medium scale hedged fields immediately to the south of a school on the plateau summit". It further indicates that "There is scope for some development within this zone providing that the existing landscape structure of hedgerows and trees is retained and enhanced to ensure new development is not visually obtrusive". Additionally, it confirms that this part of site is still of high-medium sensitivity to housing development. High-medium sensitivity is defined as being "Landscape and/or visual characteristics of the zone are vulnerable to change and/or its intrinsic values are medium-high and the zone can accommodate the relevant type of development only in limited situations without significant character change or adverse effects. Thresholds for significant change are low". However, it is important to be aware that paragraph A1.5 of the 2017 Study indicates that "The sensitivity rating for each zone relates to the zone as a whole and generally has not been divided up further, e.g. on a field by field basis. Therefore, if a zone is rated as, for example, medium sensitivity, this does not necessarily mean the whole of the zone is suitable for development, but just that part of it is".

The land falling within Plateau Fringe on the site is located within zone 14a of the 2017 Study. It outlines that "This is a plateau fringe landscape which occurs in one of two belts on either side of the main Dunsmore Plateau. It includes the southern fringe of the Dunsmore plateau from Princethorpe to Hillmorton, the lower part of the Leam Valley and the area of hill country to the east of Leamington ... The zone lies beyond the plateau edge on ground that slopes towards the river valley. It comprises a mix of amenity (grounds to local football club and Hillmorton Vale Recreation Ground) with some pockets of permanent pasture and smaller hedged fields ... Hedgerows to small pockets of pasture are outgrown and include scattered hedge trees; these limit views to the west of the zone. Glimpsed views of fields of pasture in the west of the zone are visible from Barby Lane through gaps in and lost sections of hedgerow. The current settlement edge within the western part of the zone is effectively screened by mature vegetation within large gardens and school grounds. ... Open views to the south and the Northamptonshire boundary are extensive".

In relation to zone 14a, the 2017 Study confirms that this part of site is still of high sensitivity to housing development. High sensitivity is defined as being "Landscape and/or visual characteristics of the zone are very vulnerable to change and/or its intrinsic values are high and the zone is unable to accommodate the relevant type of development without significant character change or adverse effects. Thresholds for

significant change are very low". It particularly notes that "the sensitivity remains unchanged because of the openness of the eastern part, the rural qualities of the western part and the topography. The zone is on the edge of the plateau, on ground which slopes towards the river valley, and is therefore visually sensitive".

In general terms the 2017 Study concludes at paragraph 3.2 that "The southern-most zones surveyed lie on the plateau escarpment, where landform slopes down towards the Rains Brook valley. These zones are generally very open, with extensive views across the valley and any development within these areas would be highly visible. On more steeply sloping ground there are smaller pockets of pasture, which is a key characteristic of this landscape type. This southern fringe, with its distinctive landform, is highly sensitive and must be safeguarded. Therefore these zones are inappropriate for development".

The 2017 Study consequently identifies and confirms that the site falls within broader landscape areas of medium-high and high sensitivity to change. Particular reference is made to the importance of the slopes and escarpment which constitute key landscape features which should be protected from any development. Indeed, the high sensitivity of the Plateau Fringe landscape on this site provides a clear and evidenced indication that the site is unable to accommodate residential development without significant character change or adverse effects. In relation to areas of high sensitivity, paragraph 2.5 of the 2017 Study further indicates that "There is a need to maintain these tracts of open space that feature on the edge or within settlements to maintain the quality of life for residents".

Landscape and Visual Impact Assessment

It is within the context of the above that the applicant has submitted a Landscape and Visual Impact Assessment (LVIA, 2017) relating specifically to this application site. It indicates that the site is only of medium landscape value. It concludes that the site "sits adjacent to development at the southern edge of the Hillmorton area of Rugby within a very well vegetated sloping, escarpment landscape. The location of the site and its existing site characteristic means that it is visually very well contained (particularly to the north, east and west). In essence, in landscape and visual terms, it is a logical and easily assimilated extension to the existing settlement". Furthermore, it sets out that the LVIA "demonstrates the extent to which sensitive layout and strategic planting proposed in the masterplan would mitigate views, retain and reinforce the characteristic landscape fabric and pattern of the site and assimilate the proposed development into the urban and rural landscape of the site context at the southern edge of Hillmorton. In addition, this LVIA shows how the proposed development would contribute to recreational and wildlife amenity". It consequently contends "that the site has the capacity for the development as proposed on the masterplan, and that there is no 'in principle' or policy landscape or visual reason why the site should not be developed".

Further to comments from WCCLT, the applicant has submitted a Landscape and Visual Impact Assessment Addendum (2017). This contends that the whole application site has a medium sensitivity and is of medium condition. It also sets out that the site is not a 'valued landscape' and should not be awarded any such elevated consideration.

Landscape Value and Harm

Whilst the core principles of the Framework (paragraph 17) require recognition of the 'intrinsic character and beauty of the countryside' it is important to note that this is prefaced by the need to 'take account of the different roles and characters of different areas'. In this respect the policies of the Framework do not offer blanket protection for all parts of the countryside, regardless of their quality, but rely on an assessment of harm and benefit. Protection is primarily, but not solely, directed to 'valued landscapes' (paragraph 109 of the Framework).

The Framework provides no definition of what is meant by 'valued landscapes'. It is therefore important to have regard to the lessons drawn from the *Stroud DC v SSCLG and Gladman Developments* [2015] EWHC 488 High Court Decision. This clarifies that the question as to whether a site is valued or not is a matter of judgment. It also highlights that a landscape must have demonstrable physical attributes to justify its classification as a valued landscape. Popularity and value of a landscape to residents alone is not sufficient.

As a starting point, it is necessary to reiterate that the application site has no formal or statutory landscape designations. An assessment of the site is therefore necessary to determine whether it has any physical

attributes which would warrant its classification as a valued landscape. There is no one way to define the value of a landscape and there are rather a number of different methods which can be utilised. The landscape work carried out by WCCLT is consequently considered to be robust and aids consideration of how the site is perceived and valued as part of a wider landscape rather than a narrower interpretation focusing more uniquely on the site. Indeed, it is necessary to consider landscape value having regard to the site itself and its role and/or value in the wider area.

The southern escarpment located on the application site forms part of a prominent and intact landscape feature clearly visible when viewed from surrounding land. Existing development is restricted to scattered farms, agricultural buildings, occasional houses that are mainly screened by mature vegetation and the Crematorium. Nevertheless, the landscape remains an attractive intact rural fringe to the south of Rugby, the urban settlement boundary being barely visible. Existing trees and hedgerow boundaries are important features in this landscape as they help to provide a sense of scale and overall structure.

The application site comprises pastoral farmland which extends to the east, south and west. Effectively the site sits within the surrounding farmed landscape. The site is located immediately beyond the southern settlement edge of Hillmorton and has rural characteristics. Some existing features are noted to be in good condition and the combination of this landscape within the wider countryside setting and its topography create a strong condition and a high landscape value for the portion of the site that lies on the escarpment. This southern escarpment is defined by a continuous stretch of intact steeply sloping ground south of the plateau. Its value particularly lies in the fact that it serves to contain the current settlement edge, is relatively undeveloped and is highly visible in the surrounding landscape.

The application site is consequently considered to be of high landscape value. This value is consistent with the high sensitivity of the LCTs and zones identified in the Landscape Assessment of the Borough of Rugby 2006 and Rainsbrook Valley Landscape Sensitivity Study 2017. A 'high' landscape sensitivity to development makes an area very vulnerable to change and it is unable to accommodate the relevant type of development without significant character change. Allowing development within these zones would therefore erode the value of this landscape feature by interrupting its continuity. This has already occurred at the eastern most part of the escarpment where recent development now features in middle and long distance viewpoints.

Nonetheless, for a landscape to be 'valued' for the purposes of paragraph 109 of the Framework it must further have demonstrable physical attributes. WCCLT has appraised the site and confirmed that the escarpment/southern fringe is a physical attribute of this quality. It is important to note that this escarpment does not start on the 120m contour line which defines the LCTs but rather starts at the northern edge of the application site. It is still largely undeveloped, a locally distinctive landform of open character with panoramic views and a highly visible landscape feature. The escarpment is a local landscape feature which is a particularly important example. It is largely intact and in a strong condition. It can also be viewed from PRow, the Oxford Canal and roads/lanes to the south of the settlement. WCCLT have therefore contended that the whole site is a valued landscape for the purposes of paragraph 109 of the Framework.

Whilst not a determining factor, it is important to acknowledge that this view is consistent with the views of residents living within the surrounding area. The objections received provide a clear sense that there is a distinct settlement boundary. The site and adjoining fields beyond this slope down the valley to create a rural character which they highly value. Any development beyond the existing settlement boundary is seen as inherently harmful to the setting of Hillmorton.

Notwithstanding the above, the Waldings Farm appeal decision considered the WCCLT comments and similar resident comments in relation to whether the landscape in this area of the Borough is a valued landscape. The Inspector concluded that he would "not describe the site or part of it as lying within a valued landscape". This appeal decision is a material consideration in the determination of this application and it is consequently considered that this should be given significant weight. Accordingly it is considered that the application site is not a valued landscape for the purposes of paragraph 109 of the Framework.

Impact of Development on Landscape

WCCLT has considered the applicant's LVIA and associated addendum. They have subsequently outlined that they disagree with the conclusions drawn within these documents and object to the application.

It is clear that the proposed development on this application site would significantly and fundamentally change the character and appearance of the existing landscape in this location. The construction of dwellings upon this land would result in the permanent and irreversible loss of green fields where no development is currently located. It would particularly result in the encroachment and extension of development into an area of open countryside beyond the clear edge of the existing settlement boundary and defined boundaries of the Rugby Urban Area. Indeed, the proposed development would not appear as an 'infill' development respecting the line of the existing settlement edge. It would rather extend significantly beyond the line of any previous development within the existing settlement into an area of open countryside. As a consequence the development would appear highly intrusive, prominent and incongruous within this landscape. The level and extent of this would be such that it would be significantly harmful to the qualities, character and amenity of both the countryside and setting of Hillmorton. It would particularly diminish the locality's open character and appearance which currently provides a pleasant green and rural setting to this edge of the town.

In respect of landscape features the proposed development would encroach on the southern escarpment which defines the margins of the Dunsmore Plateau, where land steeply slopes down towards the Rainsbrook Valley. Indeed, this landscape zone is highly visible and in strong condition. The result of this is such that the southern escarpment is highly sensitive to change and its importance in the wider landscape should not be underplayed. This means that it would not be able to accommodate the proposed development without resulting in a significant and harmful impact to the landscape both on the application site and also wider area. Indeed, allowing development on the site would erode the value of this landscape feature by interrupting its continuity.

The Parameters Plan indicates that the proposed houses would be 2-2.5 storeys in height. In recognition of the impact of this on the landscape it is indicated that the scheme would incorporate significant green infrastructure to try and offset the harm. It would therefore retain the majority of existing hedgerows and trees around the perimeter of the site. This would be supplemented with additional tree and hedgerow planting along the site boundaries to screen the site.

The proposed mitigation would not adequately reduce the harmful impacts of this proposed development to an acceptable level. The harm to the escarpment would be particularly damaging and intrusive as already detailed. The existing and proposed planting would also fail to adequately screen and soften the development from the surrounding area and southern viewpoints. In part this is because deciduous trees and hedgerows lose their leaves during the autumn and winter months. This would allow for clear views of the entire development for half of the year. It is also the case that street lighting and domestic lighting within the development would illuminate and draw attention to this site. This would appear as a significant and intrusive urban feature within a settlement edge where little such lighting is currently visible. These factors combine with the fact that the difference in levels across the site is such that tree planting along the southern boundary would not grow sufficiently high to screen 2-2.5 storey dwellings erected along the northern boundary of the site. Indeed, the difference between the ground levels to the southern boundary and ridge height of 2.5 storey dwellings could be in the region of 21 metres. It has therefore not been demonstrated that tree planting would provide an effective screen to the development throughout the year even when deciduous trees and hedges are in leaf.

Consideration has further been given as to whether development would be acceptable if it was limited to the small part of the site which falls within the Plateau Farmlands LCT of medium-high sensitivity to change. However, as already outlined, the medium sensitivity rating does not necessarily apply across the whole LCT (paragraph A1.5 of the 2006 Study). Indeed, in this case WCCLT has specifically stated that "although the LCTs that cover the southern escarpment generally adhere to the 120m contour line, the most northern aspect of the application site sits on higher ground which immediately starts sloping away from the existing settlement edge. This land sits on the cusp of the escarpment and therefore is sensitive to development". This is recognised within the LVIA which notes that visibility of the site is high owing to its location on the southern edge of Hillmorton and the slopes of the southern escarpment with the landform sloping noticeably from north to south. What is clear is that the escarpment does not start at the 120m contour line but actually starts along the northern edge of the site. The entire site is therefore particularly sensitive to development with this consequently being of high sensitivity to change. The proposed development would therefore have an adverse impact upon the continuity of the southern escarpment which would in turn have an adverse impact upon the local landscape character.

Aside from the proposed dwellings, special regard should be had to the proposed attenuation basin. The levels of the site are such that this would have to be located along the southern boundary of the site in the area shown on the illustrative layout plan. Full details of the design have not been submitted with the application and so no guarantees or certainty can be provided in regard to the form or appearance of the basin. For example, it could be the case that only a predominately dry depressed area of ground seeded with grass could be provided in this location. In any event, the construction of this basin would require significant engineering works to be carried out including substantial earthworks and re-profiling of the land. This would need to include significant excavation and cutting into the ground into the higher parts of the land so as to create a flat/gentle slope to the bottom of the basin. The introduction of this alien feature on the steeply sloping escarpment would be profound. The use of landscape planting could help to soften this impact but would not be sufficient to offset the very distinct harm arising from the effective part removal and engineering of this escarpment landscape feature.

Precedent and Cumulative Impact

Aside from the impact arising from this proposed development on the landscape, there is a very real and valid concern that allowing the scheme would set a precedent for allowing similar developments along this southern fringe of Rugby town. Whilst each application must be treated on its individual merits, it is undeniably the case that this scheme would be utilised in support of such similar schemes if the application is approved. This is not a generalised fear of precedent, but a realistic and specific concern. Indeed, the proposed development would establish a new 'build line' protruding significantly beyond the established settlement edge into open countryside. It is a realistic prospect that owners of adjoining land along the southern fringe would therefore seek to build down to this new 'build line'. This would fundamentally harm and change the landscape character of this part of the Borough.

To illustrate the above point it is necessary to draw attention to an outline application for up to 107 dwellings which has been submitted on land immediately to the west of the application site on Barby Lane. A pre-application enquiry has also been subject to public consultation for the erection of up to 150 dwellings on land off Kilsby Lane. It is consequently clear to see that this application and other potential similar applications would have a greater cumulative impact that would arise from the scheme proposed on the application site alone. This cumulative effect would exacerbate any identified harm to the landscape and serves as an important material consideration in this application.

Conflict with Planning Policies

In respect of saved policy GP2 of the Local Plan it is clear that the proposed development would be in conflict within criteria 1, 2 and 6. In respect of criteria 1, it has been found that the escarpment on the site is an important and valuable site feature worthy of retention. In respect of criteria 2, it has been shown that this is a landscape of high sensitivity to change. The proposed development on the escarpment would therefore fail to retain the landscape character of this area. Indeed, it would cause particular harm to both the NCAP and Plateau Farmland and Plateau Fringeland LCTs. In respect of criteria 6, the proposed planting around the perimeter of the site would not sufficiently minimise the visual intrusion of the development to the surrounding countryside.

In respect of policy CS16 of the Core Strategy it has been found that the scale, density and design of the proposed development would result in material harm to the qualities, character and amenity of the landscape in this location.

Policies GP2 and CS16 were adopted before the introduction of the Framework in 2012 and the weight to be given to them therefore depends on their consistency with the Framework. In this respect the Inspector dealing with the Waldings Farm appeal was of the opinion that policies CS16 and GP2 should only carry moderate weight because they set a higher bar for landscape protection than the Framework. However, it is nonetheless maintained that the wording does not set a higher bar and these policies should therefore be given full weight.

Further to the Development Plan policies, it has been established that the proposal would be harmful to the intrinsic character of the countryside. In particular, the escarpment is considered to have a different and more significant role in the wider landscape and higher sensitivity than many areas of countryside on the edge of settlements. The proposed development on this site would therefore be in conflict with paragraph 17 of the Framework.

Landscape Character and Appearance Conclusions

The proposed development would result in the loss of green fields and would encroach into open countryside. It is acknowledged that the site does not benefit from any formal landscape designations and is not a “valued landscape” for the purposes of paragraph 109 of the Framework. However, the landscape in this location plays a significant role in the wider landscape and is of high sensitivity. Indeed, at a local level the site falls within the Dunsmore and Feldon National Character Area, Dunsmore Plateau Farmlands LCT and Dunsmore Plateau Fringe LCT. The impact of developing the site would therefore have a significant and detrimental impact upon these. This is because the scheme would encroach onto the escarpment which is highly sensitive and in strong condition. It is therefore considered that the landscape and visual impact of the proposed development in this location would weigh substantially against the submitted scheme. This harm must therefore be considered within the overall planning balance.

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

The majority of trees on the application site are located around the site boundaries but there are also a number of trees which run across the centre of the site in a linear fashion from north to south. None of the trees on or adjacent to the site are covered by Tree Preservation Orders. An Arboricultural Impact Assessment (2017) submitted with the application includes a survey which identifies the arboricultural value of all existing trees, tree groups and hedgerows, on and adjacent to the site. The results of this indicate that out of a total of 32 individual trees 16% were high quality, 47% were moderate quality and 37% were low quality. The 1 tree groups was indicated to be moderate quality.

A total of 250 linear metres of hedgerows were recorded as being of low arboricultural quality and in fair condition. These can be found around the perimeter of the site to the eastern and western boundaries. An Ecological Assessment (2016) submitted with the application identifies that these hedgerows are of site ecological importance.

Proposed Tree and Hedgerow Planting and Removal

Although only an outline application with all but access reserved, the Arboricultural Impact Assessment indicates that there would be a need to remove some trees to accommodate the proposed quantity of development. To this end the submitted illustrative layout plan shows that a total of 15 of the 32 individual trees would need to be removed. This comprises 3 trees of moderate value and 12 trees of low value. These trees are located within the centre of the site rather than around the perimeter. Existing trees situated around the perimeter of the site would be retained with suitable protection provided during construction. In addition to the tree removal it would be necessary to remove 20 metres of hedgerow along the western boundary to provide the proposed site access. To mitigate for this loss it is proposed that new tree planting would be provided within the landscape buffer strips and public open space to enhance and increase the amount and quality of tree cover on site. New hedgerows would also be planted whilst existing hedgerows would be enhanced with additional planting.

Assessment of Impact on Trees and Hedgerows

The Council's Arboricultural Officer has assessed this Assessment 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 trees identified for removal are remnants of previously removed hedgerows. They are generally of low quality with limited long term arboricultural and amenity value. There is consequently no objection to the proposed tree removals within the site subject to mitigation planting being provided. A further Arboricultural Impact Assessment would also be required at the reserved matters application stage to ensure that retained trees and the new development can co-exist successfully.

Trees and Hedgerows Conclusion

It has been demonstrated that the proposed development could be accommodated on the application site without requiring the significant removal of existing trees and hedgerows. Where tree and hedgerow removal is indicated it is proposed to offset this by planting new trees and hedgerows. It is consequently considered that the proposed development would not have a harmful impact on existing trees and hedgerows.

6. Heritage and Archaeology

Policy CS16 of the Core Strategy sets out 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. This is consistent with section 12 and the tenth core planning principle outlined within paragraph 17 of the Framework which sets out the need to conserve and enhance heritage assets in a manner appropriate to their significance.

Archaeological Potential

The archaeological potential of the site has been considered within an Archaeological and Heritage Assessment (2016) and Geophysical Survey Report (2017) submitted with application. This firstly outlines that there are no designated heritage assets located on or near to the application site. In respect of non-designated heritage assets there are traces of ridge and furrow earthworks across the application site. The assessment also concludes that there is potential for archaeological remains from the Roman era on the application site.

The subsequent geophysical survey of the site did not identify any features of probable archaeological origin. Linear anomalies of uncertain origin were detected which are likely to be agricultural, natural or modern in nature. Evidence of ridge and furrow cultivation was also identified which suggests the site was used for agricultural purposes during the medieval period.

WCC Archaeology has subsequently carried out an independent assessment of the submitted information. They particularly highlight that recent evaluative archaeological work carried out to the west of the site at Ridgeway Farm has established the presence of a number of Roman period features. There is consequently significant potential for archaeological features from this era to be found on the application site. The proposed development would therefore disturb these features. Regard has therefore been had to the destructive impact that soil stripping for house foundations, infrastructure and landscaping would have on sub-surface archaeological deposits. Based upon this they have outlined the need for evaluative trial trenching to be undertaken prior to the submission of a reserved matters application. They have therefore raised no objection to the proposed development subject to a condition requiring an appropriate programme of further archaeological work including evaluative trial trenching.

Impact on Heritage Assets

The potential impact of the proposed development on designated and non-designated heritage assets has been considered within the Archaeological and Heritage Assessment (2016) submitted with the application. This firstly outlines that there are no designated heritage assets located on or within the immediate vicinity of the application site. The closest designated heritage assets are located in Hillmorton where elements of setting that contribute to their heritage significance are restricted to their immediate surroundings. Intervening built form and vegetation entirely preclude any views of the proposed development and no harm would be caused to these assets. For the same reasons there would be no adverse impacts or effects on non-designated built heritage assets identified within Historic Environment Records. The traces of ridge

and furrow earthworks across the application site are no longer readily visible with little harm therefore resulting from the proposed development.

Heritage and Archaeology Conclusions

The evidence submitted to date indicates that there is only a small potential for archaeological remains to be present on the application site. However, a condition requiring a programme of further archaeological works including evaluative trial trenching will ensure that any archaeological remains of significance are found and recorded before development commences. The potential impact of development on designated and non-designated heritage assets within the vicinity of the site has been considered and found to have no significant impact. No designated or non-designated heritage assets are located on the site. The impact on heritage and archaeology is therefore considered to be acceptable.

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

One of the core principles outlined within paragraph 17 of the Framework 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 Framework which also sets out the need to consider the suitability and safety of accesses. Paragraph 32 of the Framework 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.

Proposed Site Access

This is an outline planning application to include consideration of access at this stage with all other matters reserved for consideration at a later stage. In this respect it is proposed that the development would be accessed off Barby Lane via a priority 'T' junction to the centre of the western boundary of the application site. The Proposed Access Plan submitted with the application indicates that the site access would take the form of a 5.50 metre wide carriageway with 2 metre wide footway on the northern side. The footway would contain a pedestrian crossing point onto Barby Lane with dropped kerbs and tactile paving on both sides off the road. A pedestrian footway would then be provided along the western edge of Barby Lane linking up into the existing pedestrian footway further to the north.

The proposed access point would be located in a stretch of highway subject to the national speed limit of 60mph. It is within this context that the visibility splays for the proposed access have been calculated based on stopping sight distances for vehicles as outlined within the national Manual for Streets 2 guidelines. This takes into account actual traffic speed, lines of sight and changes in topography. The implication of this is such that visibility splays of 2.40m by 89m to the right and 76m to the left are required. The proposed access plans show that this can be achieved thereby providing a safe and suitable access into the development.

A stage 1 Road Safety Audit of the proposed access arrangements was subsequently undertaken to identify any road safety problems and suggest measures to eliminate and mitigate concerns. The audit did not identify any serious safety problems but did identify three minor problems which would be addressed through detailed plans at a later stage.

Although it has been demonstrated that access to the site can be safely achieved based on existing speeds, the applicant has recognised that moving the 30mph speed limit further south than its present position would help to improve the safety of the access further. This would arise because actual vehicle speeds at the site access would drop further thereby reducing the required visibility splays. The applicant has consequently agreed to finance the required change to the Traffic Regulation Order in addition to providing roundels and dragon teeth markings to help enforce this.

WCC Highways have carried out an independent assessment of the proposed site access and Road Safety Audit. They have subsequently indicated that they are satisfied that the proposed site access would be able to operate in a safe and efficient manner without being detrimental to highway safety. However, they have requested a condition requiring the provision of a speed management plan to reduce the speed of vehicles travelling on Barby Lane in addition to a requirement for the applicant to pay the costs involved in changing the Traffic Regulation Order. It is consequently considered that the proposed access would provide a suitable and safe access to the development proposed.

Proposed Parking Provision

The explanatory text accompanying policy T5 sets out that the availability of car parking can influence people's transport decisions and that an excessive increase in car parking can reinforce car dependency. Equally, the guidance on parking standards within the Planning Obligations SPD sets out that the Council will seek well designed parking solutions that will accommodate the likely level of car ownership in any given area and reduce the level of on street parking. However, as this is an outline application the provision of parking on the site would only be considered at the detailed reserved matters stage.

Findings of Transport Assessment on Traffic Flows

The Transport Assessment (TA) (2016) submitted with this application provides an assessment of existing traffic levels within the local highway network and sets out the impact that would arise from the vehicular trips generated by the proposed development. The scope of this was agreed with WCC Highways who have accepted that the methodology, data and modelling used provides a robust basis for assessment.

The traffic modelling shows that the proposed development would not have a severe and detrimental impact on the local highway network during the three hour AM and PM peaks.

The greatest impact would be on the junction of Barby Lane and Ashlawn Road where there would be an increase in the average hourly maximum queue length across all arms of the junction. The most significant increase would be eastbound on Ashlawn Road which increases from 6 vehicles to 12. Despite this the TA concludes that this is not likely to cause a severe impact on the junction operation or the surrounding highway network.

The second greatest impact would be on the Paddock junction (at Hillmorton Road and Ashlawn Road). The results show increases in queueing over all arms of the junction in the PM peak. However, the TA sets out that these increases, the largest being 4 additional vehicles, are not considered significant. It rather contends that the introduction of the development traffic has a minimal effect on this junction. The increases in queueing in the PM peak are not significant and would not lead to a severe impact on the junction's safe operation.

Impact on Highway Safety and Traffic Flows

WCC Highways have carried out an independent assessment of the TA and are satisfied that this offers a robust and sound basis upon which to judge the impact of the development on traffic flows. However, they consider that the TA underestimates the level of operation Paddock junction would be operating at. Indeed, it is considered that this junction is currently operating at and over capacity resulting in traffic queueing. They are consequently of the opinion that any development on Barby Lane would have a further negative impact on the operation of this junction and would reduce the efficiency at which it operates. Nonetheless, they recognise that the junction will be signalised in due course as a result of the Mast Site or Wharf Farm developments. This would result in significant capacity improvements which could comfortably accommodate the increase in traffic from this proposed development. However, it would be a significant period of time before these schemes reach the relevant triggers which require the implementation of the improvement scheme. WCC Highways has consequently requested a financial contribution towards the provision of an interim scheme to ease the capacity constraints identified or enable the early delivery of the agreed improvement scheme. This would need to be secured within a S106 Agreement.

Aside from the Paddock junction, WCC Highways have accepted that any residual traffic impact from the development at other junctions, together with any associated increase in queue length in the morning and evening peak hours, would not be severe and would not result in any justifiable need for mitigation.

However, in order to try and encourage further reductions in car usage, WCC Highways consider that the development should fund improvements towards sustainable transport facilities in the area. The applicant would therefore need to enter into a S106 Agreement to secure contributions towards bus stop infrastructure, cycle network improvements and sustainable welcome packs. Such improvements would reduce the potential number of vehicular movements through junctions within the local highway network thereby lowering the impact it would otherwise have.

WCC Highways has subsequently accepted that the proposed development would not have a detrimental and severe impact upon the efficient operation of the local highway network. Their response is consequently one of no objection subject to conditions and financial contributions.

Aside from the impact on the local highway network, Northamptonshire Highways has considered the proposal and raised no objection to the potential impact on the highway network within their County. Highways England has also carried out an independent assessment of the TA in relation to the impact of this development on the strategic road network and raised no objection to this.

As previously indicated, paragraph 32 of the NPPF outlines that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. In this case it has been demonstrated that the residual cumulative impacts of the proposed development would not be severe subject to conditions and financial contributions. The impact on highway safety and traffic flows is consequently considered to be acceptable.

Objections from Residents

Notwithstanding the comments from WCC Highways, Northamptonshire Highways and Highways England, it is acknowledged that a number of the objections from residents raise concerns based upon personal experience and local knowledge of the road network. There are particular concerns in relation to the impact on key junctions and parking along Barby Lane associated with school opening and closing times.

In relation to concerns about queuing traffic around key junctions there is no dispute that there are existing queues during both morning and evening peaks. This is particularly so around the junction of Barby Lane with Ashlawn Road and the junction of Hillmorton Road with Ashlawn Road. Nevertheless, the impact upon these junctions has been thoroughly assessed. Whilst it is accepted that the proposed development would result in an increase in queuing at these junctions, it has been demonstrated that this would not be to a severe extent (subject to a contribution for improvements at the Paddox junction).

Further concerns have been raised regarding on-street parking along Barby Lane during opening and closing times at Ashlawn School. It is accepted and has been observed that parking does occur both along the road and on highway verges at such times. The effect of this can, at times, be such that this effectively makes Barby Lane a single carriageway in places with vehicles needing to wait behind parked cars for oncoming traffic to clear before proceeding. At times this can result in vehicles mounting the kerb or highway verge to manoeuvre along the road. The upshot of this is such that the parking can cause a degree of conflict between vehicles, pedestrians and local residents. There is consequently concern that the extra traffic from this development would exacerbate these existing problems as more vehicles will traverse through this section of Barby Lane. This also raises fear that there could be an accident.

In respect of the above it is necessary to note that the current problems being experienced relate to an existing situation. There are currently no specific restrictions preventing parking along this section of Barby Lane. In broad terms it is also not an offence to park on the highway providing it does not cause an obstruction to the footway or any points of access such as a dropped kerb. The parking of vehicles in this location can consequently occur in a legitimate manner and the police have powers to deal with any parking in contravention of this. Moreover, the problems experienced are limited to two relatively short periods of time each day rather than being a systemic problem at all hours of the day. It is within this context of this existing situation that the projected vehicular movements from the proposed development along Barby Lane, even at the highest morning and evening peaks, would not be to such a level so as to significantly and severely exacerbate existing problems to the extent that they would become detrimentally worse. Indeed, it is important to note that WCC Highways did not raise any concerns or objection in respect of this matter.

It is proposed that the site would be accessed off Barby Lane via a priority 'T' junction. It has been found that this would be able to operate in a safe and efficient manner without causing detrimental harm to highway safety. The TA has then considered the impact of traffic flows to and from this proposed access on the local highway network. It consequently looks at the impact on key junctions with and without the proposed development to determine what the impact would be and whether this would lead to any capacity issues. The impact to all junctions was found to be acceptable although it was acknowledged that there was an existing capacity issue at the Paddox junction which causes queuing during peak times. This will ultimately be addressed through improvement schemes that will be provided as a result of other developments in the area. However, it is acknowledged that it will be some time before these developments would need to provide this improvement. WCC Highways have therefore requested a financial contribution to provide an interim improvement scheme that would offset the additional impact from this development. Subject to this contribution and other mitigation measures it has therefore been demonstrated that the impact on the local highway network would not be severe in terms of safety or capacity.

8. 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. In addition, policy CS14 of the Core Strategy requires proposals to protect, restore and enhance green infrastructure assets within the defined Strategic Green Infrastructure Network. These policies are 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.

It is within the context of the above that the applicant has submitted an Ecological Assessment (2016), Badger Survey (2016), Ecological Assessment Addendum (2017) and Biodiversity Impact Assessment (2017).

Impact on Statutory and Non-Statutory Ecological Sites

No sites of International Importance were identified within 5km of the application site. However, the Linnell Road Local Nature Reserve (LNR) is located 0.99km north of the site boundary and Ashlawn Railway Cutting LNR is located 1.22km west of the site boundary. Thirteen non-statutory sites including 7 Local Wildlife Sites (LWS), 5 potential LWS (pLWS) and 1 Ecosites are located within 2km of the site. The proposed development could result in a slight increase in visitors to these statutory and non-statutory sites but this is unlikely to be significant. Any additional impact would therefore be minimal and would not result in detrimental and adverse impacts occurring.

Habitats

The appraisal identifies that there are a limited habitats located on the application site which include species-poor semi-improved grassland, hedgerows and mature trees.

Although only an outline application with all but access reserved, some of the habitats on the site would clearly need to be removed to accommodate the proposed quantity of development. To this end the submitted illustrative layout plan shows that there would be a need to remove a large area of grassland (approximately 3.5ha), 20 metres of hedgerow and a number of trees running across the centre of the site in a linear fashion from north to south. The grassland, hedgerows and majority of trees are considered to only be of site ecological importance. One Ash tree in the centre of the site is considered to be of local ecological importance. The loss of such habitats would consequently need to be compensated.

In respect of the above, the submitted plans and reports indicate that it is proposed that new hedgerows would be planted whilst existing hedgerows would be enhanced with additional planting. It is also proposed that new tree and grassland planting would be provided. This would particularly be the case within the public open space to enhance and increase the amount and quality of tree cover on site. In addition, the

appraisal indicates that the proposed attenuation basin should be designed to provide ecological benefits. Nesting and rooting features for birds and bats would also be provided.

A Biodiversity Impact Assessment has subsequently 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. This was then compared with the post-development habitat values which were derived from the proposed retention of existing habitats in addition to proposed habitat creation and enhancement on-site. The assessment therefore concluded that there would be a 45.2% biodiversity impact loss arising from the proposed development. However, the proposed hedgerow planting and enhancement is such that there would be a linear biodiversity gain.

WCC Ecology has considered all of the above and reasoned that it would be necessary to secure an appropriate biodiversity offsetting scheme off-site to compensate for the residual habitat loss. The applicant has therefore agreed to enter into a S106 Agreement to secure the provision of either a suitable offsetting scheme or provision of a financial contribution to enable WCC to find a suitable offsetting scheme. WCC Ecology consequently does not object to the proposed development in regard to the impact on habitats subject to conditions requiring the submission of a construction and environmental management plan and landscape and ecological management plan. This position is supported by Warwickshire Wildlife Trust whilst Natural England has responded to confirm that they do not object to the application.

Protected and Priority Species

In relation to protected and priority species, the appraisal draws on data records and surveys which indicate that the development has the potential to have an impact on badgers, bats, birds, great crested newts and invertebrates and other amphibians. However, WCC Ecology are satisfied that the potential impact to these species could be mitigated against through the planning conditions listed above in addition to conditions requiring a great crested newt mitigation strategy and badger survey and mitigation strategy. Again, this position is supported by Warwickshire Wildlife Trust whilst Natural England have responded to confirm that they do not wish to comment on the application.

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 diversity and value of existing habitats on site is currently limited. Nonetheless, it is proposed that biodiversity would be enhanced and any loss mitigated for through proposed habitat creation and enhancement on-site and biodiversity offsetting. In turn this would ensure that the loss of habitats available for protected and priority species would be minimised. Furthermore, mitigation strategies and measures would be provided to ensure that the impact of development on great crested newt and badgers are acceptable. It is consequently considered that the proposed development would not have an adverse impact upon habitats and species.

9. 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) (2017) submitted with the application confirms that the application site falls within flood zone 1 (low risk) and therefore passes the requirements of the sequential and exception tests outlined within the NPPF. The vulnerability of the development to flooding from all other sources, such as pluvial, sewerage, groundwater and artificial water bodies, has been assessed as low risk subject to mitigation measures being implemented.

Surface Water Drainage

In respect of surface water drainage, the FRA considers the impact of ground conditions, topography and layout upon this. It concludes that the use of infiltration based drainage solutions would be limited owing to the failure of soakage testing. It therefore proposed that surface water would be dealt with by utilising an adoptable network of surface water sewers gathering runoff into an attenuation pond located along the site southern boundary. A surface water flow control device would then limit flows from the ponds to a practical minimum discharge rate of 5.0l/s. Details would also be provided to confirm that surface water will not leave the proposed site in the 1 in 100 year (+40% climate change) storm event. Such a system would consequently contain water within the site boundaries and limit discharge rates into the existing ditch system to which runoff already flows. This would therefore ensure that flood risk off the development site would not detrimentally increase.

WCC Flood Risk Management has carried out an independent assessment of the FRA and raised no objection to this subject to a condition requiring the submission of a detailed surface and foul water drainage scheme. This would also require the submission of detailed design plans and future maintenance proposals. The response from STW further supports this position.

Foul Sewage

The FRA also identifies that the nearest foul water sewer system to the site is located within the highway at the junction of Westwood Road and Barby Lane. The foul sewage design scheme will be prepared at the detailed reserved matters application stage but it is considered that the development would be unlikely to be able to utilise gravity sewers. It is therefore proposed that an onsite sewage pumping station would be required towards the southwest corner of the site to receive foul flows from the development. Foul flows would then be directed to the public sewer on Barby Lane via a rising main (a pipe under pressure). Under the Water Industry Act the applicant has the right to connect to public sewers with STW being liable to provide any necessary upgrades to enable this. The response received from STW is ultimately one of no objection subject to the submission of drainage plans for the disposal of foul sewage.

Flood Risk and Drainage Conclusions

It has been found that the findings of the FRA are acceptable and form a robust basis for considering the flood risk and drainage impacts arising from the proposed development. In the first instance it has been established that the proposed development would be located in a low risk flood zone and would therefore not be susceptible to flooding. Surface water drainage will principally be dealt with through the use of an adoptable network of surface water sewers gathering runoff into an attenuation pond located along the site southern boundary. This would ensure that the proposed development would not detrimentally increase flood risk off site whilst ensuring that the development itself would not be at risk from surface and ground water flooding. Aside from this, it has been demonstrated that foul sewage could be drained from the site via a sewage pumping station which would direct foul flows to the public sewer on Barby Lane. It is consequently considered that the proposed development would not have an adverse impact upon flood risk and drainage.

10. Air Quality

The Framework establishes the need to consider whether the proposed development would result in unacceptable levels of air quality to the detriment of new or existing development (paragraph 109). It further outlines a requirement to consider the impact on Air Quality Management Areas (AQMA) and the cumulative impacts on this (paragraph 124). This is consistent with policy CS10 of the Core Strategy and the Air Quality section of the Planning Obligations SPD which set out the need to ensure that new development does not result in a significant increase in the production of air quality pollutants.

Air Quality Management Area

The application site falls within the Rugby Air Quality Management Area (AQMA) which has been designated due to an excess of nitrogen dioxide primarily related to traffic congestion near the centre of Rugby and Dunchurch. An Air Quality Assessment (2016) has therefore been submitted with the application. This outlines the potential impacts of the additional vehicular traffic that would be generated by the proposed development. Air pollutant levels are considered at existing sensitive receptors within the

vicinity of the site. The assessment subsequently concludes that the proposed development would have a negligible impact on existing sensitive receptor locations. Environmental Health has considered this and responded to indicate that they have no objections to the modelling carried out and the impact of this development on air quality. However, to ensure the impact on air quality is minimised they have requested a condition requiring the submission of an air quality mitigation scheme.

Dust and Fine Particulate Emissions

Aside from the above, there is also the potential for construction activities to give rise to dust and fine particulate emissions. Mitigation measures would therefore need to be implemented to substantially reduce the potential impact on surrounding residential receptors. Environmental Health has therefore requested a condition requiring the submission of a Construction Environmental Management Plan. This would need to include details of how and what specific dust, noise and vibration mitigation measures will be incorporated into the proposed development to prevent off site migration of dust, mud and debris impacting on receptors and the local highway network.

Air Quality Conclusions

It has been found that the findings of the Air Quality Assessment are acceptable and form a robust basis for considering the air quality impacts arising from the proposed development. In respect of the impact upon the Rugby AQMA it is acknowledged that the additional vehicular traffic would have a negligible impact on existing sensitive receptor locations. A condition requiring the provision of an air quality mitigation scheme would help to offset this impact. The potential for dust and fine particulate emissions arising from construction activities could also be reduced through mitigation measures to be provided by condition. It is consequently considered that the proposed development would not have an adverse impact upon air quality.

11. 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 NPPF 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

The submitted Noise Assessment (2016) considers the impact of noise from road traffic along Barby Lane and activities at English Martyrs Roman Catholic Primary School on the residential amenity of future occupants. It concludes that the extent of mitigation required will depend on the final layout submitted at the reserved matters application stage. However, it has been demonstrated that noise could be suitably mitigated through acoustic garden fencing, attenuated glazing and ventilation systems. It is consequently indicated that a full noise assessment would be submitted at the detailed design stage when the layout of properties is known.

Impact of Noise to Existing Dwellings

The increase in local road traffic arising from the proposed development may result in a small increase in noise at existing residential properties. Further noise from domestic activities would also arise. However, it is considered that this is not likely to result in a significantly detrimental change in noise levels.

Assessment of Noise

Environmental Health has carried out an independent assessment of the Noise Assessment and raised no objection to this subject to a condition requiring the submission of a full noise survey and assessment prior to the commencement of development.

Environmental Health has further identified the potential for noise to arise from the construction activities associated with the proposed development. They have consequently requested a condition requiring the

submission of a Construction Environmental Management Plan. An informative outlining details of acceptable construction times is also required.

Noise Conclusions

It has been found that potential noise from road traffic has the potential to impact upon the residential amenity of future occupiers. A noise assessment including mitigation measures would consequently need to be submitted to ensure detrimental harm does not arise. In respect of existing properties it is considered that the noise from additional road traffic and domestic activities arising from the development would not cause significant and detrimental harm. The impact of demolition and construction noise on these properties can also be limited to appropriate days and hours to ensure that harm from this does not occur.

12. 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).

The submitted Geo-Environmental Investigation Report (2016) reviews source material and the existing setting of the site. It concludes that there is only a low risk of contamination and that the site would not be designated as contaminated land under the Environmental Protection Act 1990.

Environmental Health has subsequently considered the assessment and acceptability of the proposed development in relation to potential contamination issues at the site. Their response is one of no objection but a condition would be necessary requiring the submission of an investigation and risk assessment including a remediation scheme and measures to report unexpected contamination found on the site. It is therefore considered that this would ensure that contaminated land does not affect the health of the future occupiers of the proposed development.

13. Economic Growth

Section 1 of the Framework highlights the need for the planning system to support sustainable economic growth with notable references to job creation and prosperity. In view of this, the Supporting Planning Statement (2016) and Socio-Economic Statement (2017) submitted with the application details the economic benefits that would arise from the development. This supports the accepted view that the proposed development would result in: money being invested in construction on the site; construction and associated in-direct jobs being supported; potential new construction employment opportunities; increase in Gross Value Added; new household spending in the Borough; potential new jobs within the Borough; an increase in the viability of local retail uses, services and businesses; an increase in the viability of existing public services; and additional Council Tax revenue. Such matters would have a positive impact on the local economy and prosperity of the Borough.

Notwithstanding the above, it is recognised that the benefits arising from this proposed development would not be unique. Indeed, the same benefits would arise if development was carried out at other locations on the edge of Rugby town. However, not enough homes are being constructed within the Borough to meet identified housing needs and these potential benefits are therefore not being realised. In such circumstances, the availability of any site that could contribute to house building and economic development, in the short term, should attract significant weight.

The proposed development would also result in the payment of the New Homes Bonus. However, in accordance with the Town and Country Planning Act 1990 (as amended) and NPPG it is considered that whilst the Bonus is a material planning consideration, it is not one to which positive weight can be attached and viewed as a benefit of the proposal.

14. Design, Layout and Visual Amenity

Policy CS16 of the Core Strategy sets out that 'All development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would

not cause any material harm to the qualities, character and amenity of the areas in which they are situated'. Paragraph 7.4 of the Core Strategy allows for consideration of the Sustainable Design and Construction SPD which further expands on this policy. Paragraph 17 and section 7 of the Framework are also relevant and set out the importance of good design in relation to new development.

Illustrative Design and Layout

As this is an outline application, details of the appearance, landscaping, layout and scale of the proposed dwellings have not been submitted at this stage. However, an Illustrative Layout Plan has been submitted showing how the proposed development could be provided on site. This is further supported by a Design and Access Statement and Landscape and Visual Impact Assessment which includes design and landscaping principles to help inform and guide the preparation of detailed plans at a later stage.

The plans and statement collectively show how up to 113 dwellings could be laid out on the application site. However, it is important to acknowledge that the plans should only be viewed as one iteration of how the site can be developed. Equally, the proposal is for 'up to' 113 dwellings which consequently provides a degree of flexibility in that less dwellings could actually be built if this was found to be justified. There is consequently inherent scope for layout to be adjusted at the reserved matters application stage.

With the above said, the illustrative layout plan and design and access statement helps to provide a broad overview as to whether an acceptable design and layout could be achieved. An assessment of the proposals has subsequently been undertaken in accordance with the Government endorsed Building for Life 12 criteria. This has enabled consideration of how the proposed development would integrate into the existing neighbourhood, create place and provide suitable streets and homes.

Integration with the Existing Neighbourhood

In relation to integration with the existing neighbourhood it is proposed that the vehicular access to the site would only be achieved via a single access point onto Barby Lane. The location and size of the application site is then such that it would create an entirely self-contained development with no direct vehicular or pedestrian connections into the wider neighbourhood. The only pedestrian link to the wider area would be via a proposed highway footway along the western edge of Barby Lane. This would consequently require future residents to cross over Barby Lane to access the existing neighbourhood. There are further complications with the need to cross other roads if trying to access destinations to the north of west of Barby Lane. Furthermore, there are no Public Rights of Way providing access to or from the site.

It is consequently considered that connections with the existing neighbourhood would be poor. The development would be located immediately adjacent to but isolated from existing developments. As a result the development would not readily integrate with the area and would rather be somewhat separated from it. Nonetheless, the indirect vehicular and pedestrian access would still allow for access to this wider area.

Broader considerations relating to the accessibility and capacity of existing facilities and services, public transport and meeting local housing requirements have been considered and found to be acceptable in other sections of this report.

Although lacking direct connections, it is considered that the proposed development could, on balance, integrate sufficiently well with the existing neighbourhood.

Creating Place

In relation to creating place it is considered that the size and location of the proposed development is such that it would be able to create its own distinct character. With the exception of landscape impact and associated harm to the escarpment, it has been demonstrated that a scheme could be designed to take account of a number of site constraints including the position of the single site access point, topography, existing hedgerows and trees and sensitive boundaries with neighbours. It would achieve this by ensuring that dwellings would be located within development blocks. A central component of this would be the positioning of urban development towards the north of the site and providing public open space, green infrastructure and an attenuation pond towards the southern boundary. In addition, existing trees and hedgerows to the perimeter of the site would be retained with new planting also provided to mitigate for that which would be removed. The scale of development is indicated to be no greater than 2-2.5 storeys in

height. A simple street hierarchy would be utilised consisting of a primary main street with secondary shared surface streets running off this and then terminating in small lanes and private drives. Notwithstanding the substantial and detrimental landscape impact, the proposed development could, on balance, create a place with a good character and appearance.

Suitable Streets and Homes

In relation to providing suitable streets and homes it is proposed to utilise primary and secondary roads to distinguish between the main vehicular distributor road and more pedestrian friendly roads to local housing. At a more specific level the proposed dwellings around the streets would be able to offer good natural surveillance opportunities over the streets and public open space. Furthermore, the public open space and a play area for children would be provided within the development in a clearly defined area. The effect of this is such that public spaces would be readily distinguishable from private spaces. External storage space for bins and recycling would need to be carefully considered to ensure these are located to the rear of properties and out of intrusive public views. The effect of the above is such that the proposed development could, on balance, provide suitable streets and homes.

Visual Amenity Conclusions

Overall, it is considered that notwithstanding landscape impact concerns, the proposed development could be designed to satisfactorily integrate into the existing neighbourhood, create place and provide suitable streets and homes. Indeed, the illustrative layout plan provides the required level of comfort in this stage of the planning process that an acceptable design and layout could be achieved. There is also sufficient flexibility within the scheme to reduce the number of dwellings if necessary to achieve an acceptable layout. It is within this context that it is considered that the impact of the proposed development on visual amenity would be acceptable.

15. Residential Amenity (Light, Aspect and Privacy)

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 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.

Existing Properties

The closest dwellings to the application site are located to the south of Fellows Way. Eight of these dwellings and one dwelling on Barby Lane have elevations containing primary windows to habitable rooms facing towards the proposed development area. The side elevation of 16 Fellows Way is the closest to the application site at a distance of approximately 1.60 metres to the site boundary. The private gardens to each of these properties also adjoin the northern boundary of the site. The proposed development on the application site consequently has the potential to have an impact upon the residential amenity of these existing properties.

Impact to Existing Properties

As this is an outline application, details of the appearance, landscaping, layout and scale of the proposed dwellings have not been submitted at this stage. However, an Illustrative Layout Plan has been submitted showing how the proposed development could be provided on site. This is further supported by a Design and Access Statement and Landscape and Visual Impact Assessment which includes design and landscaping principles to help inform and guide the preparation of detailed plans at a later stage.

The plans and statement collectively show how up to 113 dwellings could be laid out on the application site. However, it is important to acknowledge that the plans should only be viewed as one iteration of how the

site can be developed. Equally, the proposal is for 'up to' 113 dwellings which consequently provides a degree of flexibility in that less dwellings could actually be built if this was found to be justified. There is consequently inherent scope for layout to be adjusted at the reserved matters application stage.

With the above said, the illustrative layout plan and design and access statement helps to provide a broad overview as to whether an acceptable level of residential amenity could be achieved between existing and proposed dwellings. In this respect it is considered that the illustrative plans provide confidence that there is scope for the proposed dwellings to be laid out on the site without giving rising to significant and detrimental impacts on the light, aspect and privacy to existing properties. The actual impact to these properties would be considered at the detailed reserved matters application stage.

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.

16. Open Space, Landscaping and Green Infrastructure

Policies H11 and LR1 of the Local Plan require proposals for new residential development of the size proposed to provide appropriate play and open space on site in accordance with the Council's Open Space Standards. Policy LR3 relates to this and sets out the need for new open space provision to be of a high quality and accessible. Further guidance is outlined within the Council's Planning Obligations SPD which recognises that financial contributions may be appropriate to allow off site provision to be provided or improved in a suitably accessible location where these elements cannot be provided on site.

Following discussions with the Parks and Grounds Manager and assessing existing surpluses and deficits of open space in this part of town, together with what is judged to be reasonable, it was considered that an element of on-site provision and financial contributions for off-site provision should be made.

On-Site Open Space, Landscaping and Green Infrastructure

As this is an outline application, details of the appearance, landscaping, layout and scale of the proposed dwellings have not been submitted at this stage. However, an Illustrative Layout Plan has been submitted showing how the proposed development could be provided on site. This is further supported by a Design and Access Statement and Landscape and Visual Impact Assessment which includes design and landscaping principles to help inform and guide the preparation of detailed plans at a later stage.

The plans, statement and assessment collectively show how up to 113 dwellings could be laid out on the application site. However, it is important to acknowledge that the plans should only be viewed as one iteration of how the site can be developed. Equally, the proposal is for 'up to' 113 dwellings which consequently provides a degree of flexibility in that less dwellings could actually be built if this was found to be justified. There is consequently inherent scope for layout to be adjusted at the reserved matters application stage.

With the above said, the plans, statement and assessment indicate the minimum amount and nature of different types of public open space and green infrastructure that would be required on the site. In particular, it is indicated that the proposed development would provide approximately 1 hectare of public open space and green infrastructure. This would include an area of amenity greenspace, rich grassland and Locally Equipped Area of Play (LEAP). Provision is also made for an attenuation basin. The provision and maintenance of on-site open space and a LEAP would be secured within a S106 Agreement.

Financial Contributions for Off-Site Provision

Aside from the on-site provision it is acknowledged that the size of the development and application site is such that it would not be possible or desirable for all of the required types of open space to be provided on-site. It would consequently be necessary for the development to make financial contributions for off-site provision towards Parks and Gardens and Natural and Semi-Natural Space.

In relation to Parks and Gardens, it would be necessary to provide a financial contribution to pay for the replacement of the existing pavilion at Hillmorton (Featherbed) Recreation Ground. This would be secured

within a S106 Agreement. The Parks and Grounds Manager has indicated that the existing pavilion including changing facilities has been condemned and is therefore closed. It is particularly noted that this building contains asbestos and potential repairs would consequently not be cost effective. However, Hillmorton Recreation Ground is home to Hillmorton Wanderers FC who are in need of a pavilion and associated changing facilities. The need for a new sports pavilion is highlighted in the Council's Playing Pitch Strategy as a priority for this area and is supported by Sport England.

The proximity of Hillmorton Recreation Ground (with associated sports pitches) to the application site is such that future occupants of the proposed dwellings are highly likely to use this space. However, the quality of this space is currently below standard owing to the lack of the sports pavilion. Additional demand would place further pressure on this space and the need for it to be of a high standard and with all the facilities residents would need and expect. The financial contribution to pay for the replacement of the existing pavilion would therefore offset the additional pressure and needs arising from future occupants on this space. However, it would also provide a significant benefit to the existing local community who would also benefit from and use the new pavilion. Indeed, if the development does not go ahead and provide this contribution then it is unclear as to how the new pavilion would be funded. The existing deficiency and need would consequently remain.

In relation to Natural and Semi-Natural Space, it would be necessary to provide a financial contribution to contribute towards the development and enhancement of the Diamond Jubilee Wood. This would be secured within a S106 Agreement.

Open Space, Landscaping and Green Infrastructure Conclusions

Following an assessment of existing surpluses and deficits of open space in this part of town, together with what is judged to be reasonable, it has been considered that an element of on-site provision and financial contributions for off-site provision should be made. On-site provision would include amenity greenspace, a LEAP and green infrastructure. Financial contributions would enable funding of a replacement pavilion at Hillmorton (Featherbed) Recreation Ground and development and enhancement of the Diamond Jubilee Wood. The proposed play and open space on-site together with contributions to improve existing off-site provision would consequently be acceptable.

17. Sustainable Design and Construction

Core Strategy policies CS16 and CS17 refer to sustainable design, water efficiency and reducing carbon emissions. The Sustainable Design and Construction Supplementary Planning Document (SDC SPD) 2012 further expands upon this and sets out the potential to reduce carbon emissions through improving energy efficiency in construction and design. This is consistent with section 10 of the Framework which supports the inclusion of renewable and low carbon energy within new development.

Water Efficiency

Policy CS16 and SDC SPD specifically state that all new residential developments should incorporate measures to meet the water conservation standards in Level 4 of the Code for Sustainable Homes. This is consistent with paragraph 94 of the Framework which outlines the need to take account of water supply and demand.

Level 4 of the Code for Sustainable Homes sets out that the potential consumption of water by persons occupying a new dwelling should not exceed 105 litres per person per day. However, it is necessary to note that the Code for Sustainable Homes was withdrawn by the Government in March 2015 and this policy is effectively out-of-date.

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 development of 10 or more dwellings should incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%.

The Supporting Planning Statement submitted with the application indicates that this will be dealt with at the reserved matters application stage. A condition requiring the submission of details to achieve the reduction in carbon emissions would therefore need to be imposed to ensure appropriate measures are provided. A further condition stipulating that the proposed dwellings must comply with the Building Regulations relevant at the time of construction would also be necessary.

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. A planning condition would need to be imposed to ensure that this is provided.

18. Infrastructure and Planning Obligations

Policy CS10, the Planning Obligations SPD and paragraph 203 of the Framework set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable. Policy CS13 also states that 'Where new developments are proposed the implications on existing services need to be taken into account. This may result in contributions to existing services or new provisions being accrued'. This is consistent with one of the core planning principles outlined within paragraph 17 of the Framework which outlines the need for planning to 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

Notwithstanding the above, paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:

- a. Necessary to make the development acceptable in planning terms;
- b. Directly related to the development; and
- c. Fairly and reasonably related in scale and kind to the development.

If a requested planning obligation does not comply with all of these tests then it is not possible for the Council to require this. It is within this context that the Council has received a number of requests for planning obligations from technical consultee's as detailed below.

Affordable Housing: 40% of the proposed dwellings would be affordable dwellings comprising of a split of 75% social rented housing and 25% intermediate housing unless otherwise agreed in writing with the Local Planning Authority. This would be secured within a S106 Agreement.

Education: The proposed development would result in more children moving into this area of Rugby who would consequently need a place within local schools. WCC has therefore undertaken an assessment as to whether there would be sufficient spaces within existing schools to accommodate the estimated number of pupils that would be likely to arise from this development. They have consequently indicated that there would not be sufficient capacity for Pre-School, Primary, Primary Special Educational Needs, Secondary (11-16 years), Secondary Age Special Needs and Post 16 provision. Financial contributions have consequently been sought for increased provision at local schools to provide for the projected increase in demand. This would be secured within a S106 Agreement.

Libraries: The proposed development would place increased demand on libraries within the area and so a contribution to offset this is sought for both Rugby and Dunchurch libraries. This would be secured within a S106 Agreement.

Health: The proposed development would place increased demand on hospitals within the area and so a contribution to offset this is sought for healthcare infrastructure. This would be secured within a S106 Agreement.

GP Surgeries: NHS England has responded to the Council's consultation to indicate that they do not want to comment on the proposed development. They have therefore not made any requests for financial contributions towards GP Surgeries.

Policing: The proposed development would result in an increase in demand for policing within this area of Rugby. Warwickshire Police and West Mercia Police have consequently requested a financial contribution to offset this impact. This would be used by the Rugby Town East Safer Neighbourhood Team for the recruitment and equipping of officers and staff, police vehicles and premises. This would be secured within a S106 Agreement.

Paddox Junction Improvements: Financial contributions are required to enable WCC Highways to provide capacity enhancements at the Paddox junction. This would be secured within a S106 Agreement.

Bus Stop Improvements: Financial contributions are required to improve the existing on-street bus stop infrastructure at the pair of bus stops on Ashlawn Road/High Street (A428). This would be secured within a S106 Agreement.

Cycle Network Improvements: Financial contributions are required towards cycle network improvements within the southeast of Rugby. This would be secured within a S106 Agreement.

Pedestrian Crossings: Schemes to improve pedestrian crossing facilities by the site entrance on Barby Lane, by the junction of Barby Lane and Ashlawn Road and on Ashlawn Road/High Street itself are required. This would be secured by planning condition.

Sustainable Travel Packs: Financial contributions are required towards the provision of sustainable welcome packs promoting sustainable living and delivering road safety education in the area. This would be secured within a S106 Agreement.

Hillmorton Recreation Ground Pavilion: Financial contributions are required to provide a replacement pavilion at Hillmorton Recreation Ground. This would be secured within a S106 Agreement.

Diamond Jubilee Wood: Financial contributions are required towards the development and enhancement of the Diamond Jubilee Wood. This would be secured within a S106 Agreement.

Open Space: Provision of open space and a LEAP is required on the application site in as detailed within the Open Space, Landscaping and Green Infrastructure section above. This would be secured within a S106 Agreement.

Indoor Sports Facilities: Financial contributions are required towards off-site health and fitness and sports halls in accordance with the Council's Planning Obligations SPD. This would be secured within a S106 Agreement.

Infrastructure and Planning Obligations Conclusions

It is considered that the impact of the proposed development on existing services, facilities and infrastructure would be acceptable. Consultation has been carried out with key service providers within this area. In some circumstances it has been found that there is sufficient capacity to accommodate the increased usage that would arise from the occupants of this proposed development. In other circumstances the impact of the development would be offset through in-kind provision or financial contributions. A S106 Agreement would be required to ensure in-kind provision and financial contributions are delivered and paid.

19. Planning Balance and Sustainability of Development

The application site is located within designated countryside. Policy CS1 of the Core Strategy sets out that development will only be permitted in this location where national policy allows. In this respect the Council does not have a five year supply of deliverable housing sites to meet the identified housing need within the Borough. The presumption in favour of sustainable development set out in paragraph 14 of the Framework is consequently engaged. For decision-taking it explains that this means that where the development plan is absent, silent, or out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole, or specific policies in the Framework indicate development should be restricted.

In this case there are no specific policies within the Framework which indicate that development on this site should be restricted. In accordance with paragraph 14 of the Framework a titled balance in favour of granting permission consequently applies. It is within this context that it is necessary to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment below consequently sets out the Council's considerations as to whether the proposed development would be "sustainable development".

From an economic perspective the proposed new dwellings would result in money being invested in construction on the site, employment relating to construction jobs over the build period, new household spending in the Borough, a contribution to the viability of local retail uses, services and businesses and additional Council Tax revenue. Such matters would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the application. As such, the proposed development would satisfy the economic role of sustainable development.

From a social perspective there is a significant need for new housing within the Borough and the Council does not have a five year housing land supply to meet that need. This is consequently a matter which in itself weighs significantly in favour of the application. The proposed development of up to 113 dwellings, of which up to 40% would be affordable dwellings, would consequently make a significant and positive contribution towards meeting this housing need. Aside from this, the proposed development would provide a range of infrastructure improvements which would offset the impact of this development. Such improvements include a replacement pavilion at Hillmorton Recreation Ground, the development and enhancement of the Diamond Jubilee Wood, bus stop improvements, cycle network improvements and pedestrian crossings. As such, the proposed development would satisfy the social role of sustainable development.

From an environmental perspective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, trees and hedgerows, heritage and archaeology, highway safety, traffic flows, ecology, flood risk, drainage, air quality, noise, contamination, residential amenity, water conservation and carbon emissions have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, in other instances where potential adverse impacts are identified, it would be possible to mitigate against this impact through a number of different measures and strategies. This mitigation could be secured through conditions and a S106 Legal Agreement to ensure that this is delivered.

Notwithstanding the above, it is clear that the proposed development would give rise to some unavoidable environmental harm which could not be adequately mitigated against. In this first instance the proposal would result in the loss of an area of the best and most versatile agricultural land which would result in harm of limited weight. Secondly, the physical location of the site in relation to some of the services and facilities that future residents would need is such that they are more likely to rely on the use of private cars rather than sustainable transport alternatives such as walking. However, the majority of services and facilities could still be accessed by a range of transport options and harm of only limited weight is therefore attributed to this.

In relation to the impact on landscape character and appearance it has been found that the proposed development would cause significant and detrimental harm to a highly sensitive landscape of strong condition. This would result in substantial environmental harm.

In conclusion, whilst the economic and social benefits of the additional housing would be significant, this would not outweigh the substantial and limited environmental harm which would result from the proposal. The submitted scheme would therefore not be sustainable development. National policy consequently indicates that development in this location should not be allowed. In turn the proposal conflicts with policy CS1 of the Core Strategy as national policy indicates that development should not be permitted in this countryside location. In effect, the proposal fails to comply with the "only where national policy on countryside locations allows will development be permitted" exception of policy CS1. Furthermore, the proposed development conflicts with both policy CS16 of the Core Strategy and saved policy GP2 of the Local Plan.

It is concluded that the proposal does not comply with the Development Plan and that there are no material considerations which indicate that the proposal should be approved. In accordance with Section 38(6) of the

Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that planning permission refused.

Recommendation:

The proposed development would have a significant and adverse impact on the character and appearance of the landscape in this location. In particular, the proposed dwellings would appear as an intrusive extension of the urban area into the surrounding countryside and would diminish the landscape character of this area. They would further appear visually intrusive and prominent within the landscape to the point of being harmful to the qualities, character and amenity of both the countryside and setting of Hillmorton. The proposed mitigation would not adequately reduce these impacts to an acceptable level. The adverse impacts that would arise from this would consequently significantly and demonstrably outweigh the benefits of the proposed development. The proposal would consequently not constitute sustainable development and would be contrary to policies CS1 and CS16 of the Rugby Borough Core Strategy 2011, saved policy GP2 of the Rugby Borough Local Plan 2006 and paragraphs 14 and 17 of the National Planning Policy Framework.

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.

NOTE:

This refusal relates to the plans and reports contained in the following schedule:

<u>Plan Description</u>	<u>Plan/Report No.</u>	<u>Date Received</u>
Site Location Plan	EDP3680-24	22-12-16
Topographical Survey	23710 T 1	07-12-16
Proposed Access Plan	21402 08 010 002	09-01-17
Illustrative Masterplan	EDP368035	16-03-17
Parameter Plan	EDP2680-23a	07-12-16
Supporting Planning Statement	-	07-12-16
Supporting Planning Statement Addendum	JSIL1587	27-03-17
- Additional Information Letter		
Design and Access Statement	EPD3680-19b	16-03-17
Air Quality Assessment	21402-12-16-4389	07-12-16
Arboricultural Assessment	EDP3680-03b	16-03-17
Arboricultural Assessment - Access Hedge	21402 08 010 004	09-01-17
Removal and Trim Plan		
Archaeological and Heritage Assessment	EDP3680-01	16-03-17
Geophysical Survey Report	J10621	13-01-17
Ecological Assessment	10056 R03b CE SMC	07-12-16
Addendum to Ecological Assessment Report	10056-R06a	16-03-17
Biodiversity Impact Assessment	10056-R05c	16-03-17
Flood Risk Assessment	21402-12-16-4397 Rev B	16-03-17
Geo-Environmental Investigation Report	BMJ-B1059-00 (R01)	07-12-16
Soils and Agricultural Use and Quality of Land	1269-1	07-12-16
Landscape and Visual Impact Assessment	EDP3680-02d	16-03-17
Landscape and Visual Impact Assessment	L_EDP3680_04a_270317	27-03-17
Addendum		
Noise Assessment	21402-12-16-4388	07-12-16
Socio-Economic Statement	-	09-01-17
Transport Assessment	2140212-164394 A	09-01-17
Access Vehicle Tracking Plan	21402 08 010 005	16-03-17

Reference number: R16/1939

Site address: Former GOJI restaurant, 424 London Road, Stretton On Dunsmore

Description: Demolition of former GOJI restaurant building and erection 7 detached new dwellings including blocking up existing site access points, re-establishment of existing redundant site access with associated external works and landscaping.

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of Site:

The site is located on the north side of the London Road (A45) within an area of the borough designated as Green Belt. The site is previously developed land and currently occupied by a vacant, derelict building that was the subject of a fire a few years ago. As a result the building has become unsightly and dangerous. Its last authorised use was as a restaurant falling within Use Class A3 and the site comprises the building, which had been historically extended, with substantial hard standing around it which formed the parking area for the restaurant. There is also an area of overgrown scrub land to the rear. Access to the site is off both the A45 trunk road to the front of the site and via a smaller access to the side of the site (but front of the building) off Stretton Road although a dropped kerb is also visible further up Stretton Road at the rear of the building in amongst the existing line of conifers.

To the front of the site is the A45 London Road (trunk road) with Stretton Road to one side. On the other side of the site also adjacent to the A45 is an unused petrol filling station. To the rear of the site are agricultural fields. A number of dwellings (occupied and unoccupied) are also within the immediate vicinity along with other agricultural fields. Ground levels on the site are generally level.

Description of Proposed:

Planning permission is sought for the demolition of the GOJI restaurant building and subsequent erection 7 detached new dwellings, the blocking up of 2 existing site access points, the re-establishment of existing redundant site access off Stretton Road, other associated external works and landscaping. As part of the submission the Phase I and II Contaminated Land Investigation, Highway Impact Statement and Noise Report all submitted as part of the approved 2012 outline application have been submitted.

The proposed site layout has been informed by the approved site layout as part of the outline planning approval, for which layout, together with scale and elements of landscaping were matters which were not reserved. The scale of the dwellings, in terms of cubic volume is also comparable to that which was approved as part of the outline submission, albeit that the collective volume of the dwellings proposed would be 6,184 cubic metres, representing a 4.4% reduction in the permitted cubic volume.

Vehicular access to and from the site will be via Stretton Road while a gated pedestrian access will allow access from the site to the public footpath at the side of the A45 London Road. The plans also indicate site boundary treatments along the A45 frontage would include a 1.8m high brick wall.

The dwelling proposed would be a mixture of 2 storey 5 bedroom dwellings (x5) (Type B dwellings) and 2½ storey 6 bedroom dwellings (x2) (Type A dwellings). The proposed Type A dwellings would be approximately 9 metres high to the ridge and 6.4 metres high to the eaves. The proposed Type B dwellings would be 7.5 metres high to the ridge and 5.3 metres to the eaves. Each dwelling would have an attached garage. As a comparable the dwellings permitted as part of the outline submission were all 2 storey in height with ridge heights which varied from 7m to 8m.

Site History:

R12/1128

Outline application with layout, scale and an element of landscaping being considered for the demolition of the fire damaged former restaurant and replacement with the development of 7 residential dwellings with associated access and landscaping.

Approved 24/08/2015 – Case Officer Richard Redford

R16/1126

Erection of 7 dwellings (Submission of reserved matters access, appearance and part landscaping following approval of outline planning permission with layout, scale and part landscaping approved under LPA reference R12/1128 on 24th August 2015)

Withdrawn (due to differences in layout and scale that which was approved as part of the outline permission) 25/07/2016 - Case Officer Richard Redford

Consultee Correspondence:

On initial submission 20/09/16

RBC Environmental Health No objection
Request conditions and informatives as per the previous approval

RBC Tree Officer No objection
Request a condition relating to the provision of a final tree specification for all planting

WCC Archaeology No objection
While having no objection they request a pre-commencement condition.

WCC Ecology No objection
Request 3 informatives attached to the previous approval on the site.

WCC Flood Risk Management No objection

WCC Highway Authority Comment
Further information is required to enable a detailed assessment to occur

Highways England No objections be request condition(s)
Request a condition requiring the existing access from the A45 be blocked up and new pedestrian access provided as shown on the submitted drawing.

Severn Trent Water No objections
Request a condition and an informative

Warwickshire Police No objections
Comments the proposal will reduce traffic with the access to and from Stretton Road being more desirable but has concerns over visibility to the right.

Warwickshire Police Designing Out Crime Officer No objections
While having no objections they request a number of items be incorporated including 1.8m close boarded fencing, the gated access by plot 5 have a lock facility for use by residents only, lighting comply with the relevant British Standard and if approved and implemented the site be made as secure as possible to prevent or reduce crim concerns.

On Amended Plans dated 15th May 2017

WCC Highway Authority no objection subject to conditions and informatives

RBC Environmental Health no objection subject to conditions and informatives

Third Party Correspondence;

On initial submission 20/09/16

Neighbours (1) Concern

Express concern over the proposal and the closure of the access point onto the A45 as their deeds indicate a right of way over the front of the site and seek one of the two access points off the A45 remain.

Parish Council no comments received

On amended submission 15th May 2017

Neighbours no objection

Parish Council no comments received

Relevant Policies

Core Strategy

CS1 Development Strategy
CS2 Parish Plans
CS10 Development Contributions
CS13 Local Services and Community Facilities
CS16 Sustainable Design & Construction
CS19 Affordable Housing

Saved Local Plan Policy

GP2 Landscaping
E6 Biodiversity
H12 Open Space Provision in residential developments in the rural area

Other Material Consideration

Planning Obligations SPD
Open Space, Playing Pitch and Sports Facilities Study Final report Part 4 November 2015

Stretton-on-Dunsmore Parish Plan
Stretton-on-Dunsmore Housing Needs Survey

National Planning Policy

National Planning Policy Framework

Assessment

1. Principle

Core Strategy Policy CS1 sets a settlement hierarchy for locations within the Borough and seeks 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 site is located within an area of the Borough designated as Green Belt, and policy CS1 states that only where National Policy allows will development be permitted. The Stretton-on-Dunsmore Parish Plan 2012 supports the position as set out within policy CS1 that only where very special circumstances exist will development be permitted.

The site currently benefits from outline permission granted in 2015 (ref: R12/1128). This consent could still be implemented, following the submission of reserved matters, and therefore this “fall-back position” is a material consideration when assessing the principle of development and is apportioned significant weight. This outline consent approved 7 residential dwellings with a cumulative volume of 6,455.75m³. This cumulative volume represented a 86% percentage increase in the cumulative volume of the existing building. The case officer for this application permitted this substantial increase in volume based on the status of the site as a brownfield site and the benefits in terms of re-development of the site, given the substantial levels of ground contamination on the site.

The previous application failed to acknowledge that the proposal would represent a form of inappropriate development within the Green Belt, which it would have constituted given the significant percentage increase in volume and site coverage would have had a greater impact upon the openness of the Green Belt and therefore the provision as contained within paragraph 89 would not have applied, which only permits limited infilling or the partial or complete redevelopment of previously development site, where

there would not be a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The proposed development seeks a reduction in the approved volume of 6,455.75m³ to 6,184m³. It is therefore considered that the proposed development would not have a greater increase upon the openness of the Green Belt to that which has already been permitted. Whilst the height of the dwellings are larger than those previously permitted, this height is marginal and therefore would not add any further harm to the openness of the Green Belt, then that which has already been identified. This outline consent approved the sitting and scale of dwellings and this remain a valid permission for the site. As this fall-back position could be implemented it is considered that this is a material consideration which is weighted against the harm by reason of inappropriateness and openness to outweigh the identified harm.

The Stretton-on-Dunsmore Housing Needs Survey is over 5 years and therefore considered out of date. In any event given the viability assessment that was submitted for the previous outline application, it would not have been financial viability to deliver as part of this development the 2 x 2-bed social rented dwellings identified within this Housing Needs Survey.

2. Sustainability

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.

It is considered that the site is within an isolated location and therefore the occupiers of the proposed dwellings would be heavily reliant on the use of the private car. Whilst the NPPF does not suggest occupiers of new development which rely on the car automatically or alone render a location unsustainable, it nevertheless weighs negatively against the development in terms of the environmental dimension. However, taking into consideration its former use as a restaurant and the trips associated with such a use, the previous consented permission, together with the environmental benefits from the decontamination of the site and the introduction of soft landscaping including amenity grass areas, it is considered that these environmental benefits outweigh the negative environmental impact from the heavy reliance of the private car.

3. Design, Layout and Visual Amenity

Policy CS16 of the Core Strategy sets out that 'All development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated'. Paragraph 7.4 of the Core Strategy allows for consideration of the Sustainable Design and Construction SPD which further expands on this policy. Paragraph 17 and Chapter 7 of the NPPF are also relevant and set out the importance of good design in relation to new development.

The proposed development of the site would have a positive contribution to the character and appearance of the area taking into account the existing derelict and unsightly building.

The appearance of the proposed dwelling includes a mixture of brickwork and rendered material, reflecting neighbouring properties within the area. This use of different material also assists in breaking up the scale of the dwellings whilst adding interest. The applicant has added brick course detailing together with an external chimney to blank side elevations to add interest within these elevations.

It is clear that the proposed appearance of the dwellings differs to that which was shown 'indicatively' as part of the outline planning application. In respect to the Type A dwellings the introduction of a hipped roof and set back first floor element, assists in breaking up the scale and bulk of the proposed dwelling. Whilst the front elevations in respect to both Type A and B could be considered as being more 'fussy' than those indicatively shown as part of the outline submission, it does add interest and character to the dwellings. The proposed dwellings would be larger in height to the scale of the dwellings previously permitted. The

applicant has considered reducing the height of the proposed dwellings; however this would have resulted in the loss of the apex and therefore compromised the overall design.

The proposed layout has been militated by the approved layout as part of the outline submission. The proposed dwellings have been arranged in such a manner that would afford each unit good amenities while protecting the amenities of other units in the scheme and wider area. The Council do not have any standard guidance on the amount of amenity space to be provided, and therefore the amount of amenity space is primarily an objective test based on the scale of dwellings and location. The average amount of amenity space equates to 277m² which is considered proportionate to the size of the dwellings and its location.

4. Contributions

Open Space Contributions

Policies H11, H12 and LR1 of the Local Plan require proposals for new residential development of the size proposed to provide appropriate play and open space on site in accordance with the Council's Open Space Standards. Policy LR3 relates to this and sets out the need for new open space provision to be of a high quality and accessible. Further guidance is outlined within the Council's Planning Obligations SPD which recognises that financial contributions may be appropriate to allow off site provision to be provided or improved in a suitably accessible location where these elements cannot be provided on site.

The proposed development would meet the threshold in which financial contributions for open space would be required as set out with National Planning Practice Guidance Planning Obligations and the Council's Planning Obligations SPD. The Council's Open Space, Playing Pitch and Sports Facilities Study Final Report Part 4 November 2015 states that for '*children's play and provision for young people*' the minimum accessibility distance is 400m for a LEAP and 1000m for a NEAP. Given the distance from the site to any nearby LEAP or NEAP which exceeds the minimum accessibility distance it would be unreasonable to seek an off-site financial contribution towards nearby facilities given that it is unlikely that occupants of the proposed development would utilise such facilities.

Affordable Housing

National Planning Practice Guidance Planning Obligations stipulates that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). The proposed development exceeds a combined floorspace of 1,000 square metres.

Policy CS19 of the Core Strategy and the Housing Needs SPD sets out that 33% of new homes should be affordable homes on sites with an area greater than 0.5 hectare.

The proposed site equates to an area of 0.52 hectares of land and therefore affordable housing contributions should be sought. However, given that the outline permission did not seek any affordable housing provision and the site area only exceeds the threshold by 0.02 ha it would be unreasonable to seek an element of affordable housing.

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

Access

The site currently benefits from two existing accesses, one off the London Road (A45) and the other off the Stretton Road. The proposal seeks to block up the existing access off the London Road, and utilise the existing access off Stretton Road to serve the proposed development. WCC Highways have assessed the application and raised no objection subject to conditions. It is therefore considered that the proposed would not have an adverse impact upon highway safety.

Refuse Collection.

The application has been accommodated with a Site Plan showing refuse vehicle tracking within the site, to demonstrate that a refuse vehicle can enter and manoeuvre within the site.

Parking Provisions

For the purposes of assessing car parking standards the site is located within an area of low access. The proposed development comprises of a mixture of 5 and 6 bedroom properties. The Council Planning Obligations SPD states that a minimum of 3 car parking spaces is required. Each property will be provided with an integral garage (5 plots double garage) with sufficient parking in front of these garages for two vehicles. It is therefore considered that the required car parking provision have been achieved within the site.

6. 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 houses. Paragraph 17 of the NPPF 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.

Neighbouring properties are situated to the west of the site with no. 430 London Road being the closest to the proposed application site, and to the east of the site with no. 7 Stretton Road and no. 422 London Road being the closest.

No. 430 London Road

This property is situated to the south-west of the application site. The proposed rear elevation of plot 1 would be positioned 7m from the western site boundary. Taking into consideration the positioning and orientation of this property it is considered that it would not directly overlook this neighbouring property or appear overbearing.

It is therefore considered that the proposed would not adversely impact upon the amenities of this neighbouring property in accordance with policy CS16.

No. 7 Stretton Road and No. 422 London Road

These properties are situated to the south-east of the application site with Stretton Road acting as a physical barrier between these properties and the application site. The rear elevation of Plot 7 would be orientation towards these neighbouring properties with the rear elevation positioned 17m from the site boundary and 27m from the elevations of 7 Stretton Road. Given the distances to this neighbouring property it is not considered that the proposed would not adversely impact upon the amenities of this neighbouring property in accordance with policy CS16.

7. Contamination

The NPPF 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).

The application has been accompanied with Phase I and Phase II Geo-Environmental Investigation dated 2015. This document has been reviewed by the Council's Environmental Services and generally supported subject to further investigations being undertaken to assess the risk from the old petrol station.

Conclusion

It is acknowledged that the proposal would represent a form of inappropriate development within the Green Belt and harm the openness of the Green Belt, whilst being within a location where occupiers would be reliant on the private car, it is considered that 'very special' circumstances exist in this case to outweigh the identified harm to the Green Belt. These very special circumstances include the fall-back position of the extant outline planning permission for the development of the site, the former use of the site existing ground contamination which requires mitigation and the dangerous and unsightly condition of the site following fire damage. It is therefore considered, on balance, given the history related to the site that the proposed development is acceptable.

Recommendation

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

APPLICATION NUMBER

R16/1939

DATE VALID

15/05/2017

ADDRESS OF DEVELOPMENT

Former GOJI Restaurant
424 London Road
Stretton on Dunsmore
Rugby
CV23 9HN

APPLICANT/AGENT

Mr John Thorne
Thorne Architecture Limited
The Creative Industry Centre
Wolverhampton Science Park
Wolverhampton
West Midlands
WV10 9TG
On behalf of MR C HONG LIN

APPLICATION DESCRIPTION

Demolition of former GOJI restaurant building and erection 7 detached new dwellings including blocking up existing site access points, re-establishment of existing redundant site access with associated external works 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:

- Noise Assessment dated 16th December 2014
- Phase I and Phase II Geo-Environmental Investigation January 2015
- Existing Location and Block Plan Drg No 000
- Proposed Site Plan Drg. No. 900 Rev E
- Proposed Plans and Elevations (Type A) Drg. No. 002 Rev C
- Proposed Plans and Elevations (Type A) Drg. No. 003 Rev C

REASON:

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

CONDITION: 3

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

REASON:

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

CONDITION: 4

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

REASON:

In the interest of visual amenity.

CONDITION: 5

No 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 development shall commence unless and until:

- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- 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 Local 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 Local Planning Authority. 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.

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:

In the interest of archaeology.

CONDITION: 7

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, B, C, D, E and F 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: 8

The existing site access from the A45 should be stopped up and the proposed new pedestrian access provided, all as illustrated on drawing no. 900 Rev D, prior to occupation of the development.

REASON

In the interest of highway safety

CONDITION: 9

Access for vehicles to the site shall not be made or maintained from any public highway other than Stretton Road, Stretton on Dunsmore.

REASON

In the interest of highway safety

CONDITION: 10

Access for vehicles to the site from the public highway, Stretton Road, Stretton on Dunsmore shall not be made other than at the position identified on the approved drawing number 900, Rev D and at a position whereby the visibility splay requirements stated in condition 15 will be satisfied.

REASON

In the interest of highway safety

CONDITION: 11

The development shall not be commenced until an access for vehicles has been provided to the site not less than 5.0 metres in width at any point, as measured from the near edge of the public highway carriageway.

REASON

In the interest of highway safety

CONDITION: 12

The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its 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: 13

The access to the site shall not be constructed 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: 14

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

REASON:

In the interest of Highway Safety

CONDITION: 15

The development shall not be commenced until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 45 metres (to the right of the egress (southerly direction) and 120 metres (to the left of the egress (northerly direction) to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interest of Highway Safety

CONDITION: 16

The development shall not be commenced until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interest of Highway Safety

CONDITION: 17

The proposed garages shall only be used for the accommodation of vehicles and for no other purpose.

REASON

To ensure that sufficient car parking standards are maintained

CONDITION: 18

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: 19

No development shall commence unless and until an acoustic report has been submitted to and approved by the LPA. Any necessary mitigation works shall be carried out in accordance with the details approved and thereafter maintained to the satisfaction of the LPA.

REASON

In the interest of amenity

CONDITION: 20

No development shall commence unless and until a Construction and Environmental Management Plan has been submitted to and approved by the LPA. Development shall not be carried out other than in accordance with the approved details.

REASON

In the interest of amenity

CONDITION: 21

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, 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.

(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: 22

The development hereby permitted (including demolition) shall not commence until bat activity surveys of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

REASON:

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

CONDITION: 23

No development shall take place until full details of a Protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- a) An initial assessment survey of the site by a suitably qualified ecologist to determine the possible presence of protected species including great crested newt, badger and nesting birds.
- b) Details of appropriate mitigation measures and contingency plans for such a protected species, including further surveys if deemed necessary.

The surveys, mitigation and contingency measures shall be implemented in accordance with the approved plans, unless otherwise approved in writing by the local planning authority.

REASON:

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

CONDITION: 24

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.

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**ECOLOGY**

The applicant is respectfully advised that if additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants. 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.

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 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, the latter of which deems them a European Protected Species. Bats, birds and other nocturnal mammals should always be taken into account when lighting is being considered. For further advice on this please contact the WCC Ecological Services on 01926 418060.

INFORMATIVE: 2

Highways

The applicant / developer is required to contribute £75 per dwelling for sustainable welcome packs; promoting sustainable living and to deliver road safety education in the area.

Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

A number of conditions require that the estate roads including footways and verges are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway Authority's standard specification. The applicant / developer are advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads.

The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980.

An application to enter into a Section 38 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 Street Works 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.

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.

There are a number of conditions which require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days' notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. 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. 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.

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.

The highway mitigation works associated with this consent involve works within the public highway, which is land over which the applicant has no control. Highways England therefore requires the applicant to enter into a suitable 278 Agreement to cover the design check, construction and supervision of works. Contact

should be made with Highways England's Section 278 Business Manager David Steventon on david.steventon@highwaysengland.co.uk.

The applicant should be made aware that any works undertaken on Highways England's network are carried out under the Network Occupancy Management policy which currently requires notification of a booking 12 months prior to the proposed start date. Exemptions to these bookings can be made but only if valid reasons can be given to prove they will not affect journey time reliability and safety.

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions – 1 st June 2017 to 28 th June 2017
Name of Committee:	Planning Committee
Date:	26th July 2017
Report Director:	Head of Growth and Investment
Portfolio:	
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Dan McGahey 3774
Public or Private:	Public
Report subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	No
Corporate Priorities:	
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 - 26th July 2017

Delegated Decisions – 1st June 2017 to 28th June 2017

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:
26th July 2017

Subject Matter:
Delegated Decisions – 1st June 2017 to 28th June 2017

Originating Department:

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 01.06.2017 TO 28.06.2017

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R17/0445 Refused 14.06.2017</i>	Moonhill Barn London Road Stretton on Dunsmore Rugby	Retention of single-storey wooden lodge on wheeled chassis to provide temporary office and living accommodation.
<i>R17/0608 Refused 16.06.2017</i>	Copston Fields Farm Mere Lane Copston Magna	Renovation of existing farmhouse with the addition of a two storey extension to the front, side and rear.
<i>R17/0297 Refused 19.06.2017</i>	The Royal Oak 233 Lawford Road New Bilton	Erection of a car repairs and servicing centre.
Applications Approved		
<i>R17/0468 Approved 19.05.2017</i>	63 Cromwell Road Hillmorton	1 bedroom detached dwelling (re-submission of R13/1004).
<i>R17/0637 Approved 19.05.2017</i>	Home Farm Main Street Broadwell	Construction of new agricultural building.
<i>R17/0612 Approved 19.05.2017</i>	Home Farm Main Street Broadwell	Extensions to existing agricultural building.
<i>R17/0635 Approved 19.05.2017</i>	Home Farm Main Street Broadwell	Construction of new agricultural building linked to existing agricultural building.
<i>R17/0551 Approved 05.05.2017</i>	50 Long Furlong Rugby	Erection of a two storey extension to the front and rear of the property (amendment to planning permission reference R14/2374, dated 22/01/15).
<i>R17/0100</i>	Chestnut Hall	Change of use of premises for mixed use as a

<i>Approved</i> 22.05.2017	2 Southam Road Dunchurch	coffee shop, bistro and takeaway with retail of local goods (Classes A1, A3, A4 and A5 of the Town and Country Planning (Use Classes) Order 1987 as amended).
<i>R17/0742</i> <i>Approved</i> 01.06.2017	17 Badby Leys Rugby	Erection of first floor side extension
<i>R17/0703</i> <i>Approved</i> 01.06.2017	2 Beaconsfield Avenue Rugby	Demolition of existing conservatory and erection of rear extension
<i>R17/0690</i> <i>Approved</i> 01.06.2017	Old House Farm Sawbridge Road Rugby	Erection of a two-storey linked extension together with a sunken terrace
<i>R17/0727</i> <i>Approved</i> 01.06.2017	Flecknoe House Farm Sawbridge Road Wolfhamcote	Removal of condition 13 of approval R15/1251 (Conversion of single storey agricultural building to a residential dwelling including raising of roof, conversion of single storey stable building to garage in association with barn conversion to residential, demolition of existing agricultural building and provision of additional access road and garden area) dated 11th February 2016
<i>R17/0700</i> <i>Approved</i> 02.06.2017	2 Horton Lodge Vicarage Lane Rugby	Demolition of existing conservatory to replace with new, erection of entrance porch and demolition of existing porch/ utility and replacement with new
<i>R17/0538</i> <i>Approved</i> 02.06.2017	6 Dunchurch Hall Dunchurch	Replacement of existing windows with UPVC
<i>R17/0752</i> <i>Approved</i> 02.06.2017	42 North Road Clifton Upon Dunsmore	Erection of porch and alterations
<i>R16/1319</i> <i>Approved</i> 03.06.2017	7 Poplar Grove Ryton on Dunsmore Coventry	Erection of a part two storey, part single storey rear extension.
<i>R17/0013</i> <i>Approved</i> 03.06.2017	19 Gentian Way Brownsover Rugby	Replacement of existing conservatory with a flat roofed rear extension, to include a roof lantern.

<i>R17/0560 Approved 03.06.2017</i>	136 Ashlawn Road Rugby	Erection of a boundary fence to the front of the principle elevation (retrospective).
<i>R17/0371 Approved 03.06.2017</i>	126 Cymbeline Way Bilton Rugby	Erection of a shed to the rear of the property.
<i>R17/0688 Approved 05.06.2017</i>	Suite 1 Part First Floor Stationers House 17 Bank Street Rugby	Change of use from Office B1 to Retail A1.
<i>R17/0479 Approved 05.06.2017</i>	Gwenarth Main Street Easenhall Rugby	Erection of a single storey rear/side extension and a detached garage.
<i>R17/0646 Approved 05.06.2017</i>	2 Penny Lane Rugby	Loft conversion with 2 front and 1 rear dormer windows.
<i>R17/0776 Approved 05.06.2017</i>	Ellangowan Main Road Ansty	Erection of a single-storey side extension.
<i>R17/0778 Approved 05.06.2017</i>	13 Whitehall Road Rugby	Advertisement consent for a projecting sign fitted to a steel post.
<i>R17/0716 Approved 05.06.2017</i>	Gillan Cottage The Green Churchover	Demolition of existing garage and store and replacement with a new garage and store facility.
<i>R17/0808 Approved 06.06.2017</i>	146 Rugby Road Binley Woods	Erection of single storey rear extension and provision of dropped kerb.
<i>R17/0826 Approved 06.06.2017</i>	82 Heather Road Binley Woods	Erection of extension to front and conversion of room to garage.
<i>R17/0489 Approved 06.06.2017</i>	Tree Tops Oxford Road Princethorpe	Change of use of land for use as a caravan and camping to include the provision of 9 pitches.
<i>R17/0330</i>	3 Fern Cottages	Provision of a dropped kerb.

<i>Approved 06.06.2017</i>	Rugby Road Brinklow	
<i>R17/0432 Approved 06.06.2017</i>	Rear of 47 Hillmorton Road Rugby	Demolition of existing outbuilding and erection of pair of semi-detached dwellings and additional garage for No.47 (Resubmission of a previously approved scheme for the demolition of existing outbuilding and erection of pair of semi-detached dwellings and additional garage for No.47 under planning reference number R12/1432 granted 3rd December 2012).
<i>R17/0419 Approved 06.06.2017</i>	Tree Tops Oxford Road Princethorpe	Change of use of land for the siting of two mobile homes (removal of existing mobile home (approved as part of planning permission ref: R14/0857) and replacement with two smaller units).
<i>R17/0829 Approved 06.06.2017</i>	23 Myers Road Hillmorton	Demolition of existing conservatory and erection of a single storey rear extension.
<i>R17/0299 Approved 07.06.2017</i>	53 Benn Street Rugby	Erection of a single storey rear extension.
<i>R16/0939 Approved 07.06.2017</i>	62 Deerings Road Hillmorton	Conversion of part of double garage to ancillary living accommodation.
<i>R17/0767 Approved 07.06.2017</i>	42 Chaucer Road Rugby	Erection of a single storey front extension.
<i>R17/0744 Approved 07.06.2017</i>	36 Weston Close Rugby	Erection of a single storey front, side and rear extension and the retention of an outbuilding in the rear garden.
<i>R17/0766 Approved 08.06.2017</i>	The Nothe Pudding Bag Lane Thurlaston	Erection of a first floor side extension and conversion of garage to study.
<i>R16/1628 Approved 08.06.2017</i>	12 Scafell Brownsover	Erection of a first floor rear extension.
<i>R17/0780</i>	The Stone House	Proposed extensions and re cladding of

<i>Approved 09.06.2017</i>	Flecknoe Road Flecknoe	existing dormer extension.
<i>R16/1656 Approved 09.06.2017</i>	Methodist Church Russelsheim Way	Proposed repair, refurbishment and remodelling of the entrance, to include a proposed small extension.
<i>R17/0498 Approved 09.06.2017</i>	41 King Edward Road Rugby	Conversion of existing house (offices) and workshop to 7 no. 2-bed units and erection of new 2-bed Duplex.
<i>R17/0745 Approved 12.06.2017</i>	5 Fosse Way Stretton on Dunsmore	Erection of two storey side extension, front porch and single storey rear extension.
<i>R17/0891 Approved 12.06.2017</i>	15 North Street Rugby	Change of use from Use Class A2 (financial and professional services) to Use Class A5 (hot food takeaway).
<i>R17/0682 Approved 12.06.2017</i>	Ashurst Farm Coalpit Lane Wolvey	Proposed new agricultural barn.
<i>R17/0597 Approved 12.06.2017</i>	Henry Doubleday Research Ryton Organic Gardens Wolston Lane	Installation of two shipping containers, covered open sided timber structure with associated permeable hardstanding for research into sustainable drainage including the formation of new composting area.
<i>R17/0860 Approved 13.06.2017</i>	43 Lime Tree Avenue Rugby	Erection of extensions and detached garage
<i>R17/0484 Approved 13.06.2017</i>	Land adjacent to 24 Bawnmore Road Rugby	Conversion and extension of a redundant electrical sub-station to create 1 No. dwelling with associated car parking and the erection of a car port
<i>R16/1922 Approved 13.06.2017</i>	Jaguar Land Rover Unit 3 Prologis Ryton Imperial Road Ryton on Dunsmore Rugby	Installation of additional security fencing.
<i>R16/0779 Approved 13.06.2017</i>	Land rear of 42 Hillmorton Road Rugby	Erection of three new dwellings.

<i>R17/0652</i> Approved 13.06.2017	19 Hillmorton Road Rugby	Erection of three car garage to rear after demolition of existing garage.
<i>R17/0898</i> Approved 14.06.2017	3 Browning Road Hillmorton Rugby	Erection of single storey side and rear extension to bungalow and new detached garage
<i>R17/0549</i> Approved 14.06.2017	Kirby Gate Main Street Monks Kirby	Proposed single storey side extension to dwelling, plus new pitched roof to existing garage
<i>R17/0714</i> Approved 14.06.2017	10 Finmere Rugby	Conversion of the existing attached garage to ancillary living accommodation
<i>R17/0724</i> Approved 14.06.2017	8 Haswell Close Rugby	Erection of a single storey side extension
<i>R16/0581</i> Approved 14.06.2017	Goodrest Cottage Rugby Road Brandon	Demolition of the existing detached garage and the erection of a replacement timber framed garage
<i>R17/0036</i> Approved 14.06.2017	Land South of 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>R15/1272</i> Approved 15.06.2017	Land rear of 20 Church Road Ryton on Dunsmore	Erection of two new dwellings (outline - access, layout and scale only)
<i>R17/0630</i> Approved 15.06.2017	Fosse Bungalow Fosse Way Rugby	Proposed conversion of existing stable block to form a 3 bedroom dwelling house, together with the erection of a single storey extension.
<i>R17/0876</i> Approved 15.06.2017	Vets4Pets 213 Bilton Road Rugby	Variation of condition 6 of planning permission R11/1070 granted 29th September 2011 for change of use of premises from A1 (retail) use to a Veterinary Surgery (Use Class D1) with ancillary retail counter to increase the existing opening hours of the surgery.
<i>R17/0847</i> Approved	4 High Street Rugby	Change of use of ground and first floor from retail (A1) to leisure (D2).

15.06.2017		
<i>R17/0743 Approved 16.06.2017</i>	22 Lawford Lane Rugby	Erection of a pair of semi-detached bungalows together with the erection of a detached garage.
<i>R17/0314 Approved 16.06.2017</i>	Land adjacent to 33 Oliver Street Rugby	Subdivision of the site, erection of a dwelling and associated works including provision of 2no.parking spaces to the rear.
<i>R17/0922 Approved 16.06.2017</i>	VS Rugby Association Football Club Rugby Town Football Club Butlin Road Rugby	Removal of 8no. 16m floodlights and erection of 4no. 18m floodlights
<i>R17/0815 Approved 19.06.2017</i>	20A Clifton Road Rugby	Erection of single storey rear extension with new flat roof to existing extension
<i>R17/0902 Approved 19.06.2017</i>	Land Adjacent to Listers Chemist Bow Fell Brownsover	Erection of a pharmacy to the ground floor and dental practice to the first floor.
<i>R17/0806 Approved 19.06.2017</i>	71 Bawnmore Road Rugby	Erection of a front garden wall
<i>R17/0823 Approved 19.06.2017</i>	Disused Railway Line West of Nethercote Road Flecknoe	Erection of a detached 5-bed dwelling with ancillary, associated outbuildings comprising a detached garage and store building and a stable and tack building. Erection of gates. Provision of an agricultural barn, a 12 horse stable tack and feed building, a horse walker and a 30m by 40m polo arena / ménage all for personal purposes. Associated landscaping and access works (Variation of condition 2 of approved planning permission ref: R13/2000 dated 28/01/2015 to substitute approved plans with amended plans to include the repositioning of proposed agricultural building and the insertion of rooflights within the roof of the proposed garage and stable block).
<i>R17/0833 Approved 19.06.2017</i>	119 Lytham Road Rugby	Erection of a detached dwelling (Amendment to a previously approved scheme for erection of a dwelling under R15/2542 granted 21st April 2016)

<i>R17/0529 Approved 19.06.2017</i>	Highgate House Coventry Road Dunchurch	Erection of a bungalow, amendment to previously approved planning application R10/0180
<i>R17/0908 Approved 19.06.2017</i>	The Woodlands Coventry Road Cawston	Erection of a single storey rear extension.
<i>R17/0933 Approved 21.06.2017</i>	1 Kareen Grove Binley Woods	Erection of single storey rear and porch extensions.
<i>R17/0818 Approved 21.06.2017</i>	Land South of Brandon Wood Farm Brandon Lane Rugby	Construction of two agricultural buildings and associated works.
<i>R17/0043 Approved 21.06.2017</i>	Shaw School of Dancing Jubilee Street Rugby	Erection of six new flats.
<i>R17/0930 Approved 22.06.2017</i>	222 Hillmorton Road Rugby	Proposed replacement of existing 1.5m high side wall and pillars with a 1.8m high wall and pillars
<i>R14/0248 Approved 22.06.2017</i>	Land adjacent to Nunswold House Burnthurst Lane Princethorpe Rugby	Continuation of use of stables for agricultural purposes.
<i>R17/0433 Approved 22.06.2017</i>	136 Main Street Wolston Rugby	Demolition of existing attached outbuildings and replacement with ancillary living accommodation.
<i>R17/0909 Approved 22.06.2017</i>	13 Lutterworth Road Brinklow Rugby	The enlargement of one existing basement light-well and the creation of a further new basement light-well to form fire escapes from the refurbished basement.
<i>R17/0490 Approved 22.06.2017</i>	62 High Street Ryton on Dunsmore	Erection of a two storey side extension
<i>R17/0144 Approved</i>	9 Woodlands Road Binley Woods	Extension and alteration of the existing bungalow to create first floor accommodation

23.06.2017		including raising of the ridge height, and erection of a single storey front extension and a porch.
R17/0503 Approved 23.06.2017	Fourways Main Street Brandon Rugby	Retention of boundary fence to boundary with adjoining property (Park View). Replacement of fencing along the front boundary and the inclusion of trellising.
R17/0914 Approved 26.06.2017	8 The Crescent Rugby	Demolition of existing buildings and erection of a double garage.
R17/0825 Approved 26.06.2017	2 Bagshaw Close Ryton on Dunsmore	Change of use from mixed Class A1 (retail), Class A3 (food for on-site consumption) and Class A4 (drinking establishment) to mixed use Class A3 (food for on-site consumption), Class A4 (drinking establishment) and Class A5 (hot food takeaway) of the Town and Country Planning (Use Classes) Order 1987 as amended.
R17/0822 Approved 26.06.2017	Wolston Surgery School Street Wolston	Erection of single storey front relocated reception and waiting area, with two new consulting rooms to the rear of health centre
R17/0814 Approved 26.06.2017	32 Sheridan Close Rugby	Erection of a single storey rear and side extension to bungalow
R16/2397 Approved 26.06.2017	62 Lime Tree Avenue Rugby	Erection of a triple bay garage.
R17/0784 Approved 27.06.2017	140 Railway Terrace Rugby	Proposed change of use of first floor into 1no. 1 bed flat and 2no. 1bed studio apartments with rear first floor extension above existing single storey and new door opening at ground floor front elevation
R17/0773 Approved 28.06.2017	59 Shakespeare Gardens Rugby	Erection of two storey side extension and single storey rear extension
R17/0953 Approved 28.06.2017	74 Claremont Road Rugby	Erection of first floor rear extension

Prior Approval Applications		
<i>R17/0718 Prior Approval Not Required 02.06.2017</i>	29 Ashman Avenue Rugby	Prior Approval application for the erection of a single storey rear extension projecting 4.3 metres from the original rear elevation of the dwelling, 2.3 metres to the eaves height, with a maximum height of 3.3 metres.
<i>R17/0836 Prior Approval Not Required 07.06.2017</i>	6 Sandford Way Rugby	Prior Approval Application for the erection of a rear extension measuring 5.0 metres in depth; 3.5 metres in height to the ridge; and 2.8 metres in height to the eaves.
<i>R17/0426 Prior Approval Not Required 07.06.2017</i>	41 Southfield Road Rugby	Prior Approval application for a single storey rear extension projecting 6 metres from the original rear elevation of the dwelling, 5 metres in width, 3 metres to the eaves with a maximum height to the ridge of 3 metres.
<i>R17/0871 Prior Approval Not Required 07.06.2017</i>	7 Holbrook Avenue Rugby	Prior Approval application for a single storey rear extension projecting 6 metres from the original rear elevation of the dwelling, 3.008 metres width, 2.2 metres to the eaves with a maximum height to the ridge of 3.123 metres.
<i>R17/0080 Prior Approval Required and Approved 09.06.2017</i>	Barn at Manor Farm Draycote Road Draycote	Prior notification of intention to convert existing brick agricultural building to a single dwelling house.
<i>R17/0912 Prior Approval Not Required 13.06.2017</i>	3 Hampden Way Rugby	Prior approval for the erection of a single storey rear extension.
<i>R17/0918 Prior Approval Required and Approved 14.06.2017</i>	Barn Farm Bow Lane Withybrook	Notification for the change of use of one agricultural building to dwelling houses.
<i>R17/0893 Prior Approval Not Required 15.06.2017</i>	42 Drummond Road Rugby	Prior Approval Application for the erection of a rear extension measuring 4.3 metres in depth; 3.2 metres in height to the ridge; and 2.2 metres in height to the eaves
<i>R17/0940 Prior Approval Not</i>	229 Bilton Road Bilton	Prior Approval - Single Storey Rear Extension 5.4 Metres Depth x 4 Metres Height x 3.17

<i>Required 20.06.2017</i>		Metres Height to Eaves.
<i>R17/0911 Prior Approval Not Required 21.06.2017</i>	64 Benn Street Rugby	Prior approval for the erection of a single storey rear extension.
<i>R17/0960 Prior Approval Not Required 22.06.2017</i>	7 South Road Rugby	Prior approval for erection of single storey rear extension projecting 4 metres from the original rear elevation of the dwelling, 2.26 metres to the eaves height, with a maximum height of 3.55 metres
Advertisement Consent		
<i>R17/0572 Advertisement Consent 10.05.2017</i>	Rugby Police Station Newbold Road Rugby	Replacement of existing three sided totem sign with an illuminated double-sided totem sign in same location.
<i>R17/0569 Advertisement Consent 19.05.2017</i>	11 Clifton Road Rugby	The proposed installation of ATM to be installed through existing glazing to the left hand side of the shop front. Replacing the existing glazing with white laminate composite security panel (incorporating the ATM fascia with a black bezel surround and white internally illuminated lettering, Free Cash Withdrawals out of black background. Blue LED halo illumination to the ATM surround (286.478cd/m).
<i>R17/0570 Advertisement Consent 19.05.2017</i>	11 Clifton Road Rugby	The proposed installation of ATM to be installed through existing glazing to the left hand side of the shop front. Replacing the existing glazing with white laminate composite security panel (incorporating the ATM fascia with a black bezel surround and white internally illuminated lettering, Free Cash Withdrawals out of black background. Blue LED halo illumination to the ATM surround (286.478cd/m).
<i>R17/0298 Advertisement Consent – Refused 19.06.2017</i>	The Royal Oak 233 Lawford Road New Bilton	Erection of 10 fascia signs and 1 totem.
Certificate of Lawful Use or Development		

<i>R17/0997 Certificate of Lawful Use or Development 12.06.2017</i>	26A Rugby Road Dunchurch	Certificate of lawfulness for proposed use for erection of single storey rear extension.
<i>R17/0949 Certificate of Lawful Use or Development 22.06.2017</i>	Rose Cottage Rugby Road Bretford Rugby	Certificate of Lawfulness for existing use related to approval R14/0901 dated 23rd June 2014 for the formation of a new vehicular access.
Listed Building Consent		
<i>R17/0691 Listed Building Consent 01.06.2017</i>	Old House Farm Sawbridge Road Rugby	Listed Building Consent for the erection of a two-storey linked extension together with a sunken terrace
<i>R17/0481 Listed Building Consent 05.06.2017</i>	Gwenarth Main Street Easenhall Rugby	Listed Building Consent for the erection of a single storey rear/side extension and a detached garage.
<i>R17/0781 Listed Building Consent 09.06.2017</i>	The Stone House Flecknoe Road Flecknoe	Listed Building Consent for demolition of existing lean-to extension and erection of proposed extensions and re cladding of existing dormer extension.
<i>R17/0848 Listed Building Consent 16.06.2017</i>	4 High Street Rugby	Listed building consent for the internal and external alterations.
Approval of Details/ Materials		
<i>R17/0450 Approval of Details 01.06.2017</i>	Laburnum Lodge Biggin Hall Lane Thurlaston Rugby	Extensions and alterations to dwelling.
<i>R14/2302 Approval of Details 01.06.2017</i>	Home Farm Main Street Broadwell	Conversion of existing barn together with alterations to form a single dwelling house including the demolition of existing agricultural farm buildings (Identical to scheme previously approved under R12/1524 dated 26th October 2012)
<i>R14/0363</i>	43 Bilton Road	Erection of a Coach House style two-

<i>Approval of Details</i> 01.06.2017	Rugby	bedroomed dwelling to the rear of no. 43 Bilton Road
<i>R16/1033</i> <i>Approval of Reserved Matters</i> 01.06.2017	Rugby Radio Station (Key Phase 2) Crick Road Hillmorton Rugby	Key Phase 2 Parcel B and Parcel C (part) - Submission of reserved matters comprising access, appearance, landscaping, layout and scale for the erection of 183 dwellings together with associated highways, landscaping, pocket parks and ancillary works pursuant to outline planning permission ref.no R11/0699 dated 21st May 2014.
<i>R15/1448</i> <i>Approval of Details</i> 01.06.2017	26 Lawford Lane Rugby	Erection of six flats.
<i>R11/1521</i> <i>Approval of Details</i> 02.06.2017	Land South of Coventry Road and North East of Cawston Lane Coventry Road Cawston Rugby	Erection of 250 dwellings with associated works: Approval of reserved matters in relation to outline planning application R11/1521 (development of up to 250 dwellings (Use Class C3), with means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure.)
<i>R11/1521 & R16/0984</i> <i>Approval of Details</i> 02.06.2017	Land South of Coventry Road and North East of Cawston Lane Coventry Road Cawston Rugby	Erection of 250 dwellings with associated works: Approval of reserved matters in relation to outline planning application R11/1521 (development of up to 250 dwellings (Use Class C3), with means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure.)
<i>R16/1722</i> <i>Approval of Details</i> 06.06.2017	Land rear of 22 The Green Bilton	Erection of 5 dwellings (comprising of 1 no. 2 bedroom bungalow, 2 no. 3 bedroom semi-detached dwellings and 2 no. 2 bedroom semi-detached dwelling), together with alterations to existing accesses.
<i>R12/1353</i> <i>Approval of Details</i> 07.06.2017	Coton House Lutterworth Road Churchover	A Hybrid Planning Application seeking Full Planning Permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8

		<p>dwelling, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J & K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and</p> <p>Outline Planning Permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) (76 dwellings in total).</p>
<p>R15/1124 <i>Approval of Details</i> 09.06.2017</p>	<p>Coton House Lutterworth Road Churchover</p>	<p>Retention of an acoustic bund to south of Coton House with fencing and landscaping.</p>
<p>R16/2334 <i>Approval of Details</i> 09.06.2017</p>	<p>Former Haywaggon The Green Churchover</p>	<p>Demolition of former public house and erection of a new detached dwelling house with a detached outbuilding to be used as a double garage and plant room with storage above.</p>
<p>R17/0912 <i>Approval of Details</i> 13.06.2017</p>	<p>3 Hampden Way Rugby</p>	<p>Prior approval for the erection of a single storey rear extension.</p>
<p>R14/2302 <i>Approval of Details</i> 13.06.2017</p>	<p>Home Farm Main Street Broadwell</p>	<p>Conversion of existing barn together with alterations to form a single dwelling house including the demolition of existing agricultural farm buildings (Identical to scheme previously approved under R12/1524 dated 26th October 2012)</p>
<p>R16/2195 <i>Approval of Reserved Matters</i> 15.06.2017</p>	<p>Radio Station Rugby – Key Phase 2 Crick Road Rugby</p>	<p>Key Phase 2 Parcel D - Submission of reserved matters comprising access, appearance, landscaping, layout and scale for the erection of 186 dwellings together with associated highways, landscaping and ancillary works pursuant to outline planning permission ref.no R11/0699 dated 21st May 2014.</p>
<p>R15/2277 <i>Approval of Details</i> 16.06.2017</p>	<p>6 Castle Street Rugby</p>	<p>Change of use from an ex- serviceman's club to Use Class A3 (restaurant) with extension to roof space to provide 4 apartments at first and second floor level</p>
<p>R17/0109 <i>Approval of Details</i> 20.06.2017</p>	<p>38 Rugby Lane Stretton on Dunsmore</p>	<p>Erection of a first floor front extension, first floor side extension, and two storey rear extension, to include the addition of two dormer windows</p>

		on the rear elevation.
R13/0497 <i>Approval of Details</i> 21.06.2017	Land at Gipsy Lane Gipsy Lane Wolvey	Erection of stable building to include 4no. stables, tack room and store, and construction of menage.
R16/1933 <i>Approval of Details</i> 21.06.2017	Land South of Back Lane Back Lane Long Lawford	Variation of condition 2 of R12/1188 (Erection of 112 dwellings, associated infrastructure and landscaping, demolition of existing buildings.) to make amendments to approved housetypes and garages and repositioning of plots 16-24.
R16/2546 <i>Approval of Details</i> 21.06.2017	Yew Tree Hall Brookside Stretton on Dunsmore	Conversion and external alterations of existing outbuildings to form 2no. Dwellings, together with the construction of an additional dwelling house, erection of 3no. double garages and provision of new access. (Variation of condition 2 of approved planning permission R15/2068 dated 28/09/2016 to amend approved drawings to include a substitution of house type from a proposed two storey dwelling house to a single storey dwelling).
R16/1944 <i>Approval of Details</i> 27.06.2017	Land at Tennis Courts at Rugby School Sports Centre Horton Crescent Rugby	Erection of 2 (no.) two storey buildings and associated landscaping (in association with planning application R16/1945 - Demolition of an unlisted single storey outbuilding within a conservation area).
R16/0498 <i>Approval of Details</i> 27.06.2017	Manor Farm Coalpit Lane Lawford Heath Rugby	Listed building consent for repairs to farmhouse
Approval of Non Material Changes		
R15/0984 <i>Approval of Non Material Changes</i> 01.06.2017	Britvic Soft Drinks Ltd Aventine Way Rugby	Erection of an industrial/distribution facility (Use Class B8) with underground tunnel link to existing building, to include first floor accommodation, gatehouse and associated access, car parking and landscaping.
R16/1387 <i>Approval of Non Material Changes</i> 12.06.2017	Former Tribune Trading Estate Leicester Road Rugby	Demolition and comprehensive redevelopment comprising 9 new (Class A1) retail units and a restaurant/café (Class A3), vehicular access and servicing facilities, junction improvements, car parking and cycle parking, hard and soft landscaping and associated works.

<i>R15/1156 Approval of Non Material Changes 14.06.2017</i>	Stonemarket Oxford Road Ryton on Dunsmore	Planning application to erect and operate a mortar batching plant, ancillary plant and machinery, a portable office and use of existing aggregate bays.
<i>R16/2080 Approval of Non Material Changes 20.06.2017</i>	305 Rugby Road Binley Woods	Erection of a first floor extension to existing dwelling.
Withdrawn		
<i>R15/2010 Withdrawn 05.06.2017</i>	The Paddocks Top Road Coventry	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)
<i>R15/2015 Withdrawn 05.06.2017</i>	The Paddocks Top Road Barnacle Coventry	Retention of the use of land as a private gypsy 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.
<i>R17/1058 Withdrawn 21.06.2017</i>	206 Dunchurch Road Rugby	Erection of 3 dwellings, garaging, access improvements and associated works.
<i>R17/0845 Withdrawn 21.06.2017</i>	65 Vernon Avenue Rugby	Prior notification for the rear extension measuring 6 metres in depth; 2.9 metres in height to the ridge; and 2.7 metres in height to the eaves.
<i>R14/0309 Withdrawn 23.06.2017</i>	Former Alba Site Mill Road Rugby	Mixed use development comprising of: up to 5 non-food retail units (A1 Use Class), up to 2 restaurant units (A3 Use Class), up to 18 business units (B1 Use Class), up to 29 residential houses (C3 Use Class), up to 103 residential apartments (C3 Use Class), up to 15 live-work units (Sui-Generis Use Class comprising up to 15 residential dwellings (C3 Use Class) with linked retail (A1 Use Class) and/or business (B1 Use Class) floorspace). To include associated areas of car parking, landscaping, open space, roads and related infrastructure. All existing buildings to be demolished. (Outline planning application to include access with layout, scale, appearance and landscaping reserved).

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