



27 October 2022

PLANNING COMMITTEE - 9 NOVEMBER 2022

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 9 November 2022 in the Council Chamber at the Town Hall, Rugby.

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

Mannie Ketley
Chief Executive

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 12 October 2022.
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. Planning Appeals Update
7. Delegated Decisions – 22 September to 19 October 2022

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

Membership of the Committee:

Councillors Gillias (Chairman), Mrs Brown, Daly, Eccleson, Mrs Hassell, Lawrence, Lewis, Mrs Maoudis, Sandison, Slinger, Srivastava and Willis

If you have any general queries with regard to this agenda please contact Veronika Beckova, Democratic Services Officer (01788 533591 or e-mail veronika.beckova@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

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

Planning Committee – 9 November 2022

Report of the Chief Officer for Growth and Investment

Applications for Consideration

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Item	Application Ref Number	Location site and description	Page number
1	R15/1366	Land on the East Side of Kilsby Lane, Hillmorton, Rugby Outline planning permission for the erection of up to 130 dwelling houses, including vehicular access from Kilsby Lane, open space, landscaping, surface attenuation pond, pedestrian and cycle links to Crick Road together with associated works (all matters reserved with the exception of access (in part) from Kilsby Lane).	3
2	R18/0186	Coventry Stadium, Rugby Road, Coventry CV8 3GJ Demolition of existing buildings and outline planning application (with matters of access, layout, scale, and appearance included) for residential development (Use Class C3) including means of access into the site from the Rugby Road, provision of open space and associated infrastructure and provision of sports pitch, erection of pavilion and formation of associated car park.	31
3	R22/0171	301 Clifton Road, Rugby CV21 3QZ Change of use of shop to a hot food takeaway, single storey rear and side extension and re-location of existing side door.	85
4	R22/0193	Dunchurch Park Hotel and Conference Centre, Rugby Road, Dunchurch, Rugby CV22 6QW Retrospective temporary planning application for ancillary accommodation comprising of 40 cabins for a period of 18 months.	99
5	R22/0479	7-8 Church Street, Rugby CV21 3PH Change of use of 1st and 2nd floor to 10 flats including extension on first floor roof.	120

Reference: R15/1366

Site Address: LAND ON THE EAST SIDE OF, KILSBY LANE, HILLMORTON, RUGBY,

Description: Outline planning permission for the erection of up to 130 dwelling houses, including vehicular access from Kilsby Lane, open space, landscaping, surface attenuation pond, pedestrian and cycle links to Crick Road together with associated works (all matters reserved with the exception of access (in part) from Kilsby Lane)

Recommendation

Refusal

Introduction

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

This application is subject to a Planning Committee Site visit which membered agreed on the 6th September 2017, at the request of Cllr Kathryn Lawrence for the following reason:

- The previous committee visited the Waldings Farm site,
- The site is different to the Barby Lane sites.
- The site is not designated for development
- It is greenfield site which is within the Dunsmore Plateau and therefore of significant importance regarding the landscape.
- The traffic situation is one that the committee members need to appraise. Kilsby Lane has had fatal accidents in the past and the junction with Crick Road is a difficult junction to negotiate when turning left from Kilsby Lane onto Crick Road.
- There is no footpath.
- The increase in traffic from DIRFT & Houlton will be further increased and will put the Watts Lane and Paddox junctions at over capacity

Description of Site

The application site comprises of circa 4.45ha of land, located immediately to the south of the built-up area of Hillmorton, in the south-eastern suburbs of Rugby. The site comprises a broadly triangular area of land situated between the rear aspect of existing properties off Crick Road (to the north), Kilsby Lane (B4038) (to the west) and the Oxford Canal (to the east). The site slopes away from Crick Road, sloping in a south-easterly and westerly direction. Site levels are generally shown to be in the region of 98.4 to 109.8 metres above Ordnance Datum (m AOD).

The site comprises a small-scale pastoral field pattern with some internal field hedgerows, an area of scrub and small trees upon a low embankment that connects with hedgerow adjacent to the Oxford Canal corridor (a potential Local Wildlife Site), and hedgerow along the edge of Kilsby Lane. Pockets of permanent pasture and smaller hedged fields usually associated with more steeply sloping ground and around the settlement edge are also a feature of this landscape.

Where these occurs, it is particularly important to retain and where necessary restore them. A small pond or depression is located north west of the embankment.

Description of Proposal

The application has been made on outline with only access to be considered at this stage with all other detailed matters reserved. The vehicular access to the site would be from Kilsby Lane via a new priority-controlled T-junction at Kilsby Lane. There would also be the provision of a shared footway/cycleway to the north of the site via Crick Road. The proposed scheme is for up to 130 residential dwellings (including 30% affordable housing), incorporating landscaping, informal public open space and children's play area, surface water flood attenuation and associated works.

Third Party Comments

Local Residents (115 objections)

- Increase in traffic including cumulative impact with Houlton and Drift
- Impact upon traffic flows and accessibility
- Increase in congestion
- Impact upon pedestrian safety
- Impact upon existing road network
- Existing road network cannot cope
- Pressure on local services and infrastructure
- Sprawl on green field land
- Impact upon wildlife
- Increased pressure on local schools which are already over-subscribed
- No GP surgery
- Pressure on NHS
- Impact upon rural landscape
- Impact upon character and appearance of the area
- Loss of countryside
- Increased flood risk
- Irrevocable damage on the natural environment
- Contrary to the Local Plan
- Air quality impact
- Light pollution
- Noise pollution
- Site previously considered not feasible as part of the SHLAA
- Impact upon existing water and sewer capacity
- No footpath or pedestrian crossing along Kilsby Lane
- Proposed pedestrian and cycleway is insufficient to serve the proposed development
- Should not be approved when two similar applications along Barby Lane have been refused
- Significant number of houses are already being built around Hillmorton i.e. Houlton, Wharf Farm, Ballispits.
- Unsustainable
- Loss of privacy to neighbouring properties
- Increased noise and disturbance to local residents
- Site not allocated within the Local Plan
- No capacity for additional houses in the area
- High density development not suitable for this area
- Landscape impact

- Impact upon the Rainsbrook Valley
- Impact upon Local Wildlife Sites nearby
- Loss of prime agricultural land
- No affordable housing provisions
- Insufficient open space in the locality

Rugby Town Junior FC Comments

Request for S106 contributions for Rugby Town Junior FC towards the creation of a footpath from the FC entrance to Crick Road with lighting, Tarmacing the entrance to the FC, lighting within the FC, speed humps and signage within the FC site, 2 new pitches and improved drainage of the pitches.

Cllr Yousef Dahmash

- Contrary to local plan policies
- No presumption in favour of sustainable development
- The site is within the countryside and therefore unsustainable
- Loss of high grade agricultural land
- Significant impact upon the local road network
- Increase in traffic would endanger pedestrians
- Would set a precedent for speculative development around the Rainsbrook Valley for housing.
- Local Schools in Hillmorton are oversubscribed.
- Place added pressures onto GP practices and or health care facilities.

Technical Consultation Responses:

Daventry District Council	No comments received
Development Strategy	No comments received
Environmental Health	No objection subject to conditions
Housing	Comments on proposed mix and tenure of affordable units
Historic England	No comments to make
National Grid	No comment recieved
Natural England	No comments to make
NHS England	Request for financial contributions
Parks and Grounds	Comments received
Police	Comments received including S106 obligations
Severn Trent Water	No comments received
Canal and River Trust,	No objection subject to conditions
Sport and Recreation	No comments received
Stagecoach	Support the proposal
Tree Officer	No objection subject to conditions
Warwickshire Fire and Rescue	No objection subject to conditions
Warwickshire Wildlife Trust	Comments received
WCC Archaeology	Objection – Prior determinative trail trenching required
WCC Ecology	No objection subject to conditions and S106 obligations
WCC Flood Risk Management	No objection subject to conditions
WCC Highways	No objection subject to conditions and S106 obligations
WCC Infrastructure	Comments received
WCC Landscape Team	Objection
WCC Planning	No comments received

WCC Education	Off-Site Financial Contributions required
Western Power Distribution	No comments received
Works Services Unit	No objection

Relevant Planning Policy/Guidance

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 Council Local Plan 2011-2031 (adopted June 2019) (the “Local Plan”).

Policies of relevant within the Rugby Borough Council Local Plan 2011-2031 are as follows:

- GP1 Securing Sustainable Development
- GP2 Settlement Hierarchy
- H2 Affordable Housing Provision
- HS4 Open Space, Sports Facilities and Recreation
- HS5 Traffic Generation, Air Quality, Noise and Vibration
- NE1 Protecting Designated Biodiversity & Geodiversity Assets
- NE2 Strategic Green and Blue Infrastructure
- NE3 Landscape Protection and Enhancement
- SDC1 Sustainable Design
- SDC3 Protecting and Enhancing the Historical Environment
- SDC5 Flood Risk Management
- SDC6 Sustainable Drainage
- D1 Transport
- D2 Parking Facilities
- D4 Planning Obligations

Supplementary Planning Documents (SPDs)

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

Material Considerations

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

Assessment of Proposal

The main considerations in respect of this application are:

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

1. **Principle of Development**

- 1.1 Policy GP2 of the Local Plan states that the location and scale of development must comply with the settlement hierarchy and that the most sustainable locations are considered ahead of those further down the hierarchy.
- 1.2 The application site is located on the south-east edge of the Rugby Urban Area within an area designated as countryside. Policy GP2 seeks to resist new development within a countryside location and will only allow new development were national policy permits.
- 1.3 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.
- 1.4 This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 1.5 Paragraph 11 of the NPPF states that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.

- 1.6 The Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing. The latest Annual Monitoring Report (AMR), published in October 2021, confirms this position. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.
- 1.7 The most recent monitoring report, published in October 2021, shows that the authority has more than a 6-year supply of dwellings so although any permission would contribute to supply the authority does not 'need' this contribution to meet its requirement to have a minimum five-year supply. The five year housing land supply requirement is however a minimum requirement and new housing in sustainable locations should be supported in accordance with paragraph 11 of the NPPF.
- 1.8 Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This results in the balancing of material considerations within each individual case at the same time as being mindful of the presumption in favour of sustainable development as defined by Section 2 of the NPPF. This balancing of material considerations, and conformity with development plan policies are set out within this report.

2. Location and Accessibility

- 1.9 Paragraph 105 of the Framework set out the need for planning to 'actively manage patterns of growth by focusing significant development on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'. 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 (paragraph 106). A range of local services and facilities should all be within walking and cycling distances of most properties. Policy D1 of the Local Plan 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

- 1.10 In this case the site is located on the edge of Rugby's urban area which the Local Plan makes clear is the most sustainable location for new housing. The Local Plan explains 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

- 1.11 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, public house, DIRFT 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 and town centre. 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.

Accessibility by Cycling

- 1.12 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.

Accessibility by Bus

- 1.13 The closest existing bus services to the application site can be found along the Crick Road where the eastbound and westbound services are within a short distance to the application site. These bus stops are served by regular bus services which provide access to both Rugby town centre, secondary schools and DIRFT. 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.

Location and Accessibility Conclusions

- 1.14 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. The illustrative plan shows a footpath link to the Crick Road from within the site to facilitate ease of access for using the footpaths along the Crick Road and bus services.
- 1.15 It is considered that the application site is in a sustainable location given that the site is situated on the edge of the Rugby Urban Area, which forms part of the Rugby Town.

3. Land Designation and Use

- 1.16 The application site is currently in use as horse grazing land and sectioned into paddocks. Paragraph 170 of the NPPF and the NPPG on the Natural Environment are 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).

- 1.17 In support of this application, the applicant has produced and submitted a Soils and Agricultural Quality of land Assessment. This report concluded that the site is mainly (79%) 3b(moderate) with an area of 3a in the centre.
- 1.18 Given that the majority of the site is graded as 3b(moderate) it is considered that the proposal wouldn't result in the loss of the best and most versatile agricultural land.

4. Landscape, Character and Appearance

- 1.19 Chapter 15 of the Framework establishes the need to recognise the intrinsic character and beauty of the countryside'. Furthermore paragraph 176 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 SDC1 of the Local Plan is consistent with this and requires the need for all development to 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'. Factors including massing, height, landscaping layout, materials and access should also be a key consideration in the determination of planning applications.
- 1.20 Chapter 12 of the NPPF is also relevant and seeks to achieving well-designed places, as well as ensuring that developments a visually attractive and sympathetic to the local character and history as well as the surrounding built environmental and landscape setting. Policy NE3 of the Local Plan is consistent with this and seeks to ensure that new development positively contributes to landscape character, taking into account evidence on landscaping including the Warwickshire Landscape Guidelines and Assessment of Rugby (2006), and the Rainsbrook Valley Landscape Sensitively Study (2017).

Application Site

- 1.21 The application site comprises of circa 4.45ha of land, located immediately to the south of the built-up area of Hillmorton, in the south-eastern suburbs of Rugby. The site comprises a broadly triangular area of land situated between the rear aspect of existing properties off Crick Road (to the north), Kilsby Lane (B4038) (to the west) and the Oxford Canal (to the east).
- 1.22 The site comprises a small-scale pastoral field pattern with some internal field hedgerows, an area of scrub and small trees upon a low embankment that connects with hedgerow adjacent to the Oxford Canal corridor (a potential Local Wildlife Site), and hedgerow along

the edge of Kilsby Lane. Pockets of permanent pasture and smaller hedged fields usually associated with more steeply sloping ground and around the settlement edge are also a feature of this landscape. Where these occurs it is particularly important to retain and where necessary restore them. A small pond or depression is located north west of the embankment.

- 1.23 The application site sits on the eastern edge of the southern scarp slope that extends from Princethorpe to Hillmorton. The landform of the site slopes to the south and east.
- 1.24 Public views of the site can be gained from the surrounding area including Kilsby Lane, Nortoft Lane, Oxford Canal and surrounding Public Right of Ways.

Landscape Designation and Character

- 1.25 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.
- 1.26 The Warwickshire Landscape Guidelines (1993) show the site lying in part within the Dunsmore Landscape Character Type (LCT) and the Plateau Fringe Landscape Character Area (LCA), and in part within the Feldon LCT and the Vale Farmlands LCA.
- 1.27 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.
- 1.28 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.

Landscape Designation and Character Review

- 1.29 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.

- 1.30 The 2017 Study confirms that the site is still within the Dunsmore Plateau Fringe, located within zone 14a. 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”.
- 1.31 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”. It consequently contends “the scale and form of proposed development is likely to result in only limited change at a localised level and potential landscape and visual effects are not likely to be significant. Furthermore, the proposals for green infrastructure and landscaping will deliver several enhancements in terms of the physical landscape and landscape character. As such the proposed development is considered to be acceptable in landscape and visual terms”.
- 1.32 The 2006 Landscape Assessment of the Borough of Rugby Study identified the southern escarpment as a highly sensitive landscape feature and in strong condition, with little opportunity to mitigate impact.

Landscape and Visual Impact Assessment

- 1.33 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 concludes that that “the site lies within an isolated pocket of land that varies in character from the wider landscape discussed in the LCP14a analysis. Its combination of dense boundary vegetation and small-scale paddock landscape provide characteristics that relate more closely to the settlement edge along Crick Road rather than the surrounding countryside. The visual analysis confirms this as short distance views looking towards the site, have no view into the site as they are screened by vegetation, leaving only potential, heavily filtered, views available in winter months when leaf cover is reduced”.
- 1.34 Early 2019 a mature section of roadside vegetation, approximately 100m along the Kilsby Lane was removed. As a result, the applicant submitted a Landscape and Visual Impact Assessment Addendum (2019). This contends that whilst the removal of this hedgerow has changed the greater visibility of the site and proposed development, this is limited to

a short section of Kilsby Lane and therefore the conclusions reached as part of the LVA are still relevant.

Impact of Development on Landscape

- 1.35 WCC Landscape Team 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.
- 1.36 In the recent appeal decision APP/E3715/W/16/3158785 the Inspector concurs with the landscape character studies and the Warwickshire County Council assessment that "*the slopes of the escarpment are highly visible, a strong landscape feature, of high sensitivity and of high landscape value*". The escarpment is part of the intrinsic character of the countryside, having a different and more significant role in the wider countryside and a higher sensitivity than many areas of countryside on the edge of settlements. The Inspector concluded that development on the escarpment will lead to irreversible change and substantial harm to the landscape.
- 1.37 The site is not read in isolation from neighbouring farmland, the smaller scale pastoral field pattern associated with more steeply sloping ground which forms the southern escarpment and around the settlement edge is a feature of the Plateau Fringe landscape. The application site is not an enclosed landscape since views of residential development immediately to the north are apparent from publicly accessible routes to the south.
- 1.38 The lower part of the site that lies to the south of the area of scrub and young trees and the pond is within the Feldon Vale Farmlands landscape. Within this landscape type tree cover is generally sparse allowing wide views to rising ground. Hence the existing development edge, particularly 2 storey dwellings are visible from middle distance and long-distance viewpoints south of the application site. This area of the site is detached from the settlement edge and therefore development here will also be inappropriate.
- 1.39 The Illustrative Site Layout Plan submitted, together with the Design and Access Statement, indicate a range of 2 storey properties being proposed for the site. As a result, dwelling within the application site would be visible from specific viewpoints from Kilsby Lane and Nortoft Lane 1200m to the south east.
- 1.40 The proposed development will visually connect with the existing commercial development adjacent to Wharf Farm, to the south of the application site, creating continuous development along Kilsby Lane to Tarry's Bridge. This development will destroy the eastern edge to the southern escarpment, a highly sensitive landscape feature whose value cannot be over-emphasised, while extending the urban area beyond its existing well-defined edge on the plateau.
- 1.41 The loss of the roadside hedgerow and clearance of scrub within the field has broadened views towards the escarpment as it descends towards the Oxford Canal corridor and Hillmorton Wharf. The greater visibility of this eastern section of the escarpment helps to emphasise its overall continuity particularly when viewed from the south and south west of the application site.
- 1.42 As a consequence of the combined hedgerow and scrub removal there is an increase in views into the application site and thus potentially there will be more direct views of the

development. The development will be read as a continuation of the existing settlement edge visually linking the outlying semi-detached dwellings on Kilsby Lane to the commercial development to the south. If the application site is developed for housing this will destroy the eastern edge of the southern escarpment and will bring the settlement edge of Rugby out in line with the canal bridge (Tarry's Bridge). This will extend the urban area beyond its existing well-defined edge on the plateau.

Precedent and Cumulative Impact

- 1.43 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. In the recent appeal decision APP/E3715/W/16/3158785 the Inspector concurs with these concerns.

Landscape Character and Appearance Conclusions

- 1.44 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 174 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.
- 1.45 It is considered that the proposed development would be a negative and irreversible impact upon the landscape character which is designated as being a highly sensitive landscape feature and would therefore be contrary to Local Plan Policies SDC1 and NE3 together with guidance as contained within the NPPF. This harm must therefore be considered within the overall planning balance.

5. Trees and Hedgerows

- 1.46 Paragraph 175 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. Policy SDC1 of the Local Plan 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 SDC2 seeks to safeguard existing planting NE3 also sets out the need for proposals to retain and protect aged and veteran trees, woodlands and hedges.

Existing Trees and Hedgerows on Site

- 1.47 The site consists of a number of trees of varying age classes and species (predominately Ash) along with established native hedgerows indicative of the rural outlook. A total of eight individual trees and one tree group have been identified and assessed as part of the tree survey submitted with the application.
- 1.48 The stand out tree is a mature Oak tree (T5) located adjacent to Kilsby Lane. It is of considerable stature and appears to be displaying generally good form and vitality. It is a prominent visual amenity feature and also a valuable biodiversity asset. The BS5837:2012 tree report submitted acknowledges this and highlights the tree as an “A2” rated tree i.e. a high-quality tree.
- 1.49 The illustrative masterplan demonstrates that a scheme for the site can be developed in a manner which seeks to retain those trees which are considered to be the most significant, and the Council’s Arboricultural Officer has raised no objection. As a result, the proposal complies with the Framework and policies NE3 and SDC2.

6. Heritage and Archaeology

- 1.50 Policy SDC3 seeks to protect and enhance the historic environment by ensuring developments afford consideration to the significance of designated heritage assets and their setting, and that development be expected to enhance or preserve this significance. Where development will lead to less than substantial harm to the significance of a designated heritage asset, the policy requires this harm to be weighed against the public benefits of the proposal.
- 1.51 In considering a proposal that may affect the setting of a heritage asset, the duty imposed by section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Court of Appeal in *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and Others* (2014) made clear that special regard to the desirability of preservation means that avoiding harm to a listed building, or its setting, is a factor that is not only one of considerable importance, but also one that attracts considerable weight in any balancing exercise.
- 1.52 Another key judgement recently is the *Kedleston Hall* high court appeal [Case No: CO/5004/2016]. This is a key judgement with regards to setting and how the surrounding rural context plays an important role in the significance of a heritage asset.
- 1.53 There is no statutory duty, equivalent to those imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to the determination of planning applications for proposals affecting the setting of a Conservation Area, ancient monuments or other archaeological deposits. However, any planning application should be determined in accordance with the development plan and all other material

considerations. Government guidance set out in the Framework is clear that the effect of the proposed development on 'heritage assets' including scheduled monuments is material to the consideration of planning applications.

- 1.54 National Planning Policy Framework: Chapter 16 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.' Paragraph 131 of the Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

Heritage Assessment

- 1.55 To the south of the site is a grade II listed farmhouse known as Wharf Farm House. Historically the farmhouse was built after 1813 and was probably first built as a public house called the Fox Inn which may have served the canal trade and the road. The setting of Wharf Farm House comprises of a small group of former farm buildings, now converted for commercial and residential purposes and commercial premises and yard area associated with Pinnacle Motors. The impact of the proposed development upon this listed building would be through the increased urbanisation within the area, although this impact would be limited by virtue of the distance and the intervening uses between the application site and the listed building.
- 1.56 To the east of the site is the Oxford Canal and towpath. Although the canal immediately adjacent to the site is not a designated heritage asset, the canal does have conservation area status (Grand Union and Oxford Canal Conservation Area) some 100m south of here, from a point just north of Tarry's Bridge. This Conservation Area was designated to encompass the surviving historic buildings of the canal and the canal itself within Daventry District. Whilst, the section of the canal immediately adjacent to the canal is not a designated heritage asset it is still considered to be an important part of the industrial heritage of the area.
- 1.57 The existing hedge along the eastern boundary of the site and adjacent to the canal is quite dense and effectively screens the site from view from the canal, including views within the Conservation Area, as well as reinforcing the rural character of the canal corridor along this stretch. The retention of this hedgerow, together with a landscape buffer zone along this boundary, as shown on the indicative masterplan, will mitigate any impact upon the existing rural character and appearance of the canal corridor.
- 1.58 The Grand Union and Oxford Canal Conservation Area appraisal notes that the predominant character of the Conservation Area itself is simply that of a linear canal, with

its towpath to one side and occasional building that relate through function to the canal. The canal Conservation Area is of historical and architectural interest and is also an important piece of industrial archaeological heritage. The site itself does not contribute towards the character of the Conservation Area itself.

- 1.59 The setting of the Conservation Area includes open space, commercial premises, the listed building of Wharf Farm and the modern architecture of such features to the south as Onley Prison and the M45. The application site provides a contribution towards the green space within the setting of the Conservation Area. The impact of the proposed scheme on the character and appearance of the Conservation Area would be in the context of its visibility from the stretch of canal between Norman's Bridge and Tarry's Bridge. Within the Conservation Area itself there are limited glimpse of the application site and taking into consideration the distance of the application site to the Conservation Area it is not considered that the proposal would result in harm to the setting of the Conservation Area.

Archeology

- 1.60 The site lies within an area of archaeological potential. The Heritage Assessment submitted with the supporting information for this application suggests that there is no potential for any nationally significant archaeological remains to exist within the proposed development boundary. However, Warwickshire County Council Archeologists contend that the lack of any direct evidence for pre-medieval activity that is currently known from the immediate vicinity of the site may be a reflection of a lack of previous investigations across this area, rather than an indication of the potential for below ground archaeological deposits to survive across the site. The archaeological potential for this site should therefore be considered, at this time, to be unknown.
- 1.61 Also submitted with the supporting information to this application are the results of a geophysical survey undertaken across this site. Other than a former field boundary and ridge and furrow remains the geophysical survey did not identify any features that could be interpreted as being of archaeological origin. However, Warwickshire County Council Archeologists suggest that areas of strong magnetic debris detected across the western part of the site have the potential to mask any earlier archaeological anomalies, as does the ridge and furrow. As set out within current Historic England Guidance - *Geophysical Survey in Archaeological Field Evaluation*, geophysical data cannot be used as negative evidence and a lack of geophysical anomalies cannot be taken to imply a lack of archeological features. The applicant agree that the lack of geophysical anomalies cannot be taken to imply a lack of archeological features, but simply that there is no indication of archaeology of such importance that it would warrant refusal.
- 1.62 WCC have advised that the applicant hasn't provided sufficient information in order for the archaeological implications of the proposal to be adequately assessed. Consequently, WCC have advised that further evaluation works to be undertaken across the site by means of a programme of archaeological trial trenching. The purpose of this work will be to define the character, extent, state of preservation and importance of any archaeological remains present and will also provide information useful for identifying potential options for minimising or avoiding damage to them.
- 1.63 It should be noted that the proposal is 'up to' 130 dwellings which consequently provides a degree of flexibility in that less dwellings could actually be built if this was found to be

justified. Further trial trenching can be conditioned to be undertaken before any reserved matters application is made as this will inform how the scheme would be laid out. This is considered a pragmatic approach to address these concerns.

- 1.64 It is consequently considered that the proposed development would not cause harm to the setting of the nearby listed building or conservation area. Indeed, the scale and location of the development would ensure that the proposal would not have an adverse impact upon the nearby heritage assets. Historic England have also not raised any concerns with regards to the impact on these assets. Whilst an objection has been received from WCC Archaeology, it is considered that appropriately worded conditions can mitigate against any archaeological impact. As a result, the proposal complies with the Framework and policy SDC3.

7. Access, Traffic Flows and Highway Safety

- 1.65 Section 9 of the Framework and policies HS5, D1 and D2 of the Local Plan set out the need to prioritise sustainable modes of transport and ensure transport impacts are suitably mitigated. A safe and suitable access to the site is also necessary.
- 1.66 Vehicular access to the site is proposed off Kilsby Lane via a priority-controlled T Junction at Kilsby Lane leading into a 5.50m wide internal access road. There will also be the provision of a shared footway / cycleway facility to the north of the site via Crick Road. The provision of this footway would therefore provide a benefit to future occupiers by allowing greater pedestrian permeability through the area.
- 1.67 WCC Highways has considered the submitted information and plans. They have raised no objection to the proposal subject to conditions and a financial contribution. It is consequently considered that the proposal would have an acceptable impact on highway safety. The residual cumulative impacts on the road network would also not be severe. As a result, the proposal complies with the Framework and policy D1.

8. Ecology

- 1.68 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 NE2 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 within Chapter 15 further outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible. It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

Designated sites

- 1.69 There are no statutory designated sites on the site or within 1km of the site boundary. There is a potential Local Wildlife Site (pLWS) located immediately adjacent to the application site boundary, Oxford Canal. There are also a number of other non-statutory sites within the local area including Kilsby Lane Meadows LWS and Hillmorton Ballast Pit LWS. It is considered, subject to conditions requiring the submission of a Construction and Environmental Management Plan and a Landscape and Ecology Management Plan.

Habitats

- 1.70 The Extended Phase 1 Habitat Survey which has been submitted with this application confirms that the site comprises of amenity grassland, semi-improved grassland, poor semi-improved grassland, a dry pond, tall ruderal and dense scrub habitat and four field boundary hedgerows. WCC Ecology are in agreement with the value of habitats within the site as set out within the Habitat Survey.
- 1.71 The semi-improved grassland is an increasing uncommon habitat in the county and the existing pond and hedgerows are Priority habitats. The indicative plan shows a net loss of hedgerows on the site, and the retention of the existing pond.

Biodiversity Impact Assessment

- 1.72 It is considered, based on the outline submission, that the development is estimated to result in a net loss of biodiversity (-8.14 habitat biodiversity units). The estimated loss may change at any reserved matters stage should further habitat enhancements be considered. This net loss of biodiversity would be offset through financial contributions via a S106 agreement.

Hedgerow Impact Assessment

- 1.73 The hedgerows within the site are Priority habitat, although none of the hedgerows appear to classify as 'important' hedgerows under the Hedgerows Regulations. The habitat impact assessment indicates a net loss of hedgerows on site.

Protected Species

- 1.74 The 2017 Bat Activity Survey submitted with the application found bats foraging and commuting along the central hedgerow, the southern boundary hedgerow along Kilsby Lane and the towpath hedgerow. An updated activity survey was undertaken in 2019 which set out the bat roosting potential of trees within the site. This survey shows that the trees which have a moderate and low bat roosting potential will not be impacted by the proposed development. The central hedgerow is used for bat foraging and commuting. The indicative plan does show this hedgerow to be removed in part. WCC Ecology have suggested recommendations to mitigation this loss which includes additional native tree planting is proposed within the immediate location.
- 1.75 In relation to other protected and priority species, it is considered that the potential impact upon these species i.e. badgers, amphibians and reptiles, otters and water voles, birds and hedgehogs, could be mitigated against through planning conditions.

Ecology Conclusions.

- 1.76 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. Whilst the proposed is estimated to result in a net loss of biodiversity, this loss may change at any reserved matters stage and would be offset through financial contributions. In turn, 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. This position is also supported by Warwickshire County Council Ecology. As a result, the proposal complies with the Framework and policies NE1 and NE2.

9. Flood Risk and Drainage

- 1.77 Paragraphs 155-165 of the Framework and policies SDC5 and SDC6 of the Local Plan set out the need to consider the potential impact of flooding on new development whilst ensuring that flood risk is not increased elsewhere as a result of it. Sustainable drainage systems (SuDS) should also be incorporated into major developments where feasible.

Flood Risk

- 1.78 The Flood Risk Assessment and Drainage Strategy submitted with the application confirms that the site is 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 increased flood risk to the site itself or adjacent developments and is not susceptible to flooding by other techniques.

Surface Water Drainage

- 1.79 In respect of surface water drainage, the FRA considers the impact of ground conditions, topography and layout upon this. The surface water drainage strategy has been designed to cater for storm events up to 1 in 100 years plus 40% climate change allowance. This strategy has been designed to ensure that all surface water flows that cannot be infiltrated to the ground will be collected into attenuation an attenuation basin within the southern corner of the site and discharged at agreed rates into the existing watercourses (wither Rains Brook or the Oxford Canal).
- 1.80 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. The response from STW and the Environmental Agency further supports this position.

Foul Sewage

- 1.81 The Flood Risk Assessment and Drainage Strategy confirms that a new foul drainage connection into the existing foul sewer, which is located within the site boundary off Crick Road, within the site boundary off Crick Road from the site will be required. In addition to this given the topography of the land, it is unlikely that gravity connection to the existing sewer network would be feasible. As such provision should be made for a rising main

and pumping station to the drain foul water from the units located to the southern corner of the site.

Flood Risk and Drainage Conclusions

- 1.82 It has been found that the findings of the FRA and Drainage Strategy are acceptable and form a robust basis for considering the flood risk and drainage impacts arising from the proposed development. In the first instance it has been established that the proposed development would be located in a low risk flood zone 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 attenuation storage facilities. This would ensure that the proposed development would not increase flood risk off site and would actually result in a significant betterment compared to the existing situation. It would also ensure 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 new connection into the existing public sewer together with a pumping station to drain foul water from the units located in the southern corner of the site. As a result, the proposal complies with the Framework and policies SDC5 and SDC6.

10. Air Quality

- 1.83 Paragraph 181 of the Framework and policy HS5 of the Local Plan set out the need to consider the impact of the proposed development on air quality. The Council published a consultation draft Air Quality SPD in February 2020. Although this has not been adopted by the Council it can be afforded some weight in decision making.
- 1.84 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 170). It further outlines a requirement to consider the impact on Air Quality Management Areas (AQMA) and the cumulative impacts on this (paragraph 181). This is consistent with policy HS5 and the Air Quality section of the Planning Obligations SPD which set out the need to ensure that new development achieve or exceed air quality neutral standards or address the impacts by mitigation.
- 1.85 An Air Quality Assessment has been submitted with this application. This identifies that the site is located within the Rugby Air Quality Management Area (AQMA). In line with policy HS5 of the Local Plan, development must achieve or exceed air quality neutral standards. Air quality neutral is defined in the Local Plan as being “emissions from the development proposal being no worse, if not better, than those associated with the previous use.” The Draft Air Quality SPD expands upon this and clarifies that if a development is not air quality neutral it must provide appropriate mitigation. The SPD sets out a methodology for calculating the costs associated with the impact on air quality which can be used when assessing mitigation.
- 1.86 The submitted Air Quality Assessment concludes that a combination of mitigation measures which include the use of low NOx boilers and electric vehicle charging points will ensure that the proposed development is air quality neutral.

- 1.87 Rugby Borough Council's Environmental Health Team are satisfied with the conclusions reached within these reports, i.e. that the proposed development would not have an overall significant effect on local air quality. As a result, the proposal complies with the Framework and policy HS5.

11. Noise

- 1.88 Paragraph 170 and 180 of the Framework and policies HS5 and SDC1 of the Local Plan set out the need to ensure that noise arising from the proposed development would not adversely impact on the amenity of nearby noise-sensitive receptors.

Noise Impact Assessment

- 1.89 A Noise Impact Assessment has been submitted with the application which considers that the existing noise climate is dominated by intermittent road traffic movements along Kilsby Lane, with intermittent noise from train movement and occasional activities at the light industrial unit to the south. This assessment considers the noise impact on existing residents during the construction phase of the development, with best practice means to control noise generation, and the noise impact upon future occupiers of the development and suitable mitigation for properties facing the road/industrial site boundary.

Noise Conclusions

- 1.90 Environmental Health consider that the Noise Impact Assessment undertaken is of a high quality and accurately assesses the impact of the existing noise climate on future occupiers of the proposed development. As a result, the proposal complies with the Framework and policies HS5 and SDC1.

12. Contamination

- 1.91 Paragraphs 170, 178 and 179 of the Framework sets out the need to ensure a site is suitable for its proposed use taking account of risks arising from contamination.
- 1.92 A Geo-Environmental Assessment has been submitted which reviews source material and the existing setting of the site. It has identified areas of potential contamination and areas that require further investigation.
- 1.93 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. As a result, the proposal complies with the Framework.

13. Residential Amenity (Light, Aspect and Privacy)

- 1.94 Policy SDC1 of the Local Plan requires new development to safeguard the amenities of existing neighbouring occupiers. Paragraph 130 of the NPPF is also relevant and sets

out the need for planning to deliver a high standard of amenity for all existing and future occupants of buildings.

- 1.95 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 which includes design principles to help inform and guide the preparation of detailed plans at a later stage.
- 1.96 To the north of the application site are the residential properties along Crick Road. These properties range from single storey to two storey detached dwelling houses. The gardens serving these properties range in length from 20-30 metres. The illustrative layout indicates single storey building along this boundary which would mitigate against any impact upon the amenities of these neighbouring properties.
- 1.97 Along Kilsby Lane is a pair of semi-detached dwellings, which the application site bounds and Wharf Farm to the south. The illustrative plan shows how the development could be laid out which would ensure that the amenities of this neighbouring property can be safeguarded.
- 1.98 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' 130 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.
- 1.99 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 rise to significant and detrimental impacts on the light, aspect and privacy to existing neighbouring properties. The actual impact to these properties would be considered at the detailed reserved matters application stage.
- 1.100 It is considered that the proposed development could be designed so as to ensure that it would not have a significant and detrimental impact upon the residential amenity of existing properties in accordance with policy SDC1 and the Framework.

14. Open Space, Landscaping and Green Infrastructure

- 1.101 Policies HS4 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 as set out within this policy. 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.

- 1.102 Policy HS4 sets out requirements for different categories of open space provisions on sites of 10 or more dwellings. On the basis of 130 dwellings, the policy requires the provision of 0.06ha of Children’s Play, 0.78ha of natural and semi-natural space and 0.15ha of amenity space.
- 1.103 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 which includes design principles to help inform and guide the preparation of detailed plans at a later stage. An Open Space Provision Plan has been submitted which indicates that the proposed development would provide an area of Amenity Space (0.23ha), Natural and Semi-Natural Space (0.78ha) and a Local Equipped Area of Play (0.06ha). As a result, the proposal would accord with policy HS4.

15. Carbon Emissions, Sustainable Design and Construction

- 1.104 Policies SDC1 and SDC4 of the Local Plan sets out support for the enhanced energy efficiency of buildings and need to achieve requirement of 110 litres of water/person/day unless it can be demonstrated that it is financially unviable. This is consistent with section 14 of the Framework which indicates a need for the planning system to support the transition to a low carbon future to help tackle climate change. Rugby Borough Council also declared a climate emergency in July 2019.
- 1.105 Whilst details haven’t been submitted as part of this outline application, conditions could be imposed to secure compliance with these policies.

16. Economic Growth

- 1.106 Policy GP1 of the Local Plan sets out a goal to secure development that improves the economic conditions of this area. This is consistent with paragraph 80 of the Framework which outlines that “decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.
- 1.107 In this respect it is recognised that the proposed development would result in: money being invested in construction on the site; construction jobs and associated in-direct jobs being supported; potential new construction employment opportunities; new household spending in the Borough; potential new jobs within the Borough; an increase in the viability of local retail uses, services and businesses; and an increase in the viability of existing public services. Such matters would have a positive impact on the local economy and prosperity of the Borough.
- 1.108 Notwithstanding the above, it is recognised that the benefits arising from this proposed development would not be unique. Indeed, the same benefits would arise if this development was carried out at other locations within the Borough. However, the availability of this site to commence development is such that these economic benefits could be realised quicker. It is therefore considered that the economic benefits of the scheme should carry weight in favour of the application.

17. Infrastructure and Planning Obligations

- 1.109 Paragraph 54, 56 and 57 of the NPPF, policies H2, HS1, HS4, D3 and D4 of the Local Plan and the Planning Obligations SPD 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.
- 1.110 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and the Planning Obligations PPG makes it clear that these obligations should only be sought where they are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. If a requested planning obligation does not comply with all of these tests then it is not possible for the Council to require this. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below. It is considered that all of these requests meet the necessary tests and are therefore CIL compliant.
- 1.111 **Affordable Housing:** 30% of the proposed dwellings would be affordable dwellings comprising of a split of 84% social rented housing and 16% intermediate housing unless otherwise agreed in writing with the Local Planning Authority. This would be secured within a S106 Agreement. This provision is in accordance with the requirements set out within policy H2.
- 1.112 **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 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.
- 1.113 **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.
- 1.114 **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.
- 1.115 **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.

- 1.116 **Ecology:** Due to the net loss of biodiversity as a result of this development, a biodiversity offsetting scheme needs to be secured, via a S106 agreement to compensate for the biodiversity loss, in line with the NPPF and Rugby Local Plan Policy NE1.
- 1.117 **Highways:** Warwickshire County Council Highways are also seeking contributions towards off-site infrastructure towards a signalised crossing facility across the A428 Crick Road.

18. Heads of Terms

- 1.118 In summary the contributions required for this proposal have been highlighted as per the table below:

Contribution	Requirement	Trigger
Open Space	Open Space Maintenance Contribution – £46,935	Prior to occupation of the dwelling
Warwickshire Police	To make provision to mitigate against the direct and additional policing requirements generated. - £15,184	To be confirmed.
NHS Trust	Meet patient demand for access to health care services. £233,711	To Be Confirmed.
Warwickshire County Council (Traffic and Road Safety)	Provision footpath/cycle tracking to link the proposed development's pedestrian/cycle access on Crick Road with existing shared use footway/cycle track at junction of Crick Road and Moors Lane - £264,000 Signalised crossing facility across the A428 Crick Road - £100,000 Road Safety Contribution - £6,500 Provision of bus flag specification real-time information displays - £13,000	To be confirmed.
Warwickshire County Council (Education)	To help meet the increased demand on education providers the additional housing creates - £1,643,870	To be confirmed.
Affordable Housing	30% affordable housing with an 84%/16% split between social and intermediate dwellings.	Prior to occupation of the dwelling
Warwickshire County Council (Ecology)	Biodiversity offsetting scheme due to mitigate a loss of on-site biodiversity. - not exceeding £426,660	To be confirmed.

- 1.119 In relation to the detail quoted above, these are subject to further negotiation and finalisation prior to the completion of the S106 Agreement.
- 1.120 In relation to any financial contributions or commuted sums sought through a s.106 agreement, the financial contributions or commuted sums set out in this report will be adjusted for inflation for the period from resolution to grant to completion of the s.106 agreement. In addition, any financial contributions or commuted sums sought through a s.106 agreement will be subject to indexation from the completion of the s.106 agreement

until the date that financial contribution or commuted sum falls due. Interest will be payable on all overdue financial contributions and commuted sums

19. Planning Balance and Sustainability of Development

- 1.121 Policy GP1 of the Local Plan outlines that the Council will determine applications in accordance with the presumption of sustainable development set out in the Framework. Paragraph 11 of the Framework sets out that for decision-taking this has two parts. The first part (paragraph 11(c)) means “approving development proposals that accord with an up-to-date development plan without delay”. The Local Plan was adopted in June 2019 and is therefore considered to be an up-to-date development plan.
- 1.122 Paragraph 12 of the Framework sets out that “Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.” As the “titled balance” is not engaged it is necessary to undertake a straightforward balancing exercise weighing up the material considerations which amount to the benefits and harm of the proposed development, and then deciding whether they are sufficient to allow the application despite the development plan indication to the contrary. This should establish whether the proposal would achieve sustainable development with specific regard to the economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways.

Economic

- 1.123 It is reasonable to conclude that a number of economic benefits would arise from the proposed development. This includes: money being invested in construction on the site; construction jobs and associated in-direct jobs being supported; potential new construction employment opportunities; new household spending in the Borough; potential new jobs within the Borough; an increase in the viability of local retail uses, services and businesses; and an increase in the viability of existing public services. Such matters would have a positive impact on the local and wider economy which weighs in favour of the application. As such, the proposed development would satisfy the economic role of sustainable development.

Social

- 1.124 From a social objective the proposal would support the Government’s objective of significantly boosting the supply of homes, providing a wide choice of quality homes both market and affordable housing within a sustainable location. The proposal includes provisions for on-site open space, together with off-site financial contributions. As such, the proposed development would satisfy the social role of sustainable development.

Environmental

- 1.125 From an environmental objective, the potential adverse impacts of the proposed development in relation to highway safety, traffic flows, air quality, noise, contamination, ecology, flood risk, drainage, heritage and carbon emissions have all been considered. There would be no adverse impacts in some instances. However, in other instances

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

- 1.126 Nonetheless, it is clear that the proposed development would give rise to environmental harm relating to the impact upon the landscape which would not adequately be mitigated against. 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.

Conclusion

- 1.127 In conclusion, whilst the economic and social benefits of the additional housing would be significant, this would not outweigh the substantial environmental harm which would result from the proposal. The submitted scheme does not comply with the development plan and there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. The proposal would consequently not be a sustainable development and consequently does not accord with policy GP1 and GP2 of the Local Plan. Furthermore, the proposed development conflicts with policies SDC1 and NE3 of the Local Plan.
- 1.128 It is concluded that the proposal does not comply with the Development Plan and that there are no material consideration which indicate that the proposal should be approved. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that planning permission should be refused.

Recommendation:

Refusal

DRAFT DECISION

REFERENCE NO:
R15/1366

DATE APPLICATION VALID:
21-Aug-2017

APPLICANT:
Pegasus Group

AGENT:
Guy Longley, Pegasus Group 4 The Courtyard Lockington DE74 2SL

ADDRESS OF DEVELOPMENT:
LAND ON THE EAST SIDE OF, KILSBY LANE, HILLMORTON, RUGBY,

APPLICATION DESCRIPTION:

Outline planning permission for the erection of up to 130 dwelling houses, including vehicular access from Kilsby Lane, open space, landscaping, surface attenuation pond, pedestrian and cycle links to Crick Road together with associated works (all matters reserved with the exception of access (in part) from Kilsby Lane)

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Local Plan 2011 - 2031, June 2019

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy SDC1: Sustainable Design

Policy NE3: Landscape Protection and Enhancement

National Planning Policy Framework 2021

Chapter 2. Achieving sustainable development

Chapter 15. Conserving and enhancing the natural environment

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

REASON FOR REFUSAL:

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 GP1, GP2, SDC1 and NE3 of the Local Plan and guidance within 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 paragraph 38 of the NPPF.

Reference: R18/0186

Site Address: COVENTRY STADIUM, RUGBY ROAD, BRANDON, COVENTRY, CV8 3GJ

Description: Demolition of existing buildings and outline planning application (with matters of access, layout, scale, and appearance included) for residential development (Use Class C3) including means of access into the site from the Rugby Road, provision of open space and associated infrastructure and provision of sports pitch, erection of pavilion and formation of associated car park.

Recommendation

1. Planning application R18/0186 be approved subject to:
 - a. Referral to the Planning Casework Unit
 - b. the conditions and informatives set out in the draft decision notice appended to this report; and
 - c. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chairman or Vice Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

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

1 Description of site

- 1.1 The development site is an irregularly shaped 10.86 hectare parcel of land. The site lies to the immediate east of the main rural settlement of Binley Woods and within Brandon Parish. The site lies on the north side of Rugby Road (A428) which is the main route from Rugby to Coventry. The site also lies within the Green Belt.
- 1.2 The site is previously developed land and consists of a stadium which has previously been used for stock car, speedway and greyhound racing. The site comprises a racing circuit with a grandstand which provided visitor viewing and dining, bar and toilet facilities, ancillary buildings (storage areas, dog kennel, shop, laundry room, offices, first aid room

and smaller buildings housing score boards and food outlets). The use of the site for stock car, speedway and greyhound racing ceased in 2016, the site has since been subjected to vandalism and fires as such the physical condition of the facility is unknown. Additionally, the seating and spotlights have been removed.

- 1.3 A substantial area of car parking comprising gravel and hardstanding is located to the front of the buildings with the main accesses from Rugby Road and a separate emergency access off Speedway Lane.
- 1.4 To the south and east of the site are residential properties along Rugby Road and Speedway Lane which are primarily detached properties and set in a linear form. To the north and west of the site is New Close Wood (designated ancient woodland and local wildlife site).
- 1.5 There is a group of trees along the southern boundary of the site, the majority of which are protected by a Tree Preservation Order.
- 1.6 There are no public rights of way across the site, however there are a public right of ways adjacent to the boundary of the site.

2 Description of proposals

- 2.1 The proposal is for outline consent for residential development and has been amended from its original submission of outline with all matters reserved apart from access. The amended proposal now includes access, layout, scale and appearance being considered along with the provision of a 3G football pitch with a pavilion. The amended scheme reduces the number of dwellings from 137 to 124. The reserved matter is for landscaping.
- 2.2 The proposal is for a mixture of housing types, sizes and tenures with 20% affordable housing. The dwellings are to be located in the eastern section of the site and will comprise 34 two-bedroomed dwellings, 65 three-bedroomed dwellings and 25 four-bedroomed dwellings. The proposed dwellings are all two-storey in nature and a mix of detached, semi-detached and terraced. They will feature a range of materials (brick and render) and features (canopy porches, bay windows). Some of the dwellings have integrated garages whilst others have detached single and double garages.
- 2.3 The proposed development includes the creation of green open spaces, a large area of open space to the north of the site adjoining the existing woodland. The open space contains an area for play and additional tree planting in the northern section of the site, as well as along the eastern and southern boundaries
- 2.4 The proposed development includes a new access off Rugby Road (A428), to the south of the site's boundary. The access will take the form of a T-junction. The two existing accesses along Rugby Road will be stopped up. The internal highway network incorporates an access for Rugby Road and roads running through the site to ensure that the site is permeable for pedestrians, cyclists and vehicles.
- 2.5 Documents submitted with the application are:-
 - Application Drawings;
 - Design and Access Statement;
 - Sustainability and Energy Statement;

- Landscape and Visual Assessment;
- Noise Assessment;
- Ecological Appraisal, Bat Report and Biodiversity Impact Assessment Calculator;
- Transport Assessment (and draft Travel Plan);
- Statement of Community Involvement;
- Tree Survey;
- Archaeology Desk Based Assessment and Trenching Results;
- Flood Risk Assessment;
- Foul Sewage & Utilities Assessment;
- Site Investigation;
- Air Quality Assessment; and
- Financial Assessment Non-Technical Summary.

Further Documents submitted on the amended scheme

- Revised Application Forms and Certificate
- Site Location Plan
- Illustrative Site Masterplan
- Updated Planning Statement
 - Updated Design and Access Statement
 - Updated Landscape and Visual Assessment
 - Noise Assessment Addendum
 - Updated Ecological Appraisal, Bat Report and Biodiversity Impact Assessment Calculator
- Transport Assessment Addendum
- Updated Tree Survey
- Updated Flood Risk Assessment
- Updated Air Quality Assessment
- Viability Assessment
- Speedway Viability Appraisal
- 3G Artificial Grass Pitch Feasibility Study
- Updated Archaeological Assessment

Planning History

The planning history relates to the use of the site as a Speedway Stadium

2212 – Proposed grandstand – Approved 06/05/1929

262/5 – Proposed lavatory blocks, workshop and S.D. Plant – Approved 25/01/1949

1038/7 – Proposed floodlighting tower on car park – Approved 29/09/1952

738/10 – Retention of use of part of premises at Brandon Speedway for temporary storage of transporters and tractors – Approved 20/02/1961

877/10 – Proposed bar – Approved 27/02/1961

878/10 – Proposed covered area to spectators' terrace – approved 17/07/1961

369/12 – Use of ex no.1 hanger as printing room and housing printing plant – Refused 09/11/1964, Appeal Allowed 04/11/1965

563/12 – Greyhound kennels – Refused 01/03/1965 – Appeal Dismissed 04/11/1965

588/12 – Licensed bar/buffet – Approved 01/03/1965

901/12 – Greyhound kennels and paddock – Approved 31/01/1966

1243/12 – Grandstand and sewer – Approved 31/01/1966

1295/12 – Tole tower and control room – Approved 31/01/1966

497/13 – New security fence – Approved 27/02/1967

525/13 – Covered pits for motorcycles and ambulance room – Approved 27/02/1967

987/13 – New turnstiles and supporters shop – Approved 06/11/1967

1105/13 – Grandstand with bar buffer and toilets – Approved 08/01/1968

140/14 – Grandstand extensions – Approved 28/10/1968

142/14 – Erection of turnstiles – Approved 28/10/1968

695/14 – Construction of road and footpath and improvements to access to car park – Approved 06/10/1969

989/14 – Lighting of car park – Approved 13/04/1970

1006/14 – Widening of access – Approved 13/04/1970

1161/14 – Two single story kiosks – Approved 06/07/1970

1215/14 – cover to terraces on the back straight – Approved 27/07/1970

1425/14 – Public Grandstand – Approved 16/11/1970

218/16 – Replacement of cover, bar, buffet and toilets – Approved 12/02/1973

487/16 – Extension to stand – Approved 04/06/1973

828/16 – Extension to stand – Approved 12/11/1973

R03/0055/6592/P – Cladding of two existing workshops and refurbishment of existing turnstiles – Approved 04/03/2003

R03/0684/6592/P – Erection of two storey brick building with tiled pitched roof offices and veterinary treatment rooms – Approved 22/10/2003

R03/1085/6592/P – Erection of kennel building – Approved 18/02/2004

R04/0039/6592/P – Amendment to location of veterinary surgery approved
R03/1085/6592/P – Approved 23/02/2004

R04/0079/6592/P – Retention of earth bunds – Approved 11/03/2004

R04/0226/6592/P – Construction of external lift shaft and housing – Approved 06/05/2004

R04/1252/6592/P – Outline Application for erection of two storey building to accommodate hospitality/training & restaurant facilities, office and retail unit – Refused 03/02/2005

R07/1268/PLN – Change of use of the car park to use for a Sunday market – Refused 26/09/2007

Relevant Planning Policies

National Planning Policy Framework, 2021 (NPPF)
National Planning Practice Guidance

Rugby Borough Local Plan 2011-2031, June 2019

Policy GP1: Securing Sustainable Development
Policy GP2: Settlement Hierarchy
Policy GP3: Previously Developed Land and Conversions
Policy GP5: Neighbourhood Level Documents
Policy DS1: Overall Development Needs
Policy H1: Informing Housing Mix
Policy H2: Affordable Housing Provision
Policy HS1: Healthy Safe and Inclusive Communities
Policy HS3: Protection and Provision of Local Shops, Community Facilities and Services
Policy HS4: Open Space, Sports Facilities and Recreation
Policy HS5: Traffic generation and Air Quality
Policy NE1: Biodiversity
Policy NE2: Blue and Green Infrastructure
Policy NE3: Landscape Protection and Enhancement
Policy SDC1: Sustainable Design
Policy SDC2: Landscaping
Policy SDC4: Sustainable Buildings
Policy SDC5: Flood Risk Management
Policy SDC6: Sustainable Urban Drainage
Policy SDC7: Protection of the Water Environment and Water Supply
Policy D1: Transport
Policy D2: Parking Facilities
Policy D3: Infrastructure and Implementation
Policy D4: Planning Obligations

Brandon and Bretford Neighbourhood Plan June 2019

Policy H2: Development of Brownfield Land
Policy H3: Affordable Housing
Policy CON2: Environmental Heritage Assets
Policy BNE1: Respecting Local Character
Policy BNE2: Design Principles
Policy BNE4: Protection of Natural Features
Policy BNE6: Valued Rural Character and setting

Policy LF1: Community Facilities
Policy LF2: Safe Walking, Cycling and Horse Riding

Supplementary Planning Documents

Planning Obligations March 2012

Housing Needs July 2021

Sustainable Design and Construction February 2012

2018 Original Scheme (outline all matters reserved apart from access) responses

Technical consultation responses

Warwickshire Wildlife Trust -	measures should be taken to protect hedgehogs
Sports England -	does not fall within either statutory remit or non-statutory remit therefore Sport England has not provided a detailed response in this case but gives advice to aid the assessment of the application. The submitted viability and needs assessment documents should be reviewed by an independent consultant.
Natural England –	No comments - refers to standing advice
Environment Agency –	No objections
Housing -	Under the current policy, 55 of the 137 houses (40%) should be made affordable although it is preferential for there to be a 75% social, 25% shared ownership split of the 40%. With the affordable, a focus on 2 bedroom houses is welcomed Adequate parking provisions needed (at least 1 space per property, 2 spaces for 3 beds etc.) Properties will need to adhere to the technical space standards
Landscape Officer-	Objects based upon the partial loss of a significant arboricultural feature along the south-western boundary which will be to the detriment of the visual amenity of the local area and screening potential of the site to the rear. Similarly, there is potential for there to be a negative impact upon retained trees located adjacently.

Lead Local Flood Authority -	Objects to the application at this time. In order to satisfy the requirements of the Lead Local Flood Authority (LLFA), please ensure the following details are submitted: Outline drainage strategy in support of the information provided within the FRA including details of the proposed sustainable drainage system (SuDS) attenuation basins and outfall arrangements. Further information regarding the ditch/watercourse around the perimeter of the site including the connectivity of this ditch to the wider catchment drainage network (needs updating)
WCC Archaeology -	No objection subject to condition and some archaeology work carried out on the building itself.
WCC Ecology -	The site has no specific nature conservation Any loss of biodiversity should be compensated for either on site or off setting contribution.
Fire and Rescue -	No objections subject to conditions
Severn Trent -	No objections subject to conditions
Environmental Health -	No objections subject to conditions and advisory notes relating to Air Quality, Contaminated Land and Noise
WCC Highways -	No objection subject to conditions
WCC Rights of Way -	No objections in principle subject to advisory notes. Additionally confirmation is needed whether footpath links through the site to Public Right of way would be in privately maintained. Request contribution for maintenance of existing Right of Way.

Third party comments

British Stock Car Drivers Association (BSCDA)	Alternative Stadiums not suitable for Stock car racing
British Speedway Promoters' Association	Loss of Stadium, track sharing doesn't work, Brandon is not Surplus to Requirement

British Stock Car Association (BriSCA)	Alternative Stadiums not suitable for Stock car racing
MP Mark Pawsey MP for Rugby	Objects as site is in the Green Belt and a much loved community asset. Rich sporting heritage should be protected and not an identified site in the Local Plan
Marcus Jones MP for Nuneaton	Objects as site in the Green Belt and a viable site with a good sporting heritage and should be protected
Colleen Fletcher MP for Coventry North East	Objects and asks for the application to be rejected.
Jim Cunningham MP for Coventry South (MP until 2019)	Ask that the importance of this site for Coventry Speedway, the wider economic benefits of the site for use for Speedway and the longstanding community links Coventry Speedway has with this site is taken into account.
Joint Letter from all of the above MPs plus Nick Brown, Henry Bellingham, Nic Dakin, Anna Turley, Paul Sweeney, Paul Farrelly And Anneliese Dodds (MPs)	Object to the application and urge RBC to reject the application and support the return of the stadium to its former long-established use.

Parish Councils

Brandon and Bretford PC	Object on visual amenities, open aspect and traffic issues.
Binley Woods PC	Object on development encroaching on the Green Belt, contrary to Local Plan, designated a Sports Stadium, increased traffic and adverse impact on local infrastructure.
Wolston Parish Council	If approved support request from Wolston Primary School for financial support via S106.

Neighbour Responses

Local Residents (Brandon and Binley Woods)

6 letters of support

Need for Housing
Remove an eyesore

Building has been Vandalised
Speedway Noisy
Unsocial behaviour from Fans
Illegal Parking causing damage to verges and blocked footpaths
Brownfield Site where housing is an appropriate use
Will visually enhance the site and Surrounding Areas

93 letters of Objection

Site within Green Belt and should be protected
Brandon not a main rural settlement
Stadium is well established sporting facility
Local Infrastructure would not support housing
Increased Traffic
Pressure on schools and Doctors
Considered best sporting venue for both Speedway and Stock car
Stadium should be preserved and racing brought back
Not in accordance with Parish Plan
Lose its historic identity
Speedway and Stock car racing should be reinstated
Site deliberately neglected
Site should be conservation area
Provides economic benefits to local community
The site must be maintained for social/sporting/community/leisure use
No need for additional houses

Approximately 1400 further objections have been received from wider demographics. These objections are from England, Ireland, Scotland, Wales, Australia, Netherlands, Sweden, USA, New Zealand mostly either Speedway or Stockcar fans.

Objections on Loss of the stadium
 Stadium should be protected
 Historic Use
 Best stadium for Speedway and Stock cars.

Save Coventry Speedway and Stox Group Objection
Contrary to both existing development plan and emerging plan
Conflicts with Green Belt
Housing Proposal are contrary to National policy which seeks to protect sports facilities
Stadium a viable use for the site
Best site for Speedway and Stock Car Racing
Rich long heritage and should be treasured and protected
Would destroy important tourist facility
Proposal is premature and should be considered through the development plan process

2021 Amended Scheme (outline including all matters except landscaping)

Technical consultation responses

Warwickshire Police -	No objection - adoption of secure by design is recommended
Warwickshire Fire and Rescue -	No objection
Landscape Officer -	Objection - Significant semi-mature oak tree planting in open spaces to mitigate the loss of the TPO trees for the access
Housing -	No objection - Level of affordable housing (20%) is policy compliant, preference for focus on 1 and 2 bed allocation should be 84% social rent and 16% intermediate for it to adhere to the Local Plan however due to rural location there is lack of demand for social rent in the area. Rented properties should meet Technical Housing Standards to be acceptable for Registered Providers.
Natural England -	No comments - Previous response applies equally to amended scheme therefore refer to standing advice
Lead Local Flood Authority (WCC) -	No objection subject to conditions
WCC Highways -	No objection – one remaining issue raised within the Road Safety Audit has been resolved – providing designated pedestrian crossing points within the development. Surface and lit shared pedestrian and cycle path should be provided between the proposed dwellings and Gossett Lane. Secured and covered cycle parking should be sought for the proposed sports facilities. Scheme is acceptable subject to conditions and obligations.
WCC Archaeology -	No objection - Advice previously given still stands
Forestry Commission -	No objections - Refers to Guidance notes relating to ancient woodlands
WCC Rights of Way -	No objections previous comments still apply
Sport England -	Non-statutory comments have been made in relation to the loss of a motor sports facility and the creation of a 3G pitch on the site. It is considered that the benefits of the 3G pitch

could be brought forward without impacting the stadium which is not surplus to requirement.

Environment Agency -

No additional comments

Environmental Health -

No objection – previous comments still stand however additional Air Quality condition is required due to the scale of the development.

Third Party Comments

Speedway Control Bureau

Governing body for British Speedway objects – still a desire for speedway to be taking place, demand for 3G pitch is questionable and would not compensate for the loss of the stadium, SCB did not input into the KKP report as stated, level of participation and uptake in younger age groups is increasing year upon year and there are successful training programmes in place.

British Speedway Promoters Ltd

Object as the revised plans do not address any of the previously raised issues. Benefits of the pitch do not clearly outweigh the loss of the stadium. The business plan for the pitch is unrealistic and the KKP viability report findings are rejected as it is poorly prepared, badly researched and written to mislead. The report is damaging to the sport and contains many inaccuracies.

BriSCA and ORCi

Maintains objection to the application – stadium should be retained.

British Stock Car Drivers Association (BSCDA)

Continue to object Stadium should be restored for racing again

Auto-Cycle Union (ACU)

Objects as site is internationally famous

Wolston Leisure and Community Centre

Objection to sports pitch provision as it will have detrimental impact on Leisure Centre as it targets the same users.

Councillor Tony Gillias
(Revel and Binley Woods Ward)

Correspondence received in relation to inaccuracies with the published September committee report for which the meeting was subsequently cancelled. Additional history of speedway and the stadium was also included.

Local Residents (Brandon and Binley Woods)

3 Letters of Support
(Including Sky Blues in the Community)

Site not the correct location for Speedway and Stock car
Declining numbers and return to stadium not viable
Urgent need for more houses
Scheme includes affordable housing and community sports facility
3G Pitch good for health and wellbeing
Additional green space and footpaths
Speedway Noisy
Unsocial behaviour from fans
Illegal parking causing damage to verges and blocked footpaths

9 Letters of Objection

Loss of Stadium
3G Pitch unacceptable replacement
Loss of Amenity
Housing Surplus to Brandon's Needs
Sports provision not large enough to be economically viable
Increased traffic
Speedway and Stock cars need to return
Football pitch cause noise
Main access next to residential dwellings
Historic Stadium
Football pitch have an impact on nearby residents
Stadium should be reinstated
Breach of the Development Plan

Approximately 1000 Further objections from wider demographics
England, Netherlands, Holland and France mostly either Speedway or Stock car Fans

Objections on

Loss of Stadium
Speedway and Stock car racing should be brought back
Green Belt
Increased traffic
3G football pitch doesn't compensate the loss of the stadium

Save Coventry Speedway and Stox Group

Continued need for both sports at the Stadium
Ignores Government Policy which protects sports and recreation facilities
Opposition from both racing and local community

Misinterpret Para 97c of NPPF proposed alternative sports would be duplicated
Site is in Green belt
Site is not allocated in the Local Plan
Not all the site is brownfield
Proposed affordable housing inadequate
Neighbourhood plans and local plan not referenced.
Stadium is not surplus to requirements

Additional Briefing papers (1-9) were received from the Group in October 2022 detailing the history of the stadium, local and national policies, opposition to the redevelopment, behaviour of the applicant, the alternative application and a critique of the previously published September committee report.

3 Assessment of proposals

3.1 The key determining issues to take into account would be the

- Principle of development
- Green Belt
- Loss of Community/Sport Facility
- Housing Supply and Mix
- Layout and Design
- Residential Amenity
- Biodiversity
- Landscape
- Air Quality
- Flooding
- Ground Contamination and Noise Pollution
- Archaeology
- Highways
- Planning Obligations
- Other matters
- Planning Balance and Conclusion

4 Principal of Development

4.1 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.

- 4.2 This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 4.3 Paragraph 11 of the NPPF states that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that *“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted”*.
- 4.4 The Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing. The latest Annual Monitoring Report (AMR), published in October 2021, confirms this position. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.
- 4.5 Policy GP2 sets out the settlement hierarchy with new development in the Rugby Town Area being considered the most sustainable location. The application site lies within the Green Belt, as defined in Policy GP2 and is considered to be a less sustainable location.
- 4.6 The application is located outside of the settlement boundary of Brandon in the Green Belt where new development will be resisted; only where national policy on Green Belt allows will development be permitted. Paragraph 149 of the NPPF allows the redevelopment of previously developed land in the Green Belt which would not have a greater impact on the openness than the existing and not cause substantial harm to the openness of the Green Belt.
- 4.7 Policy GP3 Previously Developed Land and Conversions supports the use of previously developed land subject to compliance with other policies in the plan. Particular consideration needs to be given to the visual impact on the surrounding landscape and properties; the impact on existing services if an intensification of the land is proposed; and the impact on any heritage or biodiversity assets. Policy H2 of the Brandon and Bretford Neighbourhood Plan also supports the redevelopment of brownfield land to create homes subject to various criteria. Previously developed land is defined in the NPPF as *“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.”*
- 4.8 Policy DS1 sets out that 12,400 additional homes will be provided between 2011 and 2031. Policy HS1 Informing Housing Mix seeks to ensure that healthy, safe and inclusive communities will be taken into account when considering development proposals and supports proposals which provide good access to local shops, employment opportunities, services, schools and community facilities. The site is located approximately 400 metres from Binley Woods Primary School, 600 metres from a supermarket (One Stop), 1,100 metres from Binley Woods Village Hall and 1,200 metres from a post office. Binley Woods also contains other community facilities such as Ivor Preece Conference Centre (located

at Broad Street Rugby Club), a church, a pub and sport and recreational facilities. The location of the scheme therefore would not be remote from shops and community facilities and thus complies with the requirements of this policy.

- 4.9 Policy GP5 of the Local Plan states that once a neighbourhood plan is made the planning policies within it will form part of the development plan and will be used alongside with policies of the Local Plan. The Brandon and Bretford Neighbourhood Plan, adopted June 2019, shows this site as being within the Green Belt which is assessed in the next section of this report. Policy LF1 also designates this site as a community facility.
- 4.10 Paragraph 99 of the NPPF and Policy HS4(c) of the Local Plan state that sports buildings should not be built on unless an assessment has been undertaken to show it is surplus to requirements; or the loss resulting from the development would be replaced by equivalent or better provision; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 4.11 Policy LF1 of the Neighbourhood Plan relates to community facilities and states that proposals that would diminish or remove a community facility will be required to demonstrate that the facility is no longer needed or viable and that there is no realistic prospect of viability being improved with either the current or other community use(s). It goes on to state that new community uses will be supported.
- 4.12 The principle of housing on this previously developed site is considered to comply with the Local Plan and the NPPF subject to the detailed assessment on the impact upon the Green Belt and the loss of the community and sporting facility being satisfactory and any other assessment made within this report.

5 Green Belt

- 5.1 The application site lies within the Green Belt. In respect of development in the Green Belt, Policy GP2 states that new development will be resisted; only where national policy on Green Belt allows will development be permitted.
- 5.2 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and sets out a list of exceptions. Relevant to the planning application is 149 (g):
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
“not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”
- 5.3 Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect and therefore is not limited to volumetric comparisons.

- 5.4 This site comprises previously developed land in accordance with the definition as set out within the NPPF. The site is currently comprised of a cluster of buildings that were used for the former Speedway use which are set back from the road towards the back of the site. The track itself is also to the rear of the site. To the front of the site is substantial amount of hardstanding which was utilised as the car parking for the speedway use. The existing built form takes up approximately 4.35ha of the site and the proposed built form will cover approximately 4.1ha of the site.
- 5.5 The existing buildings and car park sit behind the residential properties fronting Rugby Road and the main stadium is a large building central to the other separate buildings forming the cluster of buildings. The proposal would introduce residential development of 2 storeys with a maximum ridge height of 10 metres onto the site. The existing stadium is approximately 11.5 metres in height at the tallest point. The proposed dwellings would be of a smaller scale in footprint and in height albeit there would be a similar developed area due to the amount of dwellings proposed. The built form would be spread further along the side of the site closest to Speedway Lane however this area currently forms the car park.
- 5.6 Based on the proposed site layout, a greater proportion of the site will also be landscaped as the existing car park takes up the majority of the site between the access and the stadium. This part of the site will have a minor element of housing the majority will be soft landscaping and the proposed 3G sports pitch (albeit with the pavilion and car parking associated with the pitch).
- 5.7 The proposed residential development does not result in an increase in the developed area of the site and will introduce development of a smaller scale and further open space and soft landscaping, footpaths and cycle paths linking to the existing footpaths surrounding the site.
- 5.8 The NPPF allows for the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt. It is considered that the proposed development would not have a greater impact on the openness of the Green Belt than currently exists therefore the proposal complies with paragraph 149 of the NPPF.

6 Loss of a Community/Sporting Facility

- 6.1 The stadium is a sporting facility however it is also designated as a community facility within the Neighbourhood Plan. As the proposal involves the loss of a sports facility full consideration needs to be given as to whether the proposal meets Paragraph 99 of the NPPF, is in accordance with Local Plan Policy HS4 to protect sports facilities and Policy LF1 of the Neighbourhood Plan to protect community facilities.
- 6.2 Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.3 Paragraph 99 is not a 3 stage test and therefore only one limb needs to be satisfied in order to be in compliance with Paragraph 99.
- 6.4 Policy HS4(C) Open Space, Sports Facilities and Recreation also requires the applicant to demonstrate that
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - it can be demonstrated that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss of the current or former use.
- 6.5 As with Paragraph 99 of the NPPF this policy is not a 3 stage test therefore only one limb of the above needs to be satisfied.
- 6.6 The Local Plan and Neighbourhood Plan differ in their definition of “community facility”. Policy HS3 of the Local Plan sets out what are community facilities which does not include sports provision. It does set out that other services that contribute towards the sustainability of the local settlement are also covered by the Policy however it is not considered that Brandon Stadium, which was operated for regional and national sport, contributes to the sustainability of Brandon Village. It is therefore considered that Brandon Stadium is not considered a community facility as set out in Policy HS3.
- 6.7 The Bretford and Brandon Neighbourhood Plan strategic objective is “to support the establishment of new community facilities, local services, open spaces and recreation within the Parish in locations that are sustainable and accessible to local residents and wherever possible to protect and maintain existing community facilities, open spaces and recreation and leisure facilities.”
- 6.8 Policy LF1 of the Brandon and Bretford Neighbourhood Plan specifically defines Brandon Stadium as a community facility. Policy LF1 of the Neighbourhood Plan relates to community facilities. LF1 states that “proposals that would diminish or remove a community facility will be required to demonstrate that the facility is no longer needed or viable and that there is no realistic prospect of viability being improved with either the current or community use(s).” It goes on to state that new community uses will be supported.
- 6.9 The Planning Statement accompanying the application sets out that it had undertaken a review into the viability of speedway use being brought back into use. The applicant instructed a firm of specialist chartered surveyors to prepare an up to date building condition survey and assessment of capital costs to bring Coventry Stadium back into use. This confirms a practical necessity for significant capital expenditure to restore the subject

premises to an appropriate standard for trading following the substantial damage incurred since November 2016.

- 6.10 The viability review found that the costs are substantial and *“due to the modest (best case) stadium operating margin any loan to meet the refurbishment costs would require an elongated repayment period that far exceeds typical commercial loan terms available for this purpose (prior to accounting for interest payments). In the unlikely event that full funding was secured, the interest payments required to service the debt would substantially exceed the annual operating margin as a result, Coventry Stadium would be running at an operating loss prior to making any allowance for capital repayments, depreciation, taxation and any owner’s return. This is not sustainable and would lead to a swift breach of loan covenants. In light of this forecast it is considered highly improbable that the applicant (as owner), or any other commercial investor, developer or operator, would consider the return on capital expended in investing in the refurbishment works to return Coventry Stadium to operation as sufficient to justify the financial risk involved. Moreover, there are no licence holders willing to hold motor racing events at the stadium, and there is no active greyhound racing licence, which leaves Coventry Stadium without a business case for reopening or operational purpose. Based upon the information available, there is no plausible commercial basis upon which Coventry Stadium would now be reopened”*
- 6.11 In its consultation responses the campaign group Save Coventry Speedway & Stox (“SCS&S”) have provided evidence that a local businessman offered to buy the Stadium in 2020 and that it would like to see speedway / motorsport re-commence on the site. The group has submitted a planning application for a change of use of some of the buildings as part of facilitating the return of the use. Further information has been requested regarding the structural integrity of the buildings to enable the application to be determined. However, no compelling evidence has been presented by SCS&S or anyone else that shows that such a use would be likely to be implemented as a viable proposition or that the facility has a reasonable prospect of retention.
- 6.12 Planning applications are however required to be determined on their own merit, against the policies within the development plan, taking into account any other material considerations including the alternative application which should be afforded limited weight. This could result in two different schemes getting planning permission on the site. It would then be for the owners of the site to determine which permission they wished to implement.
- 6.13 On the basis of conflicting information the Council commissioned an independent review which was undertaken by planning consultants. The review consulted with Sport England, and has been provided with updated comments from the Speedway Control Board, BriSCA and BSCDA, the relevant governing bodies for motorsports. The review concluded:
- There is limited evidence that there is an existing level of quantitative provision that can justify the loss of Coventry Stadium.
 - There were no clear qualitative drivers for closing the Stadium, before the chain of events, which precipitated its current state. In the context of motorsports facilities, Brandon was not in such a poor quality that would inevitably have led to its demise

without significant investment. It was fit for purpose and was clearly a significant venue in the sport.

- It is difficult to argue that reduced provision located significant distances away and with a much-reduced offer is acceptable in terms of access and passing the ANOG accessibility test.
- Lack of availability has had a clear impact in terms of speedway ending and stock activity being curtailed. There is and has not been adequate *availability* of suitable alternative provision and re-location opportunities to allow the sports to continue.

- 6.14 The independent review concluded that *“the demand and participation drivers for investing in and retaining motor sports from a health and physical activity perspective are therefore potentially limited, in terms of wider social and cultural well-being there is perhaps more of a case. Teams and events have been lost with the closure of Coventry Stadium motorsports are a minority sport in terms of participation, who’s impact on health and physical activity is limited and less universal than other activities. The sport does adapt and evolves and has done in the case of Coventry Stadium. Locally the loss is more keenly felt by those with a passion and invested in Brandon Stadium. This is not to suggest that the provision is not important and should not be retained, or that closure will not have an impact. There are clear social benefits for those attending events. The value of any loss is ultimately a judgement call and the Council may decide that the level of impacts balanced against the wider benefits of any development scheme make other considerations less significant.”*
- 6.15 The independent review also looked at viability as this is part of Policy LF1 of the neighbourhood plan. The review concluded *“given the current condition of the Stadium whatever the final capital cost, it would be costly and would question, even without the clear understanding of the exact Stadium operating costs, the viability of re-opening Coventry Stadium, with the added repayments on capital.”*
- 6.16 Based on the above independent review there is not a conclusive case that states that the stadium is *surplus*, with no alternatives put forward. It is therefore not considered that there is a conclusive argument to satisfy criterion (a) of para 99 or bullet point 1 of Policy HS4(C). It is however recognised that the re-opening the stadium would be a significant challenge and may ultimately be undeliverable.
- 6.17 The applicant has not submitted a case either as part of the original application or the amended application for a replacement facility and therefore criterion (b) of para 99 or bullet point 2 of Policy HS4(c) are not met.
- 6.18 The review concluded in relation to criterion c that whilst nothing had been put forward in relation to alternative on site provision there could be *“scope to put forward alternative sport and recreational provision on the site as part of the wider development. If the development on the site was for alternative sport and recreation provision, the benefits of which clearly outweigh the loss of the current former use, under criteria (c) of para 99 an alternative sports provision could be considered acceptable on the site to outweigh the loss of the motorsports provision.”*

- 6.19 SCS&S contend that paragraph 99 (c) is not open to the applicant on the basis that the requirement is that the whole development should be for sports and recreation and argues that the proposed development is actually for housing with an ancillary 3G sporting pitch. Sport England also echo this. Officers consider it is for the applicant to propose alternative provision. The Council will assess the application based on the description of the development and the evidence presented within the application and then make a planning judgment as to whether the alternative provision offers qualitative benefits that clearly outweigh that on offer previously, and if so then the requirements of paragraph 99 (c) can be met.
- 6.20 On the basis of the assessments within the Planning Statement and the Independent Review it is considered that there is some conflict with paragraph 99 of the NPPF, Policy HS4 and LF1 of the Development Plan.

Replacement Sports Facility

- 6.21 Following the independent review the applicant commissioned two further reports, one into whether it was viable to retain speedway in some form (either on site or in a new location). The second report considers whether an alternative sporting provision, consisting of a 3G pitch and associated facilities, could be viably achieved in lieu of speedway.
- 6.22 It is important to note that the need for the alternative provision is not a criterion in para 99 of the NPPF, the requirement in criterion (c) is whether the benefits clearly outweigh the loss of the current or former use. Policy HS4 (C) is worded slightly differently to para 99 in that the needs for the alternative provision has to clearly outweigh the loss.
- 6.23 Policy LF1 also refers to “a community use” which is not specific to Brandon Stadium. If another community use is provided on the site, there is no removal of a community facility and therefore the proposal would not be contrary to Policy LF1. The test therefore is confined to whether a community use would be diminished.
- 6.24 The first report assessed the health of speedway across the UK and concluded that currently there is a decline and financial unsustainability of speedway. The report states that a number of factors contributing to the decline of the sport; including a significant reduction in attendance at events, declining viewership and TV revenue, and less participation in the sport across the board. It states that a significant number of teams across the UK have dissolved, and the number of speedway meetings is also falling year on year. The decline of speedway, in tandem with the reduction in both greyhound and stock car events has resulted in the closure of several speedway stadiums in the UK.
- 6.25 The scheme was amended to include a 3G sports pitch with accompanying pavilion and car park. The details of the design of the pavilion have not been provided to allow flexibility for a future operator. These details would be secured via condition (CONDITION 7).
- 6.26 The applicant provided a feasibility study to justify the inclusion of a 3G football pitch as an alternative sports and recreational provision as part of the redevelopment. The report confirms that there is a clear need for increased provision to serve both Rugby and Coventry, as evidenced in the Playing Pitch Strategy (PPS) documents for both local authorities (whilst accepting that both reports are out of date as Coventry PPS is dated

2014-2019 and Rugby PPS is dated May 2011). However, the need locally for full size 3G pitches is further emphasised in the Local Football Facility Plan (LFFP), which is more up to date and indicates that there is a current need locally for full size 3G pitches. Sport England note that both Coventry and Rugby are currently undertaking new Playing Pitch Strategies to update their evidence bases however until published/endorsed as part of the evidence base the application has to be determined based on the available evidence.

- 6.27 In terms of potential users of the pitch a number of Clubs were contacted in relation to whether they would be interested in use of a 3G pitch within the Brandon area. Of the 9 Clubs, two expressed an interest whilst 3 other teams said they would consider accessing the pitch, but only as a secondary training venue as they all have relatively good access to provision elsewhere for the majority of their teams.
- 6.28 Another option would be the Sky Blues in the Community (SBitC) which is the official charity arm of Coventry City FC. It was contacted as it has previously reported an interest in managing the proposed pitch at Coventry stadium. With it already managing the 3G pitch at Coventry Blue Coat School and the 3G pitch being developed at President Kennedy School, it believes that it is well placed and experienced enough to run the site. Furthermore, it is of the opinion that the site is well placed in that it would then run three sites covering a wide area which are relatively equidistant from each other. This would enable it to service several different communities across the locality, without leaving any significant gaps.
- 6.29 In terms of usage, SBitC would enable community clubs to take priority bookings for training and match play; however, it would also look to use the pitch itself for its various initiatives such as walking football, disability football and Wildcats (a girl's football development initiative led by the FA). Furthermore, it would also access the provision for its Player Development Centre programme, with its grass roots club, and Coventry Sky Blues FC, currently catering for 23 teams. Some of these would both train and play matches at the site.
- 6.30 SBitC states that the facility should also include at least two changing rooms which are needed to enable competitive matches to be played, as well as a minimum of 80 car parking spaces. A condition should be imposed which requires the submission of these details (CONDITION 7).
- 6.31 The report continues that based on the FA's model for determining the number of 3G pitches required which applies 38 teams being accommodated on one full size pitch for training purposes (ensuring the provision is justified and financially sustainable), that the expressed club demand together with potential use from small clubs in the area looking for more suitable training venue, such as single team Sunday League clubs that were not contacted as part of the study, the site could attract 38 teams. The report considered that a sufficient level of need and interest exists to sustain the provision of a pitch.
- 6.32 The need for the 3G pitch set out in the Feasibility study is based on the FA 3G training model however this falls short as it doesn't take into account the usage of the small sided 3G pitches and sand based artificial pitches which are used for training purposes or are available for community use and instead is focussed on the demand being met by a full sized 3G pitch. Additionally, the study has not taken into account new 3G pitches which a) have been constructed and b) those that benefit from planning permission; since the production of the respective PPS's and LFFP's for Coventry and Rugby. The study does

however establish that there is interest in the provision of a 3G pitch from local established clubs and charities with a track record of delivery sport in the community.

- 6.33 In the consideration of alternative sporting / community provision there is no clear and convincing evidence that the re-opening of a speedway and stock car facility would be viable or required. There is also no clear and convincing evidence that the alternative sports provision is required.
- 6.34 The former sporting provision on the site of speedway, greyhound racing and stock car racing were minority spectator sports. The alternative sports provision of a 3G pitch which would be available for a variety of sports for different ages ranges and groups would provide a more universal sporting facility of participation sports that would deliver greater benefits for the health and wellbeing of residents, especially for young people, along with the social and community aspect that the associated pavilion would provide.
- 6.35 The sports pitch and pavilion would also provide community facilities that would be more likely to be used by the immediate community of Brandon and Bretford that the former uses at Brandon Stadium which served a more regional and national audience. It is therefore considered that the alternative sports provision provided as part of this scheme would bring additional benefits that outweigh the loss of the former use of the site and therefore the application is in accordance with para 99 criterion (c) and bullet point 3 of Policy HS4 (C) of the Local Plan. As an alternative community use is proposed, the proposal would also not diminish a community use that could be accessed and used by the local community in which it is sited and therefore it is in accordance with Policy LF1.
- 6.36 The proposal would also introduce a new community facility which will be secured through a community use agreement and therefore this element of the proposal is to be supported in accordance with Policy LF1 of the Neighbourhood Plan and Policy HS4 of the Local Plan.
- 6.37 As the provision of a sports facility is essential to make the development acceptable in principle, the timing of the provision of the sports pitch and pavilion should be conditioned to ensure that the provision is brought forward in a timely manner (CONDITIONS 9 and 41). It is also considered necessary to have a clause within the S106 agreement to ensure that the provision is open to use by the community and has a plan for its long-term viability.

7 Housing Supply and Mix

- 7.1 The most recent monitoring report, published in October 2021, shows that the authority has more than a 6-year supply of dwellings so although any permission would contribute to supply the authority does not 'need' this contribution to meet its requirement to have a minimum five-year supply. The five-year housing land supply requirement is however a minimum requirement and new housing in sustainable locations should be supported in accordance with paragraph 11 of the NPPF. The Local Plan does not preclude the development of windfall housing with an allowance of 630 dwellings from windfall sites during the Local Plan period (1st April 2017 – 31st March 2031). Where applications comply with policy, permission should look to be granted to ensure that a mix of housing is being provided in different locations to ensure that a healthy housing land supply is maintained within the Borough in accordance with the NPPF and the Government's objective of significantly boosting the supply of homes (paragraph 60).

7.2 Policy H1 sets out a preferred dwelling mix as shown in the table below. The below table shows the split for the 98 market dwellings which will be provided.

Dwelling type	LP Requirement	Proposal	Dwellings
1 bed	5-10%	0%	0
2 bed	25-30%	19%	19
3 bed	40-45%	55%	54
4+ bed	20-25%	26%	25

7.3 The split would not comply with Policy H1 as no one-bedroomed dwellings are provided, also the percentage splits differ. The site is however in a rural location, where the take-up of one-bedroomed properties is low, therefore it is considered that not providing any one-bedroomed properties is acceptable. Due to the omission of one-bedroomed properties this has altered the percentages of the other dwelling types. If the overall scheme is considered (including the affordable housing numbers) then the correct ratio of 2,3 and 4 bedroomed dwellings is achieved.

7.4 It is therefore acknowledged that there is a conflict with Policy H1 as this policy is only applicable to market housing however it is considered that a wide choice of homes, suitable for this location, would still be provided which would meet the need within the community. Therefore, the conflict with the policy is limited as a social and balanced community can still be achieved.

Affordable Housing

7.5 The application was originally submitted prior to the adoption of the Local Plan at that time there was a requirement for 40% affordable Housing in the Core Strategy. The original scheme included 40% affordable housing. This requirement was amended on the adoption of the Local Plan which is now the relevant policy for the amended scheme.

7.6 Policy H3 of the Brandon and Bretford Neighbourhood Plan defers consideration of levels of affordable housing provision to the adopted Local Plan.

7.7 Policy H2 of the Local Plan requires 20% affordable housing provision on previously developed land and the proposal complies with the requirement for a minimum of 25 affordable dwellings. It is acknowledged that there is a shortfall in both 1 bed and 4 bed provision as the scheme does not propose to provide any of these dwelling types and the local plan does ask for a certain requirement for these dwelling types. The table below shows the provision against the requirement for affordable housing.

Dwelling type	LP Requirement	Proposal	Dwellings
1 bed	30%-35%	0%	0
2 bed	30%-35%	56%	14
3 bed	20-25%	44%	11
4+ bed	5-10%	0%	0

- 7.8 The absence of any affordable 1 or 4 bed provision, especially for affordable 1 bed dwellings is a shortfall. However, due to its more rural location it is considered that 2 bedroomed properties and above are more suitable for the site. RBC Housing also have no objections to the scheme.
- 7.9 The Local Plan requirement would be 84% social rent and 16% intermediate however RBC housing have commented that there is a significant lack of demand for social rent in the area. The planning statement proposes 56% social rent and 44% shared ownership. Due to the lack of demand for social rent in this location this divergence from policy is considered acceptable and therefore these percentages will be secured within the S106 agreement. Overall, a conflict with Policy H2 is present however in this instance the scheme is still considered acceptable for the reasons given.

8 Layout and Design

- 8.1 Policy SDC1 states that all development will demonstrate high quality, inclusive and sustainable design and that new development will only be supported where the proposals are of a scale, density and design that responds to the character of the area. The Brandon and Bretford Neighbourhood Plan, Policy BNE1 states that all development must demonstrate how local character has been respected in the evolution of the design and Policy BNE2 relates to design principles that should be considered to in the Neighbourhood Area.
- 8.2 The residential development comprises of a mix of detached, semi-detached and terraced dwellings, distributed across the site comprising 2, 3 and 4 bedroom dwellings.
- 8.3 The dwellings are located on the eastern section of the site and as previously stated on a similar footprint to the existing stadium buildings. The proposed dwellings have gable end roofs and are primarily red-bricked interspersed with white rendered properties. The house types have canopy porches, bay windows and windows cills and lintels which add architectural interest to the proposed dwellings. Integrated garages are also proposed on some house types where others have single or double detached garages. The design reflects the surrounding residential properties which forms the character of the area.
- 8.4 The proposal includes the creation of green open spaces, including a large area of open space to the north of the site to adjoin the existing woodland. The open space contains an area for play, additional tree planting in the northern section of the site, as well as along the eastern and southern boundaries to allow visual and wildlife integration. Specific landscaping details are a reserved matter however the detail of the LEAP is to be conditioned (CONDITION 42).
- 8.5 The layout comprises a development pattern of secondary streets off a spine road. With statement buildings at road intersections. The properties on the outer edges of the secondary streets face either green areas or the Open Space. Planted boundaries are proposed to development edges, and fenced boundaries along the spine road, emphasising the more formal nature of the main route.

- 8.6 It is considered that the overall layout and design of the scheme complies with policy SDC1 of the Local Plan and Policies BNE1 and BNE2 of the Neighbourhood Plan subject to conditions (CONDITIONS 7, 10, 11, 16 and 23).

9 Residential Amenity

- 9.1 Policy SDC1 seeks to ensure that living conditions of existing and future neighbouring occupiers are safeguarded from the impact of new development.
- 9.2 The change of use of the site from a stadium to residential will benefit the neighbouring residential dwellings as the noise on the site will be reduced. It is noted that the site has not been in use since 2016 however the use as a speedway still remains and therefore could theoretically be taken up again without the need for any further planning permission.
- 9.3 The proposed built form would be sited to the north-east of the site on the location of the former stadium. The dwellings would also extend along the south-eastern boundary of the site. There is a dwelling to the north of the site off Gossett Lane. The dwellings in this corner of the site are set in from the boundary of the site by approximately 20 metres and there are mature trees in this corner of the site which are to be retained.
- 9.4 There are various properties off Speedway Lane which is adjacent to the site. A landscape buffer is proposed in this location and the proposed dwellings are therefore set into the site. There would be a buffer of approximately 25-30 metres between the existing and proposed dwellings and there would be excessive screening from the existing mature trees along Speedway Lane.
- 9.5 There are also properties situated off Rugby Road and Gossett Lane which are adjacent to the site. These properties typically have gardens of 25-30 metres in length. To the rear of these gardens would be the proposed 3G sports pitch and the car park and pavilion associated with this. The landscaping is currently indicative however trees are indicatively shown to the rear of these properties to provide a buffer. Conditions are also to be imposed regarding the timing the flood lighting can be turned on to protect these neighbouring properties as well as the design and location of the floodlighting and other external lighting (CONDITIONS 30, 31 and 40).
- 9.6 Overall, it is considered that the proposal would not have a detrimental impact upon the residential amenity of existing neighbouring dwellings and that the scheme has been designed to ensure good residential amenity for future occupiers subject to the detailed landscape being submitted at reserved matters stage. The proposal therefore complies with Policy SDC1 of the Local Plan and section 8 of the NPPF.

10 Biodiversity

- 10.1 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by Government in its 25 Year Environment Plan.

- 10.2 The Borough has a number of different natural landscape characteristics as identified within the 2006 Landscape Assessment and the Landscape Sensitivity Study 2016. The Borough also contains a large number of environmental assets, including features of historic interest, geological/geomorphological significance and particular habitats of nature conservation interest. These range from Sites of Specific Scientific Interest (SSSI's), Local Nature Reserves and significant tracts of woodland deemed to be of ancient origin. There are also many other sites and features that are subject to non-statutory designations, such as Local Wildlife Sites identified through the Habitat Biodiversity Audit, that reflect their particular contribution to biodiversity.
- 10.3 New Close Wood, Ancient Woodland Site (AWS) and local wildlife site, is adjacent to the application site and Little Brandon Wood, Brandon Wood Piles Coppice and Binley Common Farm Wood, all AWS are within 1.2km.
- 10.4 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 10.5 A biodiversity metric has been submitted in support of the application. No hedgerows are proposed to be removed. As discussed in the highways section trees are proposed to be removed in order to provide a safe access to the site. The site currently contains a significant amount of hardstanding (stadium and associated car park) and the scheme proposes to introduce a significant amount of open space on the site. The proposed scheme has no loss or gain of hedgerows and river units and a gain of 6.36 habitat units which equates to a biodiversity net gain of 19.14%.
- 10.6 Policy NE1 of the Local Plan relates to the protection of designated Biodiversity and Geodiversity Assets where it states that in terms of Ancient Woodlands that planning permission should be refused for development resulting in the loss or deterioration of ancient woodland, and/or the loss of aged or veteran trees found outside of ancient woodland unless the need for, and benefits of, the development in that location clearly outweighs the loss.
- 10.7 In addition NE1 states that all development proposals in the proximity of ancient woodland shall incorporate buffers having regard to Natural England's standing advice.
- 10.8 Policy BNE4 of the Neighbourhood Plan states that redevelopments of previously developed land will need to demonstrate that existing habitats are safeguarded and an appropriate buffer to do so.
- 10.9 The site itself has no specific nature conservation designation. However, there are records of bats and grass snake, within the application site.
- 10.10 Hedgehogs are listed on Schedule 41 of the Natural Environment and Rural Communities Act 2006 which identifies living organisms and types of habitat which are of principal importance for the purpose of conserving biodiversity it has been recommended that as fencing can exclude hedgehogs from gardens, a primary hedgehog habitat used for foraging, shelter and finding mates, all boundaries and barriers within and surrounding the development, including fencing, railing and gates, should be made permeable e.g. through the use of fence panels with 13 x 13 cm base holes (hedgehog holes), leaving a sufficient

gap beneath gates, leaving brick spaces at the base of brick walls to allow connectivity for the hedgehogs.

- 10.11 It is recommended that any Construction and Environmental Management Plan should include measures to protect individual hedgehogs; caution is needed when clearing the ground prior to development, particularly piles of deadwood or leaves and areas of long grass or dense vegetation the submitted Ecological Appraisal, has identified the site as containing suitable hedgehog habitat and has recommended the use of hedgehog holes details of which should be included in the CEMP.
- 10.12 The Warwickshire Biological Records Centre hold records for badger, grass snake, house martin, swallow and dunnock within the area of wider influence. There are many records for notable invertebrates such as moths to the south east of the site.
- 10.13 A full Phase 1 survey of the site was undertaken and the results are presented in the document Ecological Appraisal of Coventry Stadium, which comprised a survey of the site and was updated July 2021. This report identified that the most ecologically valuable area of the site was a mosaic of habitats on the north-western boundary including semi-natural, broad-leaved woodland, an earth bank with scrub and tall ruderal vegetation, amenity grassland with spoil heaps and scattered trees. This area offered connectivity through the landscape as well as potential foraging and sheltering habitat for reptiles, bats, hedgehog, nesting birds and common amphibians. There was also an area suitable for reptile hibernation in the centre of the site.
- 10.14 Policy NE1 states that all development proposals in the proximity of ancient woodland shall have regard to 'Standing Advice for Ancient Woodland and Veteran Trees' published by Natural England. As a starting principle, development must be kept as far away as possible from ancient woodland. The necessary width of any buffer zone will depend upon local circumstances and the type of development. Buffer zones should be retained in perpetuity and allowed to develop into semi-natural habitats. Section 6 of the Standing Advice includes guidance on mitigation measures, including buffers. WCC Ecology have recommended that a buffer of 15m in accordance with the policy.
- 10.15 The proposal results in an increase of biodiversity on site and therefore no off-site mitigation measures are required. Due to the final landscaping design being a reserved matter a condition should be imposed requiring an updated biodiversity impact assessment to be submitted within the Landscape and Ecological Management Plan to confirm that a biodiversity net gain is achieved (CONDITION 27). Therefore, subject to conditions, the scheme complies with Policy NE1 of the Local Plan (CONDITION 28).

11 Landscape

- 11.1 Policy NE3 of the Local Plan states that new development which positively contributes to landscape character will be permitted. Policy BNE6 of the Brandon and Bretford Neighbourhood Plan requires that developments identify, assess and address impacts on the valued rural character and setting of the Neighbourhood Area. Policy BNE1 of the Neighbourhood Plan states that mature trees which contribute positively to the character of the area and the natural environment will be protected and retained in proposed new development.

- 11.2 At a National Level the site is located within National Character Area (NCA) 96: Dunsmore and Feldon. At a local level the Landscape Assessment of the Borough of Rugby identifies the site as located in the Dunsmore Parklands Landscape Character Type;

“A gently rolling estate landscape with a well wooded character, defined by woodland edges, parkland and belts of trees. Mature hedgerow and roadside trees reinforce this impression by creating a sequence of linked wooded spaces. Large blocks of woodland and smaller coverts help to create a sense of scale and enclosure in an otherwise intensively farmed landscape.”

- 11.3 The existing site context setting displays no similarities with the surrounding landscape character due to its previous use as a stadium with large angular buildings and large expanses of concrete hard standing previously used for parking. However, the site is effectively screened by surrounding woodland which is in keeping with the local landscape character assessment particularly to the north/north west and south western boundaries where established groups of mature trees and woodland form an established attractive backdrop, screen, visual amenity and biodiversity feature.
- 11.4 The “Landscape commentary on the Green Belt” places a high emphasis on the surrounding woodland cover *“In terms of creating a robust boundary to the Green Belt the site is well contained in views from the wider landscape as a result of substantial belts of mature vegetation and areas of well-established woodland around its boundaries. New Close/ Birchley Wood along the northern boundary and mature vegetation along the eastern, western and southern boundaries provide robust, defensible and permeant boundaries to the Green Belt”. The existing tree cover does provide good screening to the existing stadium. However, the established wooded boundary to the south west is under threat from the proposed new access where a large gap would appear which will compromise the “robust, defensible, boundaries”.*
- 11.5 There is a high volume of protected tree cover surrounding the boundary of the application site. Protected tree cover to the north and adjacent to Gossett Lane (including ancient Woodland at New Close Wood/Birchley Wood) is unaffected. A large green buffer zone has been incorporated to provide an adequate degree of separation as development is primarily in the centre of the site where the existing stadium is located at present.
- 11.6 However, in order to facilitate this development a new access is proposed through the south western boundary. There is a group of protected Oak trees located in this location protected by Tree Preservation Order (TPO) no.222. Collectively these trees serve as a highly prominent public visual amenity, screen and biodiversity feature. The proposal highlights the removal of 3 of these Oak trees (2 early mature and 1 Mature) to allow for the access.
- 11.7 The tree report states that “the removal of this tree cover should not be considered as detrimental due to the retention of the vast majority of tree situated along this boundary” and “New planting along the proposed access road and within the green open space immediately behind G1 will provide mitigation for the required losses”. Nevertheless, it is still a loss of protected trees.
- 11.8 The Council’s landscape officer disagrees with this assessment and the preferred option would be to utilise the existing accesses to preserve the mature Oak trees. However, the

existing access is not considered to be safe from a highway safety point of view and therefore the new location for the access was the most appropriate. As a result it has been recommended that semi mature Oak planting to mitigate the loss would need to be incorporated into the open spaces to the rear of the existing boundary trees where the new access is formed (CONDITION 4).

- 11.9 It is considered that overall, the scheme complies with Policy NE3 of the Local Plan and BNE6 of the Neighbourhood Plan. There is however conflict with Policy BNE1 of the Neighbourhood Plan due to the removal of three protected trees.

12 Air Quality

- 12.1 Policy HS5 requires that development of more than 1000 sqm of floorspace or 10 or more dwellings must achieve or exceed air quality neutral standards. If air quality neutral standards are not met, points 2, 3 and 4 of the policy detail how developments should address the impacts of poor air quality, including mitigation measures.
- 12.2 The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.” It is recognised that the current proposal triggers the threshold of a Major development and as such policy HS5 is relevant. The proposal introduces:
- New boilers for 124 dwellings and;
 - Introduces two car parking spaces per dwelling however a car park is currently present on the site in relation to the speedway stadium
- 12.3 Within the context of point 1 of the policy, the development is not considered to be air quality neutral and in addition requires an Air Quality Assessment. This has been submitted with the application and concludes that any increase in pollutant levels is predicted to be not significant. Environmental Health agree with the conclusions of the assessment. As a result, only on-site mitigation measures as detailed in points 2 to 4 of the policy are required. The following on-site mitigation measures are proposed:
- Electric Charging points
 - Green roof to the pavilion
 - Cycle parking spaces
- 12.4 Taken as a whole, it is considered that the above package of mitigation measures meet the requirements of points 2-4 of the policy and as such complies with Policy HS5. Details will be secured via condition (CONDITION 12).

13 Flooding

- 13.1 Chapter 10 of the NPPF sets out government requirements on how the planning system should take into account the risks caused by flooding. The Planning Practice Guidance under the chapter entitled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.
- 13.2 Policy SDC5 of the Local Plan sets out the sequential approach taken in relation to flooding based on the flood zone.

- 13.3 The application site lies within flood zone 1, having a low probability of flooding from rivers. However, the proposed development may present risks of flooding on-site and/or off-site if the surface water runoff is not effectively managed.
- 13.4 The detailed Flood Risk Assessment (FRA) submitted confirms the proposed surface water runoff will be restricted to greenfield runoff rates and will be attenuated in two detention basins. The Lead Local Flood Authority (LLFA) have stated that requirements for flood relief can be incorporated into the landscape scheme at reserved matters stage. The proposal, subject to conditions, is therefore compliant with Policy SDC5 of the Local Plan and the NPPF (CONDITIONS 26, 32 and 33).

14 Ground Contamination and Noise Pollution

- 14.1 Paragraph 174 of the NPPF states that proposals should be prevented from contributing to, being out at risk from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 183 of the NPPF states that a site should be suitable for its proposed use by taking account of ground conditions and any risks arising from land instability and contamination.

Ground Contamination

- 14.2 The site is located on the bedrock of the Mercia Mudstone Formation, designated as a Secondary B Aquifer by the Environment Agency. Superficial deposits are indicated to be present for the site, in the form of the Dunsmore Gravel (sands and gravels). These are designated as a Secondary A Aquifer.
- 14.3 The River Avon is located approximately 1km from the site. The preliminary investigation has identified potential sources of contamination in the form of heavy metals, organic and inorganic contaminants associated with the former use of the site as motorsports racing stadium. The presence of made ground has also been identified, and known areas of infilling have also been identified, including a former pond at the site. These potential sources of contamination may be currently impacting on controlled waters receptors such as the underlying Secondary A Aquifer and linked surface water features.
- 14.4 As such a Phase 2 Site Investigation should be carried out so that the risk to controlled waters can be determined. Furthermore, the applicant should acknowledge that there is potential for remobilisation of any contaminants during site development. The site investigation will include trial pitting and window sampling, with samples selected for chemical analysis. Due to the sensitivity of controlled waters receptors in the area, it is recommended that the investigation should include the collection and analysis of soil, leachable and groundwater samples to determine the presence of any current contamination on site, and the risk posed to controlled waters receptors. This investigation will be conditioned prior to any development commencing (CONDITION 15).

Noise

- 14.5 The submitted Noise Assessment (Ref: AC103800-1R1 dated 13th October 2017) and its 2021 Addendum have been reviewed. The report notes that the main source of noise likely to affect proposed residential dwellings is from the A428 Rugby Road and that acoustic attenuation measures will be required.
- 14.6 The 'REC Noise Constraints Assessment Ref: AC103800-1R1 dated 13th October 2017' and 'Ensafe consultants letter dated 1st July 2021 reference AC107085-1r0 re Coventry

Stadium, Rugby Road (A428), Brandon' identified that acoustic mitigation works will be necessary for the development. The 2021 Addendum expanded on the original noise assessment. There are various aspects within this report which are acceptable however additional information is required in order to ensure the protection of future occupiers from noise. It should therefore be conditioned that acoustic attenuation measures will be identified and submitted for approval (CONDITION 45).

- 14.7 Overall, it is considered that the development complies with paragraphs 174 and 183 of the NPPF subject to conditions.

15 Archaeology

- 15.1 Section 16 of the NPPF sets out the approach taken to the historic environment. Policy SDC3 of the Local Plan states that development will be supported that sustains and enhances the significance of the Borough's heritage assets which includes archaeology.

- 15.2 A programme of evaluative archaeological trial trenching was undertaken across this site by Headland Archaeology the results of which have been submitted with the supporting information to this application. The evaluation was undertaken across the area to the west and north of the existing stadium in accordance with an agreed Written Scheme of Investigation (WSI), also submitted with this application. The archaeological fieldwork established that relatively modern land drainage existed across much of the site. Within the northern part of the site was an area of deep modern made ground. A single linear feature interpreted as post-medieval in date was also identified.

- 15.3 In light of the results of the archaeological evaluation no further below ground archaeological work will be required either to inform any planning decision, as it relates to archaeology or to mitigate the impact that the proposal will have upon potential archaeological deposits.

- 15.4 Coventry Stadium should, however, be considered a significant structure in its own right having first hosted speedway meetings during the 1920s. The stadium has also been used for stock car and greyhound racing. This is a relatively unusual structure that will have played an important role in the history of the surrounding area, particularly with regard to the leisure pursuits of surrounding population for a significant part of the 20th century.

- 15.5 Whilst WCC Archaeology do not object to the principle of development, they wish that some archaeological work in the form of a building recording for the stadium should be required by condition (CONDITION 25) and thus conclude this approach conforms with Section 16 of the National Planning Policy Framework and Policy SDC3 of the Local Plan.

16 Highways

- 16.1 Policies D1 and D2 of the Local Plan seeks transport mitigation measures and adequate parking provision. Policy HS1 of the Local Plan seeks to contribute to the development of high quality, safe and convenient walking and cycling network. Policy LF2 of the Brandon and Bretford Neighbourhood Plan seeks to ensure that when new development occurs that development provides for cycling, equestrian and walking routes.

- 16.2 The applicants have submitted a Transport Assessment (TA) which provides an assessment of the potential impacts that the development proposals could have upon the

safe and efficient operation of the highway network. The Highway Authority has reviewed the submitted information.

Access

- 16.3 A Road Safety Audit (stage 1) has been undertaken for the proposal. Warwickshire County Council highways have reviewed the information and design and are content that the proposed access would not have a highway safety impact.

Parking

- 16.4 The Site Layout plan shows the number of parking spaces provided per dwelling. Two spaces are provided for 2 bed dwellings and 3 spaces are provided for the 3 and 4 bed dwellings. This provision complies with the WCC highways design guide and WCC have no objection.
- 16.5 Permission is also sought for a dedicated car park to serve the pitch and the pavilion, which will be accessed from the primary access road into the wider development. Whilst the position of the car park is fixed, the specific layout will be conditioned. The car park will accommodate approximately 70 spaces, including those for disabled visitors. A further two drop off spaces for minibuses are included. In addition, a number of electric vehicle charging points will be included, as will provision for cycle / motorcycle parking.

Sustainable Transport

- 16.6 A pedestrian crossing facility is to be provided in accordance with drawing number 16115-09. This would be secured through Section 278 highway works. In regard to cycling provision a contribution is sought towards developing traffic free cycle links between the site and the local facilities in Binley Woods as detailed in the Design and Access statement. This will further contribute to modal shift away from the car for short journeys to local destinations. Public rights of way will remain open and available for public use at all times unless closed by legal order. The proposed site layout includes proposed footpath links to the public rights of way outside of the site. The Rights of Way team have no objection to the creation of such links.

Other considerations

- 16.7 The main historic access into the site, which is currently stopped up, will be reutilised to allow pedestrian access and access for emergency services.
- 16.8 Public rights of way should remain open and available for public use at all times unless closed by legal order. The proposed site layout includes proposed footpath links to the public rights of way outside of the site. The Rights of Way team have no objection to the creation of such links.
- 16.9 Amended plans were received following the Road Safety Audit revising the scheme to include designated pedestrian crossing points along the footways within the development to allow members of the public to cross the carriageway. WCC highways also previously made a request that a surfaced and lit shared pedestrian and cycle path should be provided between the proposed dwellings and Gossett Lane and secure covered cycle parking should be sought for the proposed sports facilities.

- 16.10 WCC Highways have undertaken a full assessment of all of the submitted information and raise no objections to the scheme subject to conditions (CONDITIONS 14, 20, 24, 35, 36, 37 and 43) and financial obligations. The scheme therefore complies with Policy D1, D2 and HS1 of the Local Plan and the wider policies in the NPPF.

17 Planning Obligations

- 17.1 Paragraphs 54, 56 and 57 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD 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.
- 17.2 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 take this into account when determining the application. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below. It is considered that all of these requests meet the necessary tests and are therefore CIL compliant.

Affordable Housing

- 17.3 Policy H2 stating that affordable homes should be provided on all sites of at least 0.36 hectares or capable of accommodating 11 dwellings or more.
- 17.4 In terms of affordable housing Rugby Borough Council (Housing) have confirmed the scheme is compliant in terms of 20% proposed affordable housing and in relation to property types, whilst the scheme doesn't include 1 bedroom properties it is considered that due to its more rural location that 2 bedroomed properties and above are more suitable for the site.

Health

- 17.5 The University Hospitals for Coventry and Warwickshire NHS Trust have been in contact advising that this development has an effect on health and wellbeing in particular in relation to the impact that the development has on the acute service provided by the Trust. Following there advise they have confirmed that they require a contribution of £26,911 which would be used directly to provide health care services to meet patient demand.
- 17.6 Additionally Rugby Clinical Commissioning Group the Joint Health have identified that the proposal would have an impact on primary health care and have requested a contribution of £82,170 for the improvement and/or extension of Wolston Surgery.
- 17.7 The provision of Health care is required for compliance with Policy D3 of the Local Plan. The requirement of funding for Health Care Provision at identified local GP Surgeries and UHCW, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives

contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the GP practises in Wolston, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development. The contribution fairly relates in scale and kind to the development proposed.

Education

- 17.8 WCC has undertaken an assessment as to the requirements needed for Early Years, Primary and Secondary spaces within existing schools to accommodate the estimated number of pupils that would be likely to arise from this development. The contribution is being reviewed and therefore the updated amount will be reported to committee following the publication of this report. A contribution would be required for this development to mitigate the impact of additional users from the development within Pre-School/Early Years, Primary, Primary Special Educational Needs, Secondary (11-16 years), Secondary Age Special Needs and Post 16 provision. The areas which require mitigation will be reported following the publication of this report.

Open Space

- 17.9 The SPD on Planning Obligations states that where on site open space is not provided an off-site contribution is required towards Play and Open Space, subject to negotiation with the Council. However, the application provides open space and green infrastructure to cater for the recreational needs of the existing and new community. Along with the proposed 3G pitch the on-site provision meets the requirements for the provision of open space. Therefore, a financial contribution of £70,813.92 is sought for the maintenance of the open space in accordance with the SPD.

Highways

- 17.10 WCC requests contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel. Footway Improvements and the provision of a Toucan crossing would be delivered by way of a S278 Highways agreement. A contribution by way of S106 agreement for Sustainable Transport Information and Road Safety Education (this replaces previous request for Sustainable travel packs) is also sought.

Rights of Way

- 17.11 The layout includes footway links to existing public rights of way outside the site and to mitigate the increase in the Highway Authority's maintenance liability resulting from the increase in use of local public rights of way by new residents from this development a contribution of £7,630 is required towards improvements to public rights of way within a 1.5 mile radius of the development site.
- 17.12 These improvements would include upgrading stiles to gates as well as bridge and path surface improvements. The amount requested has been calculated based on the estimated cost of improvements to the local network, the estimated cost per resident

based on residency figures for local wards, and the estimated number of future residents for this development.

Heads of Terms

17.13 In summary the contributions required for this proposal have been highlighted as per the table below:

Obligations	Requirement	Trigger
Play and Open Space	Open Space Maintenance contribution - £70,813.92	Prior to occupation of the dwellings
Affordable Housing	20%	Prior to occupation of the dwellings
Highways	£6,000 towards a scheme for the extension of the existing 30mph speed limit on the A428	Prior to commencement of the development
	Sustainable Transport Information and Road Safety Education - £10,275	Prior to occupation of the dwellings
NHS Trust and Joint Health Trust	Contribution towards service provision: NHS Trust - £82,170 Joint Health Trust - £26,911	Prior to Occupation to the dwellings
Education	Contribution for early years, primary and secondary schools - To be reported following the publication of this report	To be Confirmed
ROW	Improvements to Public Rights of Way within 1.5m of Development - £7,630	To Be Confirmed
Sports Provision (3G Sports Pitch)	Community Use Agreement	To be Confirmed
	Maintenance Provision	To be confirmed

17.14 In relation to any financial contributions or commuted sums sought through a s.106 agreement, the financial contributions or commuted sums set out in this report will be adjusted for inflation for the period from resolution to grant to completion of the s.106 agreement. In addition, any financial contributions or commuted sums sought through a s.106 agreement will be subject to indexation from the completion of the s.106 agreement until the date that financial contribution or commuted sum falls due. Interest will be payable on all overdue financial contributions and commuted sums.

- 17.15 Local planning authorities should ensure that the combined total impact of planning conditions, highway agreements and obligations does not threaten the viability of the sites and scale of development identified in the development plan.
- 17.16 A viability report was submitted as part of the process of the application, and it was found that the required contributions were acceptable and would not make the scheme unviable and therefore the proposal can be delivered with the required contributions.
- 17.17 If the committee resolves to approve the proposal, this will be subject to the completion of an agreement by way of a section 106 covering the aforementioned heads of terms.
- 17.18 Subject to the completion of a section 106 agreement the development would be in accordance with Policy D3 of the Local Plan.

18 Other matters

- 18.1 Objections/comments have been received in relation to the previously published September Committee Report. The application was not heard at that committee due to it being subsequently cancelled. The application should be determined based on the information within this committee report and the discussion at the committee meeting.
- 18.2 Representations have been received in relation to the other application which is currently pending consideration. R22/0071 was submitted in April 2022 for the change of use of buildings on the site into a museum, a gymnasium/training centre and bar/catering outlet, all in association with the sporting facility. This application is subject to its own assessment and determination process and will be assessed on its own merits.

19 Planning Balance and Conclusion

- 19.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 19.2 The proposal is for the redevelopment of a previously developed site to 124 dwellings and sporting facilities (3G Pitch with a pavilion). Whilst it has not been allocated for housing within the Local Plan, in principle the development of housing on this site is acceptable due to the site being previously developed land. The site is however within the Green Belt but the proposed residential development would not result in an increase in the developed area of the site and will introduce development of a smaller scale and further open space, soft landscaping, footpaths and cycle paths linking to the existing footpaths surrounding the site. It is therefore considered that the proposed development would not have a greater impact on the openness of the Green Belt than currently exists therefore the proposal complies with paragraph 149 of the NPPF.
- 19.3 In relation to the loss of the sporting facility it is considered that the alternative sports provision provided as part of this scheme would bring additional benefits that outweigh the loss of the former use of the site and therefore the application is in accordance with para 99 criterion (c).

- 19.4 In relation to Policy HS4 criterion (c) of the Local Plan the needs for the alternative sports provision should clearly outweigh the loss. The evidence submitted shows that there is some need for a 3G pitch but there is also a lack of certainty as to whether the former use could be viably re-established and therefore the conflict with Policy HS4 (C) has to be balanced against the additional benefits that the alternative sporting provision would provide in terms of local participant sports available to the local community. Therefore, this conflict is given moderate weight.
- 19.5 In relation to Policy LF1 the proposal would not result in a loss of a community facility as a community facility would still be present on site. An assessment has been made as to whether the proposal would diminish a community facility. The former use had benefits on a regional and national scale however the alternative community use has a wider local benefit. The supporting text for Policy LF1 states that within the neighbourhood areas local facilities are limited and that it supports community uses in sustainable locations. The site whilst outside of the settlement boundary it is immediately adjacent to the settlement of Brandon and is adjacent to existing residential properties. The Parish Council who are the authors of the Neighbourhood Plan and Policy LF1 also do not object on the basis of any conflict with Policy LF1. It is therefore considered that the provision of a community facility which can be used by the local community, in a sustainable location, does not diminish a community use on the site and therefore the conflict identified is only given limited weight.
- 19.6 Weighed against this conflict with Policy HS4 and LF1 of the adopted development plan is also the Government's commitment to significantly boost the supply of housing through the Framework which is given significant weight.
- 19.7 Conflict has been identified with Policies H1 and H2 of the Local Plan as the scheme does not provide the mix or affordable housing tenure required within the Local Plan. This conflict is given limited weight as due to the location of the scheme the demand for social rent is reduced and overall a wide choice of homes suitable for this location would still be provided which would meet the need within the community.
- 19.8 In addition, conflict with Policy BNE1 of the Neighbourhood Plan has been identified as there would be a loss of three protected trees in order to provide the new access to the site. From a highway safety point of view the existing access could not be used however harm has still been identified to the natural environment due to the removal of these trees. Mitigation has been proposed through the application however this harm and conflict with Policy BNE1 will be weighed within the balance.
- 19.9 No other conflict with the development plan has been identified therefore all other policies referenced from the Local and Neighbourhood Plan and the NPPF within this report are considered to be complied with.
- 19.10 From an economic objective the proposed new dwellings would result in jobs being created during the construction of the site, 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 and attract significant weight in the planning balance. As such, the proposed development would satisfy the economic role of sustainable development.

- 19.11 From a social objective the revised scheme of up to 124 dwellings of which 20% would be affordable dwellings, would consequently make a significant and positive contribution towards meeting the housing need. The revised proposals includes open space which is to be accessible to members of the public. The delivery of open space as part of the wider scheme not only serves to reduce the visual impact of the scheme but contributes to the wider provision of open space within the area. In addition to the open space, the provision of new public footpaths across the site, and enhanced pedestrian and cycle links into and out of the site also provide a notable social benefit. Another social benefit of the site is the provision of a new 3G sport pitch on the site which will have a community use secured through the section 106 agreement. The 3G pitch will have associated community facilities which will be made accessible to members of the public which would deliver health and wellbeing objectives and encourage participation in sports and active lifestyles. These social benefits hold significant weight within the balance.
- 19.12 From an environmental objective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, trees and hedgerows, archaeology, highway safety, traffic flows, ecology, flood risk, drainage, air quality, noise, contamination, residential amenity, water conservation and carbon emissions have all been considered and weighed against the existing use and buildings on the site which are in a dilapidated state. The proposal will bring about environmental enhancements through the additional tree planting, landscaped areas and provision of large areas of green space which have the potential to encourage biodiversity. In the instances where there are any adverse impacts this can be mitigated through conditions and/or obligations within the Section 106 legal agreement and therefore the proposal meets the environmental arm of sustainable development. The scheme will provide a significant biodiversity net gain on the site and deliver sustainable drainage systems (SuDS). These benefits hold significant weight within the balance.
- 19.13 In conclusion, the proposal will result in a conflict with the policies regarding community and sporting facilities, however this is mitigated by the provision of alternative sporting facilities available for use by the community and therefore the conflict is given moderate weight in relation to Policy HS4 and limited weight in relation to LF1. The proposal will result in a conflict with the housing mix and affordable housing tenure provision policies however this holds limited weight due to a wide choice of homes suitable for this location would still be provided which would meet the need within the community. Conflict is also identified with Policy BNE1 of the Neighbourhood Plan in relation to the removal of three protected trees. The harm to the natural environment is given moderate weight within the balance.
- 19.14 Weighed against the identified harm is the economic benefits which hold significant weight and the environmental and social benefits which also hold significant weight.
- 19.15 On balance, therefore the significant benefits outweigh the harm and the proposal would secure a sustainable form of development in accordance with the policies set out in the local plan and the NPPF subject to a legal agreement, conditions and informatives. Therefore, the application is recommended for approval subject to the recommendation below.

20 Recommendation

1. Planning application R18/0186 be approved subject to:
 - a. Referral to the Planning Casework Unit
 - b. the conditions and informatives set out in the draft decision notice appended to this report; and
 - c. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chairman or Vice Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

DRAFT DECISION

REFERENCE NO:
R18/0186

DATE APPLICATION VALID:
16-Jan-2018

APPLICANT:
Brandon Estates c/o agent.

AGENT:
Gareth Hooper DPP Planning, Sophia House, 28, Cathedral Road, Cardiff, CV11 9LJ

ADDRESS OF DEVELOPMENT:
COVENTRY STADIUM, RUGBY ROAD, BRANDON, COVENTRY, CV8 3GJ

APPLICATION DESCRIPTION:
Demolition of existing buildings and outline planning application (with matters of access, layout, scale, and appearance included) for residential development (Use Class C3) including means of access into the site from the Rugby Road, provision of open space and associated infrastructure and provision of sports pitch, erection of pavilion and formation of associated car park.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION: 1

The development hereby permitted, excluding demolition, must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON:

To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION: 2

Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON

To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION: 3

Details of the following reserved matter shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

a - Landscaping

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority in accordance with policies GP1 and SDC1 of the Local Plan (2019).

CONDITION: 4

With the submission of the Reserved Matter application (and any subsequent reserved matters relating to landscape) a scheme which details the proposed semi mature Oak Tree planting shall be submitted. The development shall then be completed in accordance with the approved details.

REASON: To ensure that the details of the development are acceptable to the Local Planning Authority in accordance with policy BNE1 of the Brandon and Bretford Neighbourhood Plan.

CONDITION: 5

The development shall be carried out in accordance with the plans and documents detailed below:

343A08_101_G_Site Layout
343A08_104 E Area of Development Plan
343A08-110 Barwick Brick
343A08-111 Beaufort Brick
343A08-112 Beaufort Render
343A08-113 Carlton Brick
343A08-114 Carlton Render
343A08-115 Cofton Brick
343A08-116 Cofton Render
343A08-117-A Crawford Brick
343A08-118 A Crawford Render
343A08-119 B Freemont Brick
343A08-120 B Freemont Render
343A08-121 Montague Brick
343A08-122 Montague Render
343A08-123B Olton Brick
343A08-124B Olton render
343A08-125B Ravenhurst Brick
343A08-126B Ravenhurst Render
343A08-127B Tansley Brick
343A08-128B Tansley Render
343A08-129 Garage-Brick
343A08-140A Streetscenes
343A08-141A Character Area Elevations
27510 - BRL-L-001 Illustrative Landscape Masterplan Rev_LR
BR-L-SK003_3G Sports Pitch & Car Park Landscape Concept RevH
343A08_102_E_Road Hierarchy Plan
343A08_103_E_Adoptability Plan
27510 900 Rev B Site Plan
8135 AA B

Documents

2018

Air Quality Report

Noise Report

Phase 1 Contamination Report

Transport Assessment

Foul Sewerage and Utilities Assessment
Design and Access Statement;
Sustainability and Energy Statement;
Landscape and Visual Assessment;
Ecological Appraisal, Bat Report and Biodiversity Impact Assessment Calculator;
Tree Survey;
Archaeology Desk Based Assessment and Trenching Results;
Flood Risk Assessment;
Financial Assessment Non-Technical Summary.

2021

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Planning Statement
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Noise Report Addendum 2021
Transport Assessment Addendum 2021
Updated Landscape and Visual Assessment
Updated Tree Survey
Updated Air Quality Assessment
Viability Assessment
Speedway Viability Appraisal
3G Artificial Grass Pitch Feasibility Study
Updated Archaeological Assessment

Ecology Report 2022

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority in accordance with policies GP1 and SDC1 of the Local Plan (2019).

CONDITION: 6

The development shall consist of no more than 124 dwellings.

REASON

For the avoidance of doubt.

CONDITION: 7

Prior to the commencement of development, excluding demolition, full details of the Sports Pavilion shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) the siting, design and materials of the proposed bin and cycle stores
- b) the design and materials of the pavilion
- c) internal layout of the car park associated with the pavilion and Sports Pitch

The Sports Pavilion shall then be constructed in accordance with the approved details.

REASON:

To ensure a satisfactory external appearance and in the interests of the visual amenities of the locality in accordance with policy SDC1 of the Local Plan (2019).

CONDITION: 8

The Sports Pavilion provided shall be a minimum of 350 square metres, when measured externally.

REASON:

To ensure adequate facilities are provided in association with the sports facility in accordance with the National Planning Policy Framework (2021).

CONDITION: 9

The Sports Pavilion associated with the sports pitch shall be constructed and made available for use before occupation of 50% of the dwellings.

REASON:

To ensure an adequate facilities are provided in association with the sports facility in accordance with the National Planning Policy Framework (2021).

CONDITION: 10

Notwithstanding the details submitted as part of the application 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 in accordance with Policy SDC1 of the Local Plan (2019).

CONDITION:11

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

REASON:

In the interest of visual amenity in accordance with Policy SDC1 of the Local Plan (2019).

CONDITION:12

No above ground development shall begin until a scheme detailing the on-site measures to be incorporated within the development in order to meet the air quality mitigation requirements of policy HS5 has been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, the approved scheme shall be implemented and maintained in perpetuity.

REASON:

In the interests of air quality in accordance with Policy HS5 of the Local Plan (2019).

CONDITION: 13

No development shall commence unless and until a full Asbestos Survey of buildings to be demolished along with a removal and Disposal Plan has been submitted to and approved in writing by the Local Planning Authority. The removal of the asbestos would need to be carried out by appropriate contractors and the demolition of the buildings shall be carried out in accordance with the approved removal and disposal plan.

REASON:

In the interest of health and safety in accordance with the National Planning Policy Framework (2021).

CONDITION: 14

No development shall commence unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details relating to:

- (i) Hours of demolition, construction and deliveries;
 - (ii) The control of noise and vibration emissions from construction/demolition activities including groundworks, plant/generators and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the construction/demolition phase;
 - (iii) The control of dust including arrangements to monitor dust emissions from the development site during the construction/demolition phase;
 - (iv) Any temporary site compound, including buildings/structures, lighting, fencing and storage provision;
 - (v) The parking of vehicles of site operatives and visitors during the demolition/construction phase;
 - (vi) Measures to prevent deleterious material being carried onto the highway network; &
 - (vii) Construction Phasing Plan and Heavy Goods Vehicle construction/demolition routing plan;
- Development shall not be carried out other than in accordance with the approved Construction Management Plan.

REASON:

In the interests of the amenities of the area and Highway safety in accordance with Policies SDC1 and D1 of the Local Plan (2019).

CONDITION: 15

a) A Phase II geoenvironmental/contamination investigation should be undertaken to confirm the presence or otherwise of contaminants sources and quantify the risks to identified receptors. A hazardous gas investigation is required to determine the need or otherwise for gas protection measures in future buildings. It is recommended that the further site investigations set out in part 7 of the preliminary report should be followed and a report submitted for approval to the Local Planning Authority prior to any development works, including demolition commencing.

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

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 part a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 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 part c.

REASON:

To ensure the site is suitable for its proposed use in accordance with paragraph 183 of the National Planning Policy Framework (2021).

CONDITION: 16

No development shall commence on site, excluding demolition, until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

REASON:

To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy SDC1 of the Local Plan (2019).

CONDITION:17

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

REASON:

In the interests of sustainability and water efficiency in accordance with SDC7 of the Local Plan (2019).

CONDITION:18

Prior to the first occupation of each dwelling a passive electric vehicle charging point shall be provided to that dwelling.

REASON:

To encourage the use of electric vehicles in the interest of sustainability to accord with paragraph 112 of the National Planning Policy Framework (2021).

CONDITION:19

Prior to the first occupation of each dwelling broadband infrastructure shall be provided to that dwelling to allow broadband services to be provided.

REASON:

To provide broadband connectivity for future occupiers to accord with paragraph 112 of the National Planning Policy Framework (2021).

CONDITION: 20

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

REASON:

In the interest of highway safety in accordance with paragraph 111 of the National Planning Policy Framework (2021).

CONDITION: 21

Prior to the commencement of development, excluding demolition, a Tree Protection Plan/Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved plan/statement.

REASON:

In the interest of visual amenity in accordance with Policy NE3 of the Local Plan (2019).

CONDITION:22

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

REASON:

In the interest of visual amenity in accordance with Policy NE3 of the Local Plan (2019).

CONDITION:23

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

REASON:

In the interest of visual amenity in accordance with Policy SDC1 of the Local Plan (2019).

CONDITION:24

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

REASON:

In the interest of highway safety in accordance with Policy D2 of the Local Plan (2019).

CONDITION:25

No development shall take place until a programme of archaeological work, including photographic recording of the existing buildings on site, has been implemented in accordance with a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority.

REASON:

In the interest of archaeology in accordance with Policy SDC3 of the Local Plan (2019).

CONDITION:26

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

REASON:

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy SDC5 of the Local Plan (2019).

CONDITION:27

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Authority prior to the commencement of the development, excluding demolition. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured with the management body(ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning official biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

The LEMP shall be accompanied by an updated Biodiversity Impact Assessment using the DEFRA Biodiversity Metric version 3.1 to correspond with the habitat creation and management within the LEMP and demonstrate a measurable biodiversity net gain.

The approved LEMP and associated measures shall be maintained in full and in perpetuity. If within a period of 10 years from the date of planting, any planting/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/planting 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 non-material variations.

REASON:

To ensure a net biodiversity gain in accordance with paragraph 174 of the National Planning Policy Framework (2021).

CONDITION:28

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

REASON:

To ensure that protected species are not harmed by the development in accordance with Policy NE1 of the Local Plan (2019).

CONDITION:29

No works to commence on site, including site clearance, until an ecological scheme has been submitted and approved in writing by the Local Planning Authority (in consultation with Warwickshire County Council Ecological Services). The scheme must include all details of habitat creation, bat/bird box locations and access gaps for hedgehogs in fences. The agreed scheme shall be fully implemented before/during development of the site as appropriate.

REASON;

In accordance with the National Planning Policy Framework (2019), ODPM Circular 2005/06.

CONDITION:30

Prior to the installation/erection of any external lighting, details of the type, design and location of all external light fittings and external light columns shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the western edge of the site and adjacent to vegetated areas, particularly woodland and scrub and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

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

Any lighting shall only be erected/installed in accordance with the approved details.

REASON:

In accordance with the National Planning Policy Framework (2021), ODPM Circular 2005/06 and to ensure a satisfactory external appearance and in the interests of the visual amenities of the locality.

CONDITION:31

Prior to the first use of the Sports Pitch, details of the floodlighting shall be submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details

REASON:

In the interest of residential amenity in accordance with Policy SDC1 of the Local Plan (2019).

CONDITION:32

No development, excluding demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the dwellings are occupied. The scheme to be submitted shall:

1. Where infiltration is demonstrated to not be feasible, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 16.1l/s for the site in line with the approved surface water drainage strategy (ref: INV109/2021/FRA, dated July2021).
2. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
3. Provide an assessment of potential water quality hazards and provision of appropriate mitigation.
4. Provide detailed drawings including cross sections, of proposed features such as attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
 - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
6. Provide overland flow routing, supported by plans such as external levels. Such overland flow routing should:

- a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
- b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
- c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding

REASON:

To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies SDC1 and SDC5 of the Local Plan (2019).

CONDITION:33

No first occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is submitted and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and implemented in accordance with those approved details. Such maintenance plan should:

1. Provide the name of the party responsible, including contact name, address, email address and phone number;
2. Include plans showing the locations of features requiring maintenance and how these should be accessed;
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development; &
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

REASON:

To ensure the future maintenance of the sustainable drainage structures in accordance with Policy SDC5 of the Local Plan (2019).

CONDITION:34

No above ground development, excluding demolition, hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be first occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority

REASON:

In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

CONDITION:35

Prior to first occupation of any dwellings the highway access arrangements shall be constructed and laid out and implemented in accordance with drawing number 16115-05 Rev E or another appropriate scheme and submitted and approved in writing by the Local Planning Authority, in consultation with Warwickshire County Council Highways.

REASON:

In the interest of highway safety in accordance with paragraph 111 of the National Planning Policy Framework (2021).

CONDITION:36

Unless there are any other non-material variations agreed with the Local Planning Authority, the widening of the footway to provide shared pedestrian and cycle use between Gossett Lane and the proposed crossing shall be done prior to the occupation of the first dwelling. The footway widening shall also include shared pedestrian and cycle use between the proposed crossing and Ferndale Road.

REASON:

In the interest of highway safety in accordance with paragraph 111 of the National Planning Policy Framework (2021).

CONDITION:37

The development hereby permitted shall not be occupied until such time as the parking and turning facilities for each dwelling have been implemented. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON:

To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021)

CONDITION 38

The provision of car parking for the Sports Pitch shall be provided in accordance with the approved details prior to the Pitch being brought into use.

REASON:

To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021)

CONDITION: 39

No development shall commencement, excluding demolition, until details of the specification of the 3G Sports Pitch have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

REASON:

To ensure that the development has a satisfactory appearance and in the interests of visual amenity and to ensure a high specification is achieved for the Sports Pitch in accordance with Policy SDC1 of the Local Plan (2019).

CONDITION:40

The 3G sports Pitch shall not be used any later than 21:30 hours and the lighting for the Pitch shall be turned off 30 minutes afterwards.

REASON:

To protect the amenity of nearby properties in accordance with Policy SDC1 of the Local Plan (2019).

CONDITION: 41

The 3G Sports Pitch shall be laid out and available for use before the occupation of the first dwelling.

REASON:

To ensure the replacement sports facility is made available for use in the interests of the community in accordance with Policy HS3 of the Local Plan (2019).

CONDITION: 42

Notwithstanding the submitted plans, no above ground development, excluding demolition, shall commence until full details of the Locally Equipped Area of Play (LEAP) and all external structures, including bins, benches and goalposts, have been submitted to and approved in writing by the Local Planning Authority. The details shall include floor and elevation plans, materials, colour and finish. No dwelling shall be occupied until the Locally Equipped Area of Play (LEAP) and all external structures have been provided in accordance with the approved details.

REASON:

To ensure the proper development of the site and in the interests of visual amenity in accordance with Policy SDC1 of the Local Plan (2019).

CONDITION: 43

The development shall not be first occupied until the retained northern access identified on drawing number 16115-05 Rev E has been reconfigured in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. The reconfiguration shall reduce the width of the vehicular access, whilst facilitating access for pedestrians, cycles and emergency vehicles to the site, and retained vehicular access to adjacent dwellings.

REASON:

In the interest of highway safety

CONDITION: 44

Prior to occupation of the first dwelling, a scheme that makes provision for waste and recycling storage and collection across the site shall be submitted and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

REASON:

To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with SDC1 of the Local Plan (2019).

CONDITION 45:

Notwithstanding the submitted Noise Assessment Addendum (Ref: AC107085-1r0), prior to any above ground development, excluding demolition, commencing additional detail on the acoustic assessment of the 3G pitch and external amenity areas shall be submitted in writing to and

approved by the Local Planning Authority. Regard shall be had to BS8233:2014. Any agreed works shall be completed prior to occupation of the development and shall be maintained thereafter.

REASON: In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority in accordance with Policy SDC1 of the Local Plan (2019).

INFORMATIVE:1

In relation to Building Regulations, the applicant/developer is reminded of the need for the development to comply with Approved Document B, Volume 1, Section B5 – Access and Facilities for the Fire Service.

INFORMATIVE:2

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

NB. We have clean water apparatus within the proposed application site, the developer will need to contact Severn Trent Water Developer Services Team as detailed below to assess their proposed plans for diversion requirements.

INFORMATIVE:3

As outlined within Condition 31 above, the strategy should be treated as a minimum at this stage of the design. Further consideration should be given during the next stage of the design to incorporate additional, localised source control SuDS such as swales, rain-gardens and tree pits as part of a 'SuDS management train' approach to provide water quality, amenity and bio-diversity benefits and increase the resilience within the design.

At the 'discharge of condition' stage proposals for surface water drainage should be approaching a level of detail suitable for tender or construction. Documentation should show the drainage scheme including SuDS features, specific details (e.g. standard details or cross sections) and demonstrate the performance and of the system through calculations and exceedance management respectively. Such scheme should be in line with the original planning application/permission and where significant changes are made, justification should be provided.

Where a new connection to an ordinary watercourse is made to facilitate the developments drainage, ordinary watercourse land drainage consent should be obtained before the works are undertaken.

INFORMATIVE 4:

Public rights of way should remain open and available for public use at all times unless closed by legal order and should not be obstructed by parked vehicles or by materials during any works. Any damage to the surface of any public right of way caused during the works should be made good. If it is proposed to temporarily close any public right of way during the works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's (WCC) Rights of Way Team well in advance. Any disturbance or alteration to the surface of any

public right of way requires the prior authorisation of WCC Right's of Way Team, as does the installation of any new gate or other structure on the public right of way.

INFORMATIVE 5:

The development is adjacent to farmland in addition to the A428 Rugby Road to the south-west of the site and will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with farming practices and traffic movements. These may at times extend into the night or early hours, such as harvest.

INFORMATIVE 6:

This development is subject to a s106 legal agreement.

DRAFT

Reference: R22/0171

Site Address: 301, Clifton Road, Rugby, CV21 3QZ

Description: Change of use of shop to a hot food takeaway, single storey rear and side extension and re-location of existing side door.

Recommendation

Approval subject to conditions and informatives

1.0 Introduction

1.1 The application is being reported to the Planning Committee in accordance with the Scheme of Delegation, as more than 15 letters of objection from households residing in the locality of the application site have been received and Councillor Sue Roodhouse has requested the application be determined by the Planning Committee on the following grounds:

- Parking near the junction and the proximity of the pedestrian crossing
- Environmental impact of noise and smell
- No confirmation of opening hours

2.0 Description of site and surrounding area

2.1 The application site is located on Clifton Road, a road connecting Rugby with the village of Clifton Upon Dunsmore but also Houlton and the industrial buildings along Butlers Leap. The property is located on the corner of Clifton Road and South Street with the area predominantly comprising of residential terraced properties. This section of Clifton Road contains a number of small shops and business including; The Clifton Inn public house, House of Carpets, Premier - Winfield Supermarket, a barber shop, a kitchen studio and a hair salon. The property itself was previously a bridal store but is currently vacant. A residential flat is located on the first floor. The front and the majority of the side of the building is finished in a cream render whilst the remainder of the side and rear of the property is brick. The surrounding properties vary in materials and finish.

3.0 Description of proposals

3.1 This application seeks full planning permission for the change of use of the shop to a hot food takeaway, a single storey rear and side extension and re-location of the existing side door.

3.2 Currently the shop falls under Use Class E (although vacant) and the proposal is to change the use to a hot food takeaway (Use Class Sui Generis). The hot food takeaway is expected to employ four full-time and two part-time members of staff. To facilitate the operations of the hot food takeaway internal and external alterations are required. In addition, an odour and smoke extraction system has been detailed. A small side/rear extension is proposed which will have dimensions of approximately: width – 1.5 metres, length – 4.7 metres and flat roof height – 2.7 metres. The extension will be constructed out of brick to match existing, will have a single ply membrane flat roof and the half-

glazed door will be UPVC. The existing external door on the side elevation facing South Street will be relocated to ensure the flat above has separate access. After internal and external alterations are completed, the ground floor of the building will comprise of the public area where people order, the counter and prep area, a store room, private toilet, food prep area and an attached shed which will be used as a bin store.

- 3.3 To the rear will be a service yard and space will be made to accommodate four secure undercover visitor cycle spaces and secure undercover cycle spaces for staff. Five car parking spaces are to be assigned to the shop in the existing car park area to the rear of The Clifton Inn, which the applicant owns. Signage will be displayed in the shop to direct customers to the proposed off-street car parking spaces to the rear of The Clifton Inn.

4.0 Relevant planning history

<u>Application Number</u>	<u>Description</u>	<u>Decision</u>	<u>Date</u>
R14/1041	Erection of new shop front shutters	Approved	09/07/2014
R21/0488	Change of use of retail shop (Use Class E(a)) to hot food takeaway (fish & chip shop) (Use Class Sui Generis)	Withdrawn by applicant / agent	08/11/2021

5.0 Relevant Planning Policies and Guidance

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.

Rugby Borough Local Plan 2011-2031 (June 2019)

Policy GP2: Settlement Hierarchy

Policy TC2: Rugby Town Centre – New Retail and Town Centre Uses

Policy HS1: Healthy, Safe and Inclusive Communities

Policy HS5: Traffic Generation and Air Quality, Noise and Vibration

Policy SDC1: Sustainable Design

Policy D2: Parking facilities

Supplementary Planning Documents

Air Quality Supplementary Planning Document (July 2021)

National Planning Policy Framework – 2021

Section 6: Building a strong, competitive economy

Section 7: Ensuring the vitality of town centres

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

6.0 Technical consultation responses

- 6.1 WCC Highway Authority – has undertaken a full assessment of the planning application. Based on the assessment and appraisal of the development proposals the Highway Authority has no objection to the planning application subject to conditions.

Conditions:

1. The development shall not be occupied until space has been provided and marked out within the site for the parking of four cars in general accordance with drawing number 3986-06. The car parking spaces shall thereafter be kept clear of obstructions and available for the use of customers and staff at all times when the proposed use is open for customers.
2. The development shall not be occupied until directional signage has been provided and displayed within the application site to direct customers to the proposed off-street car parking spaces, in accordance with details approved in writing by the Local Planning Authority.

- 6.2 RBC Environmental Health – initially commented that the planned ventilation and extraction system odour control in principle appears acceptable as to the equipment provided, subject to location, layout and final termination point. Support restricting the hours to those proposed. Recommended that a noise assessment and details of the extraction system layout should be provided prior to determination as it is possible that the impact from the proposed change of use could be too great for reasonable mitigation therefore making the proposed use unacceptable.

Further information was provided in regards to the extraction system but at the time details of the location, layout and final termination point were missing.

Additional information was provided including detailing what Environmental Health had requested. This detailed the location of the extraction systems, provision of two in line and one split silencer, ESP, odour neutraliser, baffle filters (four stage mixed media filtration system), the fitting of anti-vibration mounts and the jet cowls to the final termination point. The predicted noise breakout from the extraction system is noted. Subject to the system being installed as per the submitted plans and documents, then properly maintained, it is acceptable. Details on noise and odour control as requested for prior determination are now acceptable. Four informative notes are recommended to be attached to the decision notice.

- 6.3 RBC Works Services – If the new food business chooses to have a trade waste collection with RBC the bins along with any domestic bins purchased by the developer will need to be presented kerbside on scheduled collection days.

- 6.4 Warwickshire Fire and Rescue – no response received.

7.0 **Third party comments**

- 7.1 Ward Councillors – representations received from three ward councillors.

Councillor Sue Roodhouse – requested the application be determined by the Planning Committee on the following grounds: parking near the junction and the proximity of the pedestrian crossing, environmental impact of noise and smell and no confirmation of opening hours.

Councillor Sandison – received concerns regarding its vicinity to the pedestrian crossing and potential parking issues. It is also on two walking bus / go to school routes to St Andrew's Benn Primary School and Eastlands Primary School via Winfield Recreation Ground.

Councillor Jerry Roodhouse – registered the following concerns:

- Traffic at the junction of South Street and proximity of the pedestrian crossing, no vehicle should be stopping. Safety for pedestrians is a key issue.
- What enforcement can take place if the vehicles using this do not use the alternative car park?
- Not clear on cycle racks or waste / environmental standards either such as littering.
- Hours of operation not stated.
- Low noise and smell filters needed as close to residential properties.
- Concerns on public health grounds as we should be encouraging healthy eating.
- Proximity of other fish and chip shop on Lower Hillmorton Road.

7.2 Neighbours – Neighbours notified during two consultation periods and a site notice displayed with 31 household objections and a petition with 149 signatures in support of the application received.

Summary of the objections received:

- Car parking spaces at the Clifton Inn is not appropriate or realistic as people who want to collect a takeaway will not walk 100+ yards. Will lead to people parking illegally adjacent to the junction of South Road or adjacent to the Clifton Road pedestrian crossing or on the already oversubscribed residential parking in South Street.
- Will result in illegal parking and the associated safety risks attached to this for pedestrians and vehicle users.
- Lack of residential parking already.
- Insufficient parking to support a food takeaway.
- Concerns with delivery vehicle parking.
- Increase in traffic and the associated safety issues.
- Poor visibility at the junction to Clifton Road from South Street
- Through traffic along South Street
- Would result in an undesirable deterioration of character and loss of amenities to the area by reasons of increased vehicular activity associated with fast-food and takeaways.
- Noise generated from the increase of traffic and people.
- Noise generated from the operation of the takeaway.
- Noise nuisance from customers of the takeaway.
- Noise from the extraction system.
- The smell and odour generated from the business would affect quality of life.
- No indication where the extractors and filters are going to be situated.
- How can the filters realistically omit all the smells from the takeaway?
- Air pollution from increased vehicles
- Increased litter and the associated problems.
- Inadequate bin provision.
- Reduce the value of neighbouring properties.
- No indication of trading hours. Late night takeaway traffic will have a detrimental impact on the area.
- Proposed opening hours will result in both noise and light pollution

- Two planning applications from the 1980s at 303 Clifton Road for the use as a fish and chip shop were refused due to a lack of off-street car parking and too near to neighbouring dwellings. Application in 2000 at 315-317 Clifton Road for a fish and chip shop was also refused and appeal dismissed.
- Extension to the rear will restrict light to the rear of our property and light is already very limited.
- Antisocial behaviour
- There are already several hot food takeaways in walking distance/short drive away.
- Introduction of another unhealthy food establishment will likely compound health problems. Close proximity to a local primary school, the park, Rugby Football Club and a bus stop used by school children.
- Placement opposite a park means it will likely become an attraction for young people who need a healthy balanced diet.
- Approving the application would not be in line with the government's commitment to reducing the promotion and access to fat food and unhealthy choices.

8.0 **Assessment of proposals**

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

9. Principle of Development;
10. Character and Design;
11. Impact on Residential Amenity;
12. Air Quality, Odours, Noise and Litter;
13. Impact upon Healthy Lifestyles;
14. Highway Safety and Parking;
15. Conclusion and Recommendation.

9.0 Principle of Development

9.1 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy.

9.2 The application site is located within Rugby town as defined by Policy GP2. Rugby town is the main focus for all development in the Borough. Development is permitted within existing boundaries and as part of allocated Sustainable Urban Extensions.

9.3 Section 6, paragraph 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Policy TC2 states that in order to sustain and enhance the vitality and viability of the town centre, new proposals for meeting the retail floor space requirements will be permitted firstly within the Primary Shopping Area, and for other main town centre uses within Rugby Town Centre boundary, followed by Edge-of-Centre locations, then Out-of-Centre sites that are in accessible locations. Section 7 of the NPPF similarly sets out the hierarchy for main town centre uses. In this case, the proposal is for a Sui Generis use and therefore it will not contribute towards meeting the retail floorspace requirement in the town centre as per Policy TC2. Currently the ground floor retail unit is vacant with shutters

down from its previous occupancy as a bridal store. The proposal will bring a vacant unit back into use which will support economic growth and provide employment opportunities.

9.4 The application is therefore considered to be in accordance with Policy GP2 and TC2 of the Local Plan and Section 6 and 7 of the NPPF.

10.0 Character and Design

10.1 Policy SDC1 in the Local Plan states that development should demonstrate high quality, inclusive and sustainable design and that proposals will only be supported where the scale, density and design responds to the character of the area in which they are situated. Factors including the massing, height, landscape, layout, materials and access are a key consideration in the determination of planning applications.

10.2 Section 12, paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 126 further states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.3 The application proposes a minor extension to side/rear of the property with the majority of the works to be internal to accommodate the layout of the proposed use. The extension will essentially in-fill the area between the existing side wall of the property and the boundary wall at No. 303 Clifton Road, it will not project beyond the furthest projecting rear wall. The extension will be constructed out of matching bricks and will have a single ply membrane flat roof. The relocation of the existing side door will not have a material impact on the streetscene. Overall, the extension and the external alterations are considered to be acceptable and will not have an adverse impact on the character and appearance of the area.

10.4 To the rear, two galvanised mild steel PPC black finished flues are proposed which are part of the odour and smoke extraction system. The flues will project above the eaves of the building by approximately 1 metre to ensure the system works efficiently. Whilst vantage points of the flues will be visible along South Street, it is considered that the benefits of the extraction system outweighs the minimal harm to the streetscene. Furthermore, the LPA requested the flues be black to minimise harm.

10.5 If planning permission is granted, any new signage on the front of the shop may require advertisement consent. An informative is recommended to make the applicant aware.

10.6 It is considered that the application is in accordance with Policy SDC1 of the Local Plan and Section 12 of the NPPF.

11.0 Impact on Residential Amenity

11.1 Policy SDC1 in the Local Plan states that proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

11.2 Section 12, paragraph 130 (f) of the NPPF states decisions should ensure developments provide a high standard of amenity for existing and future users.

- 11.3 This section of the report will only assess the impact the extension and external alterations will have on the amenity of nearby residential properties. Air quality, odour, noise and litter will be assessed in the next section of the report.
- 11.4 A 45-degree guideline drawn from the midpoint of the closest window at No. 303 Clifton Road shows that the extension severely crosses the guideline. However, in this case the extension is considered to cause minimal additional loss of light to the adjoining property over and above the existing situation. This is because the existing building already severely crosses the 45-degree guideline and when considering the orientation of the properties and the sun path, the rear of No. 303 Clifton Road already receives very little light. Furthermore, the extension has been designed with a flat roof to limit its impact. The extension will have no side facing windows and it is considered that the proposed door on the rear elevation will not cause any significant overlooking over and above the existing windows on the side and rear elevations. The rear extension will not cause any loss of light or privacy to any other neighbouring property.
- 11.5 Relocating the existing door on the side elevation of the building will not materially impact any surrounding properties residential amenity.
- 11.6 It is considered that the application is in accordance with Policy SDC1 of the Local Plan and Section 12 of the NPPF.
- 12.0 Air Quality, Odours, Noise and Litter
- 12.1 Policy HS5 states that development of more than 1,000 sqm of floorspace or any development within the Air Quality Management Area that generates new floorspace must achieve or exceed air quality neutral standards or address the impacts of poor air quality by mitigating their effects. The Council seeks to reduce air pollution in order to contribute to achieving national air quality objectives.
- 12.2 It is acknowledged that this application only generates a very small amount of new floorspace as a result of the proposed extension. The extension will have a minimal impact on the Air Quality Management Area. There will be a material increase of emissions linked to the proposed use compared with the previous use as a result of vehicular generated visits to the site. The takeaway will be situated in a residential area and should serve the local community. It would be unknown how many of the potential customers would travel to the takeaway by car, by bicycle or by walking to the site. The applicant is encouraging sustainable transport methods by providing cycle spaces for customers and staff. Environmental Health were consulted on the application and did not raise any air quality concerns. An informative is recommended which identifies various initiatives which assist in reducing the impact upon the Air Quality Management Area.
- 12.3 The proposed hot food takeaway will result in odours and smoke, it is not achievable to eliminate all odours and smoke, but it is possible to effectively mitigate against them to protect the amenities of the surrounding residential properties as far as possible. Details of the odour and smoke extraction system has been submitted. The location of the extraction systems, provision of two in line and one split silencer, electrostatic precipitator (ESP), odour neutraliser, baffle filters (four stage mixed media filtration system), the fitting of anti-vibration mounts and the jet cowls to the final termination point have been detailed. The benefit of a jet cowl is that it expels air vertically rather than laterally which decreases the probability that fumes will be a nuisance to surrounding properties. A four stage mixed

media filtration system and odour neutraliser is proposed which is an odour eliminating unit designed to release an odour neutralising chemical into the air and combines odour neutralising agents with materials that apparently impart a pleasant scent to the air. An ESP is a unit specifically designed for kitchen extract systems as they have integral sumps to collect the oil, grease and smoke particles filtered out of the exhaust. The equipment proposed will be used whilst the premises is operational. If the equipment is fully operational and properly maintained then Environmental Health consider that the equipment proposed is acceptable. It is therefore considered that the equipment detailed will effectively mitigate against smoke and odours to ensure nearby residential properties will not be significantly impacted. Noise breakout from the extraction system was noted by Environmental Health and it is therefore considered that noise levels will be effectively reduced by the silencers.

- 12.4 Hot food takeaways generate other noises such as from customers. Given the residential setting of the proposed takeaway, it is considered appropriate to impose a condition to restrict opening hours in line with the proposed opening hours (Monday to Saturday 11 am – 11pm and Sunday and Bank Holidays 2pm – 8pm). Restricting the hours to those above will ensure the takeaway will not generate noise at inappropriate times to protect the amenities of the nearby properties.
- 12.5 A takeaway will generate waste from its operation (food preparation) and from its customers. Controlling the waste generated by the food preparation process is easier to control than waste generated by the customers. The floor plans show a bin storage area in the existing shed to the rear which will be used by the business. RBC Works Services team have commented that if the business chooses to have trade waste collected by the Council then the bins along with any other domestic bins need to be presented kerbside on collection days.
- 12.6 In terms of waste generated from the customers and the concerns surrounding littering, this is harder to control as it is ultimately the choice the customer makes. However, the takeaway can encourage proper disposal, although it is realised that the majority of the waste will need to be disposed off site by the customer. A condition is recommended that prior to the first use of the takeaway a litter management scheme shall be submitted to and approved in writing by the LPA which should include details on the regularity of litter picking, existing and proposed bin provision and associated signage.
- 12.7 The application is considered to be in accordance with Policy HS5 of the Local Plan.
- 13.0 Impact upon Healthy Lifestyles
- 13.1 As part of Policy HS1, support will be given to proposals which seek to encourage healthy lifestyles by providing opportunities for formal and informal physical activity, exercise, recreation and play and, where possible, healthy diets. Section 8, paragraph 92c of the NPPF similarly also states that planning decisions should enable and support healthy lifestyles.
- 13.2 The location of the proposed takeaway opposite Whinfield Recreation Ground and in close proximity to two primary schools is noted. It is acknowledged that the majority of food offered by hot food takeaways is not deemed to be healthy. However, due to the small-scale nature of this development with only one unit offering takeaway food this will have a limited impact on the overall role in creating and maintaining healthy, safe and

inclusive communities. Ultimately people have a choice in what they eat and drink and decide their own diets. With the wide range of access available to unhealthy foods, it is considered unreasonable to refuse the application on this point as this takeaway will only contribute a very minor amount to the diets of the local community. Overall, this consideration carries little weight in the overall assessment.

13.3 The application is considered to be in accordance with Policy HS1 of the Local Plan and Section 8 of the NPPF.

14.0 Highway Safety and Parking

14.1 Policy D2 of the Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motor cycles, cycles and for people with disabilities (or impaired mobility), based on the Borough Council's Standards.

14.2 Section 9, paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

14.3 The gross floorspace area of the building, including the proposed extension, is approximately 80 square metres. In accordance with the parking standards contained within appendix 5 of the Local Plan, 16 car parking spaces, 4 visitor cycle spaces and 2 staff cycle spaces should be provided.

14.4 To the rear of the building, four undercover secure visitor cycle spaces are proposed in addition to the secure undercover cycle storage for staff. The application therefore complies with this part of Policy D2.

14.5 In terms of vehicular parking, five spaces are proposed in the existing car park to the rear of The Clifton Inn. An assessment has to be made as to whether these spaces are adequate and satisfactory. Although the number of spaces proposed does not meet the advised parking standards within the Local Plan, it is considered on balance that the hot food takeaway will have adequate and satisfactory parking available.

14.6 Many objections received raised issue with the proposed parking arrangement to the rear of The Clifton Inn as they believe the spaces will not realistically be used given the use as a takeaway and the distance the parking is from the shop. The objections believe that the takeaway will result in customers parking illegally whether this be on the zigzag lines or on the crossing outside the shop or on other parts of Clifton Road and South Street and the resulting highway safety issues in regards to other road users and pedestrians. The distance to the proposed spaces at The Clifton Inn from the shop entrance is approximately 130 metres. The case officer undertook a timed leisurely walk from the shop to the proposed spaces at The Clifton Inn and it took approximately 1 minute 30 seconds. WCC Highway Authority have undertaken an assessment of the application and have no objection subject to a couple of conditions and therefore it can be determined that the Highway Authority consider the proposal will not have a significant impact on highway safety and operation. The NPPF states that applications should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe which the Highway Authority consider not to be the case. The proposed car parking spaces at The Clifton Inn

is considered to be reasonable and acceptable for customers and delivery drivers of the takeaway. The hot food takeaway should serve the local community with many within walking or cycling distance, who may utilise the visitor cycle spaces to be provided, which reduces the reliance of the need to travel by car. On occasions some customers may park illegally, as they may with other takeaways which provide no parking, however this is a conscious choice they will make and it falls outside the remit of planning. On-street car parking is available to supplement the car parking spaces at The Clifton Inn.

- 14.7 Although the merits of the objector's comments are appreciable, it is important to note that the existing shop falls under Use Class E and therefore can be operated as anything that falls under Use Class E without the need for planning permission. The site has no off-street car parking and therefore the ground floor space could be converted to a convenience store, for example, without requiring planning permission and have no customer car parking available. Although, in this case the applicant is not providing any off-street car parking on the site of 301 Clifton Road, presumably due to the constraints of the site and the fact that any off-street car parking on the site would remove the on-street car parking capacity, the parking arrangement at The Clifton Inn is considered to be the best alternative.
- 14.8 On balance, the application is considered to be in accordance with Policy D2 of the Local Plan and Section 9 of the NPPF.
- 15.0 Conclusion and Recommendation
- 15.1 The site is located within the most sustainable location in the borough. The proposal will bring a vacant unit into use which will support economic growth and provide employment opportunities. The proposed extension and external alterations will not adversely impact the streetscene and will have little adverse impact on the amenities of the adjoining properties. An extraction system has been detailed which is considered to be acceptable to protect the surrounding neighbours from odours and smoke as far as possible. Restricting opening hours will ensure the takeaway does not generate noise at inappropriate times to protect the amenities of nearby residential properties. Although no car parking spaces are proposed on the site of the proposed takeaway, it is considered that the car parking spaces at The Clifton Inn are acceptable in addition to the cycle spaces proposed. The proposal is judged not significantly impact highway safety and operation
- 15.2 On balance, it is concluded that the proposal constitutes sustainable development. It complies with the Development Plan. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that planning permission should be approved.
- 15.3 **Recommendation – Approval subject to conditions and informatives**

DRAFT DECISION

REFERENCE NO:
R22/0171

DATE APPLICATION VALID:
06-Mar-2022

APPLICANT:
SINGH 319-323 CLIFTON ROAD, RUGBY, CV21 3QZ

AGENT:
REBECCA WALKER, Chapman Design LLP, Lelleford house, Coventry road, Rugby, CV23 9DT

ADDRESS OF DEVELOPMENT:
301, CLIFTON ROAD, RUGBY, CV21 3QZ

APPLICATION DESCRIPTION:
Change of use of shop to a hot food takeaway, single storey rear and side extension and re-location of existing side door.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON 1:

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

CONDITION 2:

The development shall be carried out in accordance with the plans and documents detailed below:

Application form received by the Council on 25th February 2022.

Site location plan (Drawing no. 3986-LP) received by the Council on 25th February 2022.

Existing ground floor plan (Drawing no. 3986-01) received by the Council on 25th February 2022.

Proposed ground floor plan (Drawing no. 3986-02 Revision C) received by the Council on 23rd August 2022.

Existing and proposed elevations (Drawing no. 3986-03) received by the Council on 23rd August 2022.

Existing and proposed elevations (Drawing no. 3986-04 Revision B) received by the Council on 21st October 2022.

Existing and proposed elevations (Drawing no. 3986-05 Revision B) received by the Council on 21st October 2022.

Proposed site plan (Drawing no. 3986-06) received by the Council on 25th February 2022.

AA Catering Equipment Services Ltd letter, dated 20/05/2022, reference: 301 Clifton Rd Rugby received by the Council on 22nd July 2022.

Cylindrical cased axial flow fans document received by the Council on 22nd July 2022.

Our ESP Range document received by the Council on 14th June 2022.

Electrostatic Precipitation (ESP) Filter Unit Technical and Operations Manual received by the Council on 14th June 2022.

O.N.100 Odour Neutraliser Technical and Operations Manual received by the Council on 14th June 2022.

ON100 technical sheets received by the Council on 14th June 2022.

AA Catering Equipment Acoustics document received by the Council on 14th June 2022.

Letter re 301 Clifton Road, Rugby opening hours dated 08/04/2022 received by the Council on 11th April 2022.

REASON 2:

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

CONDITION 3:

The facing materials to be used on the external walls and roof of the proposed extension shall be as specified on the application form received by the Council on 25th February 2022 and on drawings existing and proposed elevations (Drawing no. 3986-04 Revision B) received by the Council on 21st October 2022 and existing and proposed elevations (Drawing no. 3986-05 Revision B) received by the Council on 21st October 2022.

REASON 3:

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

CONDITION 4:

The proposed use as a hot food takeaway shall not commence until space has been provided and marked out within the site for the parking of five cars in general accordance with drawing number 3986-06, received by the Council on 25th February 2022. The car parking spaces shall thereafter be kept clear of obstructions and available for the use of customers and staff at all times when the proposed use is open for customers.

REASON 4:

In the interests of highway safety and operation and to ensure satisfactory parking facilities.

CONDITION 5:

The proposed use as a hot food takeaway shall not commence until directional signage has been provided and displayed within the application site to direct customers to the proposed off-street car parking spaces, in accordance with details approved in writing by the local Planning Authority.

REASON 5:

In the interests of highway safety and operation and to ensure satisfactory parking facilities.

CONDITION 6:

The proposed use as a hot food takeaway shall not commence until the extraction system as shown on the proposed ground floor plan (Drawing no. 3986-02 Revision C) received by the Council on 23rd August 2022; existing and proposed elevations (Drawing no. 3986-04 Revision B) received by the Council on 21st October 2022; existing and proposed elevations (Drawing no. 3986-05 Revision B) received by the Council on 21st October 2022; and as detailed within AA Catering Equipment Services Ltd letter, dated 20/05/2022, reference: 301 Clifton Rd Rugby received by the Council on 22nd July 2022; Cylindrical cased axial flow fans document received by the Council on 22nd July 2022; Our ESP Range document received by the Council on 14th June 2022; Electrostatic Precipitation (ESP) Filter Unit Technical and Operations Manual received by the Council on 14th June 2022; O.N.100 Odour Neutraliser Technical and

Operations Manual received by the Council on 14th June 2022; ON100 technical sheets received by the Council on 14th June 2022; and AA Catering Equipment Acoustics document received by the Council on 14th June 2022 has been installed and is operational.

REASON 6:

To protect the amenity of nearby properties.

CONDITION 7:

The proposed use as a hot food takeaway shall not commence until a litter management scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be complied with thereafter. Such details shall include the regularity of litter picking, existing and proposed bin provision and associated signage.

REASON 7:

In the interests of the general amenity of the area.

CONDITION 8:

The premises shall not be opened for business other than between the hours of 11am to 11pm Monday to Saturday and between the hours of 2pm to 8pm on Sunday and Bank Holidays.

REASON 8:

To protect the amenity of nearby properties.

INFORMATIVE 1:

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

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

INFORMATIVE 2:

The applicant is advised to ensure proper maintenance of the extraction system approved in line with the manufacturer's guide and the maintenance section of AA Catering Equipment Services Ltd letter, dated 20/05/2022, reference: 301 Clifton Rd Rugby received by the Council on 22nd July 2022.

INFORMATIVE 3:

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

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

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

No work on Sundays & Bank Holidays.

INFORMATIVE 4:

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

INFORMATIVE 5:

The grant of planning permission does not preclude action begin administered by Rugby Borough Council or a third party by way of relevant environmental legislation, should complaints about excessive noise or other site operations be received and investigated.

INFORMATIVE 6:

This development will be subject to separate enforcement regimes including, but not limited to, the Housing Act 2004, building regulations and Council's Standards of Amenity. Advice should be sought from Housing Enforcement on (01788) 533857 prior to any work commencing.

INFORMATIVE 7:

If the new food business chooses to have a trade waste collection with Rugby Borough Council the bins along with any domestic bins purchased by the developer will need to be presented kerbside on scheduled collection days.

INFORMATIVE 8:

Notwithstanding the details of signage on any of the approved plans and elevations, this planning permission does not grant advertisement consent.

Reference: R22/0193

Site Address: DUNCHURCH PARK HOTEL AND CONFERENCE CENTRE, RUGBY ROAD, DUNCHURCH, RUGBY, CV22 6QW

Description: Retrospective temporary planning application for ancillary accommodation comprising of 40 cabins for a period of 18 months.

Recommendation

Refusal

1. Introduction

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

2. Description of site

2.1 The application site is located on the eastern side of Dunchurch and is approximately 2 kilometres from the south of Rugby Town. Dunchurch Park Hotel is a conference centre and wedding venue with additional function rooms, bedrooms, and marquees with licensed and regular refreshments.

2.2 The hotel site contains 15no. Grade II listed buildings or structures in addition to the 2no. main Grade II* listed buildings as well as Grade II Registered Parks and Gardens (RPGs) and is sited 300 metres west of Dunchurch Conservation Area.

2.3 Access to the site is primarily taken from Rugby Road via a private road, but it is also possible to access the site via Vicarage Lane. Both roads meet at the main entrance to the hotel site. Access to the area where the pods are located is via the main hotel car park, adjacent to the accommodation blocks and main functions building. The car park is enclosed on three sides by tall evergreen trees, limiting views from outside the hotel grounds.

3. Description of proposals

3.1 This application seeks to retain 40no. prefabricated cabins currently sited on an existing car park within the grounds of the hotel for a temporary period of 18 months from the date of determination. They are to be used for purposes ancillary to the operation of the hotel. Each cabin is 6.45 metres wide, 3.8 metres deep and 2.7 metres high at the highest point of the roof. All cabins are mounted on small piles to account for the sloping land level, adding a maximum of approximately 0.5m of additional height depending on their location in relation to the land levels. Each cabin contains an open plan living room with a small kitchenette (sink, fridge, counter top and microwave) which doubles up as additional sleeping space, one separate double bedroom and a small shower room with a toilet.

- 3.2 The original proposal also included the retention of a security barrier, portacabin and children's play equipment within the grounds. However, following the Local Planning Authority's (LPA) discussions with the hotel and conservation concerns being raised about them by the Gardens Trust and Historic England, the play equipment, cabin, and barrier are to be removed within 28 days of the date of determination.
- 3.3 The 40no. cabins were brought onto site to improve the accommodation available on site and to accommodate additional guests. Whilst the cabins remain in situ pending the outcome of this application, they are not currently occupied and have been vacant since first being brought onto site in December 2021 (this has been confirmed through officer site visits). The cabins are not currently connected to mains water or electricity but would require this in order to be able to be habitable.
- 3.4 The Planning and Heritage Statement submitted with the application states that the cabins will remain vacant until the application has been determined and the applicant has no plans to install further units.

Planning History

Whilst there is an extensive planning history for this site, none of it directly relates to this application.

Relevant Planning Policies

Rugby Borough Local Plan 2011-2031, June 2019

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy ED4: The Wider Urban and Rural Economy

Policy HS5: Traffic Generation, Air Quality, Noise and Vibration

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

Policy NE3: Landscape Protection and Enhancement

Policy SDC1: Sustainable Design

Policy SDC2: Landscaping

Policy SDC3: Protecting and Enhancing the Historic Environment

Policy SDC4: Sustainable Buildings

Policy D1: Transport

Policy D2: Parking Facilities

Supplementary Planning Documents

Guidelines for Providing Journeys on Foot (2000)

Planning Obligations (2012)

Rainsbrook Valley Landscape Sensitivity Study (2017)

Sustainable Design and Construction (2012)

Air Quality (2021)

Manual for Streets, Building for Life 12

National Planning Policy Framework, 2021 (NPPF)

National Planning Practice Guidance

Technical consultation responses

Gardens Trust -

Objection - Acknowledged that the Covid-19 pandemic impacted hospitality venues and that creating a safe site for asylum seekers is laudable. Objections raised on grounds of lack of clarity over long term needs for present hotel use and associated paraphernalia as need for asylum accommodation is likely to increase; the security cabin was more suitable for an industrial setting and was too prominent; the applicant failed to sufficiently describe the significance of the heritage asset and therefore didn't comply with Paragraph 194 of the NPPF; the placement of the security cabin and play equipment was detrimental to the experience of arrival at the site and the documentation didn't include a thorough assessment; the Covid-19 restrictions have now ceased with hotels being able to return to their usual purpose; this type of insensitive development should never be supported, but if needed for humanitarian reasons then all teams should be removed from site as soon as the 18 months is over.

NB – objections to play and security equipment resolved when they were removed from the scheme, and more heritage information was added to the documentation to overcome that part of the objection.

Historic England -

Objection - The security cabin, barrier and play area were seriously intrusive with a more discrete location being sought for the play area and more carefully considered security cabin and barrier being requested; further information required as to how servicing of the cabins will work and the impact that will have including water, electricity and drainage supplies; damage occurred on the Grade II listed gate piers which needed to be remedied; little respect to historic character of the park and garden, and doesn't enhance the setting of the stables and former house; if public benefits outweigh the heritage harm then cabins etc. should be speedily removed after the 18 month period.

NB – objections to play and security equipment resolved when they were removed from the scheme.

WCC Flood Risk Management -

No objection.

WCC Public Rights of Way -

No objection. Public footpath R172 runs north-eastwards from the northern end of the track used for access to the application site, as shown on the attached extract of the Definitive Map, the legal record of public rights of way. However, this public footpath does not appear to be directly affected by the proposals.

WCC Ecology -	No objection.
WCC Highways –	No objection but recommended amendments to the siting and operation of the security barrier. Condition requested re security barrier. NB – security barrier comments to be addressed by removal of cabin and barrier, so condition no longer needed once barrier removed.
RBC Work Services Unit -	No objection as don't currently provide a bin service to the site.
RBC Environmental Services -	No objections subject to inclusion of informative notes re housing and escape methods, and air quality neutrality. Comments on health and safety in relation to play equipment also included.
RBC Arboricultural Officer -	Concerned about security cabin located immediately adjacent to one of protected lime trees that line avenue. Once advised of its removal from proposals, had no further concerns or comments.
Warwickshire Fire and Rescue Service -	No objection subject to inclusion of a pre-occupation condition re provision of adequate water supplies and hydrants.
Warwick Building Control -	Building Regulations application required for the pods, and they should have required fire resistance between each other and the boundary.
Warwickshire Police -	Issues around security for this site fall within the remit of the Home Office and Serco. This is a unique situation in respect to this particular hotel as it forms part of the work around a conglomerate of contingency hotels that the Home Office are implementing. Disappointed that the applicant has submitted an amended application to remove the access control barrier and security hut at the entrance to the site.

Third party comments

Jeremy Wright MP - Objection -

- Visual, noise and traffic implications
- More provision than is necessary or currently on site
- Home Office have not sought extra accommodation
- The application should have been made in advance

Dunchurch Parish Council - Objection -

- Temporary inadequate housing
- Occupants segregated from the community
- Concerns over occupants' welfare

- When would temporary permission period commence?
- Home Office will only accept 26 cabins yet 40 proposed and 48 on site
- Barrier and portacabin on boundary of Conservation Area
- Inaccuracies in Planning and Heritage Statement
- Application not in accordance with Local Plan policies or the NPPF.

Local residents – 9 letters of objection have been received raising the following issues -

- Only tree works considered for consultation
- Ownership certificate incorrect and application should be amended
- Insufficient information
- Duration queries
- Loss of hotel as local asset
- Covid-19 no longer relevant
- Grade II Listed Building and Grounds status
- Emergency Services access issues
- Vehicular movements and traffic
- Asylum seekers' circumstances misleading
- Detracts from heritage site
- Cabins likely to be retained longer
- Pod accommodation unsuitable, should upgrade existing accommodation instead
- Planning regulations and concerns of community ignored
- Pod purpose unclear
- Pods have increased population of village with no consideration for local facilities
- How many residents are there and what provision made to aid settling in the UK?
- Application ignores logistics and feelings
- Now a mobile home/caravan site
- Units have not passed Building Regulation Control
- Building Control have fire safety concerns
- Missing attachments to consultations
- Lack of transparency and accountability
- Potential risk to occupants not considered
- Safeguarding overlooked
- No mention of national sensitivity
- No risk assessment
- Police responsibility to 'design out' risk not considered fully
- Social Services/Children's Services not consulted
- No net gain in biodiversity, detrimental to environment
- Not applied for change of use
- No economic benefit
- No explanation of waste/foul water management
- Public access to local amenity denied
- Poor quality, unsuitable materials
- Hotel closed its doors to the public and cancelled events with no explanation
- Loss of 125 guest parking spaces
- Why are cabins needed?
- Business lost from local area
- Social impact
- Impact on infrastructure of village and local services
- Site security

4. Assessment of proposals

4.1 The key determining issues to take into account would be the

- Principle of development
- Character Design and Landscape
- Heritage
- Residential Amenity
- Highways
- Biodiversity
- Air Quality

5. Principle of Development

5.1 The Local Plan is considered to be fully up to date and in compliance with the NPPF, it is therefore the starting point for decision making.

5.2 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy, whereas Policy GP1 of the Local Plan states that the Council will take a positive approach that reflects the presumption in favour of sustainable development. However, this presumption in favour of development is on the proviso that there are no conflicts with other local or national planning policies.

5.3 Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This results in the balancing of material considerations within each individual case at the same time as being mindful of the presumption in favour of sustainable development as defined by Section 2 of the NPPF. Again however, this is subject to there being no other policy conflicts.

5.4 Section 12 of the NPPF places great emphasis on supporting developments that incorporate high quality design that is responsive to its setting and in keeping with its surroundings, and Section 16 of the NPPF specifically focuses on the need for development to respect the heritage significant of the area in which it is sited. Policy SDC1 of the Local Plan seeks to ensure that development is of a high quality and will only be allowed where proposals are of a scale, density and design that responds to the character and amenity of the areas in which they are situated. Elements of this ethos are echoed in Policies NE3 and SDC2 from a landscaping and setting perspective, and in Policy SDC3 from a heritage perspective.

5.5 The cabins are located within the countryside, although the main access road is located within the settlement boundary of Dunchurch. Although the location of the pods may be judged to form part of the overall built development of the hotel complex, they have increased and intensified the level of built form within the countryside, nonetheless. Whilst it is acknowledged that the proposal is for a temporary 18 month period, it would still result in development within the countryside contrary to policy GP2. The development has however had a temporary impact and would continue to do so for the limited duration proposed (if approved). There would therefore be a degree of conflict with Policy GP2 as the cabins are located in open countryside, but this is mitigated for by the fact that the cabins would operate in direct association with the hotel and would be served by the same facilities and deliveries etc.

- 5.6 The amended scheme is now limited to the temporary retention of the 40no. cabins already located in an existing car park within the curtilage of the hotel, reducing the scope and scale of the development by the removal of the security cabin, barrier and play area.
- 5.7 Policy ED4 of the Local Plan and Section 6 of the NPPF supports the creation, retention and formation of employment opportunities as well as the importance of supporting local businesses and their role in facilitating the wider urban and rural economy. The applicant advises that its works on site to date to support a block booking enabled them to continue to employ staff and keep the business operational during the Covid-19 pandemic, at a time when hotel and leisure venues in the UK were forced to close. They say that the continuation of this block booking is still supporting employment opportunities in the local community, and as such they should be permitted to continue and to retain the cabins in order to retain and increase their capacity and bring in more revenue. Whilst this could have been deemed to be a valid argument during the pandemic as a means of supporting the ongoing operation of the business and enabled staff to be retained and employed, national circumstances have now changed, and hotels and leisure facilities can return to operating as they did prior to the pandemic. There is therefore no longer a justification to state that this current operation is the only means of supporting the business and retaining job opportunities on the site, and as such the case for supporting the retention of the cabins weakens significantly, given they are to serve a block booking that is no longer the only possible means to support the business.
- 5.8 Within the submitted documentation, the applicants make it clear that this block booking has meant that the hotel accommodation is wholly used for the purposes of serving a single customer, and they have not taken on any other public bookings for accommodation or functions due to all their present provision being needed to meet the needs of the guests already staying on site. No case has been put forward to indicate that the cabins would be needed for any purpose other than the block booking, and it is therefore reasonable to presume that they anticipate the block booking lasting for another 18 months. However, in their communications with the LPA they indicate that the block booking arrangement is a “rolling contract” with no prescribed end date, and they have not provided sufficient evidence to establish how or why they consider the period of 18 months to be either appropriate or sufficient to enable them to honour their contract.
- 5.9 The temporary nature of the development and direct relationship to the hotel complex for sustainability purposes are relevant considerations in terms of the acceptability of the scheme. The scheme is located in the countryside but is temporary therefore there is some conflict with Policy GP2, this needs considered along with an assessment on the impact upon heritage assets any other assessment made within this report.

6. Location and Accessibility

- 6.1 Policies GP1 and D1 of the Local Plan address matters such as ease and accessibility to services and facilities, particularly by sustainable means such as walking, cycling or public transport. Paragraph 105 of Section 9 of the NPPF states that the planning system should actively manage patterns of growth and that significant development should be focussed on area that either are or can be made sustainable by limiting the need to travel by unsustainable means. Sustainable means of access to facilities is also encompassed within both the Manual for Streets, Building for Life 12 and the Institute of Highways and Transportation (IHT) publication ‘Guidelines for Providing Journeys on Foot’ (2000).

- 6.2 Dunchurch village currently benefits from a range of services and facilities, including:-
- A variety of small retail outlets
 - Several restaurants, coffee shops and pubs/bars
 - A range of takeaway outlets
 - Hair salons and barbers
 - Infant and junior schools
 - Children’s day care facilities
 - A village hall and community sports field
 - Places of worship
 - Private members clubs
 - A doctor’s surgery
 - A pharmacy
 - A petrol station with a small shop on site
 - A Women’s Institute Hall
 - Estate agents
 - A post office
 - A beauty parlour
 - Designated outdoor play and recreation spaces
 - Reliable bus services
 - Public cycle routes
- 6.3 The siting of Dunchurch Park Hotel means that all these facilities are within easy walking distance. Guests are able to leave the site to access these should they wish to. When services or facilities are required from further afield (such as accessing services at the Town Hall for example), guests can access public transport from the nearby bus stops and the hotel can also arrange for minibus or taxi hire to limit then number of independent trips. The hotel also invites representatives of organisations to attend the site and provide their service from there as an alternative guests needing to leave site in order to access them.
- 6.4 The retention of the cabins for the temporary period proposed is therefore considered to comply with Policies GP2 and D1 in terms of sustainability and access to facilities, and with the sustainability and access aims of Section 9 of the NPPF. In so doing, it also meets the aims and ideals of both the Manual for Streets, Building for Life 12 and the Institute of Highways and Transportation (IHT) publication ‘Guidelines for Providing Journeys on Foot’ (2000).

7. Character, Design and Landscape

- 7.1 Section 12 of the NPPF emphasises from start that it is vital for development to be of a design that is respectful to the character of the locality and enhances the setting it which it is placed. As set out in the heritage section above, this development has a detrimental impact on the context and setting of the listed buildings and parkland of Dunchurch Park Hotel.
- 7.2 The Rainsbrook Valley Sensitivity Study (RVSS) has identified this area as being a high sensitivity area of housing development, assigning it a Zone 14f classification. Areas given this classification include landscape and/or visual characteristics that are very vulnerable to change, and the RVSS advises that such areas are unable to accommodate housing development without significant character change. Thresholds for significant change are very low, meaning it is highly likely that all forms of housing or similar accommodation have the potential to have a negative and harmful impact.

- 7.3 The LPA recognises that the design of the cabins is largely dictated by their purpose as portable units with minimal installation requirements, and that they are therefore by their very nature going to be significantly different to the permanent build structures around them. In a site with no heritage or conservation factors to consider, they may have been considered acceptable in visual terms as their similar external appearance gives a degree of uniformity that creates a setting of its own. However, creating a micro-setting of a markedly different visual character within a heritage site is not something that can be overlooked due to form and function needs. Whilst the cabins may represent an effective solution to a temporary need, they are not designed for use in a setting such as this and appear wholly out of keeping.
- 7.4 The cabins are all of the same design, small dark grey modular units with identical interior layouts that were prefabricated off site and then delivered as complete units needing only a stable above-ground foundation (to account for the site levels) and connection to water and electricity. The cabins do not reflect any architectural features or structures found within the proximity of where they are located, and this makes them appear out of context with their surroundings. Their modern and utilitarian design is out of keeping with both the historical built forms and the natural and manufactured landscaping features that lie adjacent to them.
- 7.5 The presence of tall evergreens around two sides of the car park does provide effective screening when viewed from certain directions outside the immediate proximity of the site, and the removal of the more prominent aspects of the development (the security cabin, barrier, and play equipment) will significantly improve the aesthetic of the site when viewed from the point of entry (as the frontage and access drive are quite open and views of it from Vicarage Lane and the private roads adjacent to the entrance gates are therefore possible). The LPA do not consider that the wider character of the surrounding areas has been detrimentally affected by these proposals; it is the aesthetic of the setting itself that has been harmed, not the wider character of the Dunchurch area and adjacent streetscenes.
- 7.6 Taking the above into account, and the location of the cabins in relation to adjacent buildings and features, it is not considered that anything could be reasonably gained from looking at additional screening. The LPA have not therefore approached the applicant to discuss this as it would be unreasonable to require this given the fact that visual impact on the wider setting of the village itself is not a cause for significant concern. Similarly, the LPA has not asked the applicant to explore options to materially alter the exterior of the cabins, as that would attract significant expense for the applicants that is unlikely to be financially justifiable given the temporary period proposed and would not resolve the in principle objections the LPA has raised earlier in this report.
- 7.7 For the reasons set out above, the proposed retention of the cabins conflicts with Policies NE3, SDC2 and SDC3 of the Local Plan, and also Sections 12 and 16 of the NPPF. However, it does not conflict with the RVSS.

8. Impact on Heritage Assets

- 8.1 Section 16 (2) and Section 66 (1) of the Listed Building and Conservation Area Act 1990 hold special regard to the desirability of preserving the characteristics of buildings and their settings, including any features of special architectural or historic interest which they may possess.
- 8.2 Paragraph 130 of Section 12 of the NPPF sets out the key criteria that development should achieve, including placing great emphasis on the need for development to be visually attractive and sympathetic to local character and history.
- 8.3 Section 16 of the NPPF specifically focusses on the conservation and enhancement of heritage assets, including listed buildings and registered parks and gardens. Paragraph 195 in particular directs Local Planning Authorities to consider the impact of development on such assets, and Paragraph 197 sets out the three key considerations that should be forefront in the assessment of development affecting heritage assets. Paragraph 200 states that there should be “clear and convincing justification” for any harm that takes place, and Paragraph 201 states that Local Planning Authorities should refuse such developments unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh the harm caused.
- 8.4 Policy NE3 of the Local Plan focusses on landscape protection and enhancement, which would include protecting landscape areas of national significance. In particular, it raises the need to preserve and enhance landscape areas that benefit from enhanced protection, such as through being a Registered Park and Garden.
- 8.5 Policy SDC2 of the Local Plan takes a more general approach to landscaping but still focusses on the need to take every available opportunity to preserve and enhance landscaping and landscape features of significance.
- 8.6 Policy SDC3 of the Local Plan refers to heritage but also considers the historic environment in general and the need to both protect and enhance it through sympathetic and in keeping development.
- 8.7 This site features several buildings and features of significant value as heritage assets. As such an assessment needs to be carried out in order to establish the weight of the public benefits the scheme may offer against the harm to the heritage asset.
- 8.8 The main building is a former country house built in 1906-7 in the Queen Anne Revival style and designed by Gilbert Fraser. The associated landscape was an integral part of the design undertaken by Thomas Mawson, who often partnered with Fraser. The heritage significance of the main building is recognised by its Grade II* listed status. There are a number of subsidiary listed buildings and structures, including the Grade II* Listed former stables and the Grade II listed gate piers with elaborate wrought iron gates. The heritage significance of the landscape is recognised by its registration as a Grade II Listed Historic Park and Garden. Whilst the cabins are not affixed to any of the listed buildings or structures within the hotel complex, they are located immediately to the west and wholly within the setting of the Grade II* listed main building. They are also located within the setting of the Grade II registered parkland.

- 8.9 The main hotel building, being immediately adjacent to where the cabins are located, has been materially affected by their presence. They can be clearly seen from the car park to the front of the main building and have significantly intensified the level of built form in this location. Their modern utilitarian design is wholly at odds with the Queen Anne Revival style of the main building, which remains prominent and clear despite modern adaptations and extensions to the original former house. Their close proximity to the listed building detracts from its appearance to the detriment of its character and significance.
- 8.10 As the other primary listed building within the site (the Grade II* Listed stable building) is further away from the cabins than the main building and also not within direct line of sight of them, the impact of the cabins on this building is much less significant. The greater threat to the character of this building was the play equipment that lay immediately adjacent to it, so the removal of this aspect of the original scheme is welcomed as a means of preserving the historical context of the building and the visual character of its setting.
- 8.11 In terms of the impact on the Registered Park and Garden, the retention of the cabins themselves does have an impact in terms of context and character as they represent an alien feature that does not reflect any of the landscaped features of the parkland. The presence of screening around some of the car park boundaries does mitigate for this by screening the cabins from view from the open spaces to the front of the main buildings but does not wholly mitigate for the impact. A pathway leading out from the car park area opens out into the more expansive parkland to the rear of the main hotel building, which drops down in levels significantly and creates a significant part of the overall character and significance that was the grounds for listing it in the first place as an area that warrants protection and preservation. Were the trees not in place, the view up from this area towards the main buildings would be significantly and detrimentally affected by the presence of the cabins.
- 8.12 The land on which the cabins are located was already a tarmac surfaced car park prior to their arrival on site, and the tarmac has so far been largely unaffected by the installation of the cabins due to them having no need for foundation trenches or pads (although there are areas that have been dug out to create small trenches to facilitate connection to water and power).
- 8.13 Both the Gardens Trust and Historic England raised significant concerns over the development and its impact on the heritage assets of the site. In response, the applicants omitted the security hut, barrier and play area from the scheme and these will be removed from the site irrespective of the outcome of this application. Whilst reducing the prominence and scale of the development in this manner has assuaged some of the heritage concerns raised, both organisations still expressed significant reservations over the suitability of the pods for retention in a heritage location such as this. They did not endorse the development on heritage grounds and were so concerned about the impact of the pods that they required swift removal of them from site as soon as possible following the end of the temporary period (in the event that the application was approved).
- 8.14 The siting of the security cabin and security barrier, as well as the prominent siting and bright colour scheme of the play area, undoubtedly caused a significant impact to the setting of the heritage assets within the site, and their removal from the scheme proposed therefore lessens the significant harm they posed. These actions were therefore welcomed by both the Gardens Trust and Historic England, who were supportive of their removal from the scheme.

- 8.15 The temporary nature of this application, being for a limited period of 18 months from the date of determination, means that the potential for longer term impacts on the listed buildings and parkland is limited. In the shorter term, there is potentially a benefit to be gained in that the ancillary nature of the cabins and their occupation means that revenue arising from their use could be channelled into maintaining and preserving the various heritage aspects of the wider hotel site. However, this does not overcome the implications of what harm has already occurred on site, nor does it address the ongoing impact that the cabins would continue to have for the duration of their siting. The cabins themselves have significantly altered the character of this part of the site to the detriment of the character and presence of the heritage assets they lie adjacent to and in particular the immediately adjacent Grade II* main hotel building. They represent a built form that is both unsympathetic to the historical significance of the site and out of keeping with the setting in which they are located. Whilst the presence of screening has helped to reduce the degree of visual impact upon the two Grade II* listed buildings and the Grade II listed parkland, the impact upon their character and setting has not been wholly mitigated for.
- 8.16 For the reasons set out above the LPA consider that this development represents less than substantial harm being caused to the heritage assets within this site that has not been wholly mitigated for by the removal of the security cabin, barrier and play equipment. There must therefore be a balanced consideration as to whether there is public benefit from retaining and using the cabins that would outweigh the implications of the harm that they pose to the heritage assets. In this instance the cabins are to be retained and occupied as part of a block booking that encompasses all present on-site facilities and services. Essentially therefore the site remains wholly inaccessible to the public and the heritage assets remain in a state that cannot be publicly appreciated or serve a purpose from which the public can benefit (as opposed to when it was operating as a hotel complex that also hosted leisure and entertainment events that were open not only to those being accommodated on site but also to the wider public). The development does not create or enhance facilities that the wider community could access, nor does it represent the provision of services or facilities that would enhance the number and/or range of amenities available to the local community. There is therefore limited public benefit to be gained in allowing this development, and as such the less than substantial harm it represents is not outweighed by the public benefit.
- 8.17 The application therefore conflicts with Policies NE3, SDC2 and SDC3 of the Local Plan, and also Sections 12 and 16 of the NPPF.

9. Residential Amenity

- 9.1 A total of 9no. local households submitted formal objections to this application, all of which raised numerous issues. However the majority of the objections raised related to matters linked to the general operation of the wider hotel site and presumptions regarding guests staying on site, including the nature of the block booking; loss of business being attributed to activities on the wider site; potential for criminal activities and the fear of crime; property law related matters; right of access over the parkland; maintenance of the private driveway; the need for site security; national policy on immigration; and perceived changes to the dynamic of the community. Whilst the LPA recognises that these were all important matters to those who raised concerns about them, they are not pertinent solely to the retention of the cabin for a temporary period of 18 months and cannot therefore carry significant weight in planning terms as they fall outside the scope for consideration of this development. Numerous objections were also raised on the grounds of vehicle

movements and the impact on the surrounding road infrastructure, but this will be addressed separately within this report.

- 9.2 Policy GP1 of the Local Plan sets out the general principles for consideration of applications, including the social implications of development. Residential amenity arguably falls into this category, and the LPA is therefore obliged to consider the implications of development on the local community and those living close to the proposal site.
- 9.3 Policy SDC1 of the Local Plan addresses the need for development to promote and support healthy and safe communities through a variety of means, including managing crime and the fear of crime.
- 9.4 Section 2 of the NPPF, like Policy GP1 of the Local Plan, sets out the three key objectives of the planning system, including the social objective of supporting strong, vibrant and health communities. Whilst this section is directed more generally to new residential development and communities, there is still an argument for considering its principles in relation protecting the amenities of existing communities through the assessment of impact on residential amenity.
- 9.5 Section 5 Paragraph 69 of the NPPF states that planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime is therefore a material consideration in planning decisions, although the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur.
- 9.6 It is apparent from the objections received that some local residents have genuine concerns about the potential for an increase in crime and anti-social behaviour if this development is allowed to remain and be occupied for the period proposed. However, there is no firm evidence that such occurrences, which are ultimately a matter for the relevant authorities in specific instances, could be attributed to the siting and occupation of the cabins subject of this application. Crime and disorder do not seem to be an inevitable consequence of the development proposed, and there is no firm evidence to suggest that the proposed development and occupants can't operate in cohesion with the community. In this case crime and disorder is rather a question of individual behaviour and appropriate management, as opposed to being a direct result of this development.
- 9.7 Attention therefore turns to the potential impact on other residential amenities that are valued by those living close to the site. Set as it is within the grounds of Dunchurch Park Hotel, the area where the cabins are located is a significant distance away from neighbouring residential properties. Matters such as loss of privacy or loss of light are therefore unlikely to be factors that would affect the outcome of this application. Noise nuisance potential has been considered, but again the distance from neighbouring residences coupled with the noise that could arise from the authorised use of the site as a hotel and events venue means that it is unlikely that the siting and use of these cabins would directly lead to a level of nuisance over or above that which could reasonably be expected from a hotel and leisure venue which, prior to the pandemic, operated large scale events both within the main buildings and in marquees within the grounds.

- 9.8 The Council's Environmental Protection Team were consulted on this proposal, and their considerations included assessing the likely impact on local residents. They raised no concerns over noise nuisance given the intended use of the cabins as temporary ancillary guest accommodation in association with the existing hotel business and did not request any restrictive conditions be applied in the event of an approval relating to noise control or other methods of requiring control of the operation of the cabins for the benefit of neighbouring residential amenity. They did advise of the need to consider means of escape from the cabins due to their internal layout, but this was in relation to Building Regulations matters rather than planning and so fell outside the scope of consideration for this application. In the event of an approval, they recommended an informative note be included in relation to this, as well as another note pertaining to guest accommodation requirements under non-planning legislation.
- 9.9 Given the intended use of the cabins and their direct link to existing operations at the hotel, as well as the significant distance from the nearest neighbouring residential properties, it is not considered that the temporary retention and occupation of these cabins as part of the existing on-site operations would pose any materially detrimental risk to neighbouring residential amenity.
- 9.10 The amended scheme therefore complies with the aspects of Policies GP1 and SDC1 of the Local Plan that relate to residential and social amenity. It also accords with guidance set out in Sections 2 and 5 of the NPPF.

10. Highways and Parking

- 10.1 Local Plan Policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Appendix 5 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.
- 10.2 Policy D2 of the Local Plan focuses specifically on parking facilities, including both the provision requirements and the implications for loss of parking provision. This is especially relevant in this case given that the proposal involves the temporary loss of a main car park to facilitate the siting of the cabins.
- 10.3 The LPA's Planning Obligations Supplementary Planning Document (SPD) sets out, amongst other things, recommendations for parking facilities and their relationship to development.
- 10.4 The siting of the cabins within one of the main car parks serving the hotel has inevitably resulted in a significant reduction in parking capacity within the site. Concerns have also been raised by local residents regarding the impact that the occupation of the cabins could have on the adjacent road network and stating that existing on-site operations have already resulted in a significant increase in traffic to and from the site. WCC Highways were consulted on this application, and their guidance sought on both the temporary loss of parking provision and the impact in terms of vehicle movements to and from the site in association with the cabins. Highway safety and parking implications are two separate considerations due to their scope, and they will be assessed separately within this section by focusing firstly on vehicle movements and highway safety and then on parking and the temporary loss of the car park.

- 10.5 WCC Highways initially raised concerns over the original scheme in relation to the implications of vehicles needing to stop and turn around near the entrance to the hotel if they were refused access at the security barrier. Following discussions with the applicant re their procedures for managing this by letting vehicles pass the barrier in order to turn around safely, WCC Highways had confirmed that providing a condition stipulating this arrangement be applied and adhered would overcome their concern, and they had no further concerns in relation to the development. Following the removal of the security barrier and hut as part of the amended scheme, WCC Highways were consulted once again. The applicant advised them that visitors are now met at the main reception, where there was adequate room to manoeuvre vehicles in order to enable them to leave the site safely and in a forward gear. The applicants also advised WCC Highways of their policies and procedures for processing deliveries and unanticipated visits, and WCC Highways were satisfied they these procedures were sufficient to meet the likely nature and level of traffic to the site. In order to ensure that adequate procedures remained in place in the event that the application was approved, they requested the inclusion of an alternative condition that specifically stated the requirement to follow the protocols outlined to them by the applicant.
- 10.6 Both the local residents who submitted objections and the Parish Council identified instances whereby they considered that the recent operational use of the site in general had directly resulted in a significant increase in the type and frequency of vehicles movements to and from the site. The LPA recognises that this is a concern but has borne in mind the fact that all commercially operating sites will have seen a marked increase in vehicle traffic recently as we have come out of nation pandemic restrictions and businesses have recommenced full operations once again. Prior to the pandemic, the hotel would have attracted a wide variety of visitors for a range of reasons, including attendance at events with or without overnight accommodation. As such, the potential for a significant volume of traffic was already a factor in the operation of the hotel site, and whilst movement may have significantly reduced during the pandemic they should not be taken as an indication that it was anticipated they would always remain low. On balance, the LPA consider that the level and nature of vehicle movements to and from the site under the arrangements for the current block booking are still likely to be well below those that would have been seen prior to the pandemic and would not be significantly impacted upon in the longer term due to the temporary nature of this application to retain the cabins for ancillary accommodation purposes. They are not therefore considered to be unreasonable or excessive when compared to the volume of traffic that could be attracted once the temporary period ended and the cabins were no longer being used, as the hotel could reverted back to full public events once again once the block booking ceased. This also relates to residential amenity as disruption from vehicles can affect the amenities of neighbouring residents. In this case the level is comparable with or less than what would be reasonably have been expected from the hotel operation in its pre-Covid model, and there is therefore no materially detrimental change to the impact on the amenities of neighbouring residents that could be specifically attributed to the temporary development subject of this application.
- 10.7 In terms of the implications of the loss of the car park, WCC Highways raised no specific comments regarding this. The LPA discussed the loss of parking with the applicants, including whether the ancillary accommodation provided by the cabins would affect parking need within the site. The applicant advised that guests staying in the cabins as part of the existing block booking would arrive at the start of their stay via coach or mini bus as part of the block booking arrangement. During their stay, guests could request

private transport by booking taxis, with prearranged excursions or activities off site including the provision of a coach or mini bus to take guests to and from the site. In light of this, it was anticipated that parking requirements would be markedly lower during the temporary term of this development than could reasonably be expected during the pre-pandemic operation of the site, and this was demonstrated through the traffic management model already being implemented on site as part of the block booking contract.

- 10.8 Given the above, together with the limited duration of the proposal and the fact that the block booking means no other public events would be hosted during the temporary period applied for, the LPA consider that the temporary loss of the car park is acceptable provided that it reverts back to its former use as soon as the proposed development has ceased, following the removal of the cabins. The requirements for this would be applied in the form of a condition in the event of an approval.
- 10.9 Taking the above into account, it is not considered that the temporary development proposed would result in detrimental highway safety implications, and the temporary loss of the car park is considered acceptable given the operational model that the development is based on and the fact that the car park can be easily brought back into use once the cabins are removed. It is therefore considered that the loss in parking spaces is a temporary measure and not one which would have a long term impact on the functionality of Dunchurch Park Hotel.
- 10.10 This application is therefore considered to be in accordance with Policies D1 and D2 of the Local Plan along with the SPD on Planning Obligations.

11. Air Quality

- 11.1 The environmental implications of new development must be carefully considered, particularly as the Local Plan has reinforced the need to consider offsetting the impact of development through its policies GP1, HS5, SDC4 and SDC7. These in turn reinforce the wider importance and focus raised on these issues within Sections 2 and 12 of the NPPF 2021.
- 11.2 The environmental considerations (such as the implications of being in the Air Quality Management Area, and the need for water and energy efficiency) cross over into the requirements that will be placed on the developer through the need to comply with Building Regulations, but also require control at this stage through the application of specifically worded conditions and supportive text. As part of the submitted application, the applicants have provided evidence to show that they recognise their responsibilities as a developer to consider the longer-term implications of the occupation and use of the site for their intended purpose.
- 11.3 The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.”
- 11.4 In this case, the cabins were brought onto site in a prefabricated form, and their installation was minimally invasive in terms of the potential environmental implications of construction. Their installation did require minor works to install stabilising pillars as the site is on a slight slope and works to connect to mains water and electricity would need to be completed in the event of an approval to enable the cabins to reach the standards required for use as

ancillary accommodation for the hotel. None of these on-site works however would materially intensify the environmental impact of the site.

- 11.5 Environmental Health were consulted on the application and have considered the environmental implications of the cabins being occupied as proposed. Whilst they raised no objections to the scheme, they did recommend inclusion of an informative note in the event of an approval regarding the non-planning matter of emergency evacuation routes in relation to the internal layout of the cabins due to the open plan nature of the living and kitchen areas and the need to cross through this area to reach the exit if coming from the bathrooms or bedrooms. They also recommended the inclusion of an informative note re air quality neutrality, to provide the applicants with additional information on ways in which they could potentially reduce their environmental impact and carbon footprint during the course of the temporary development and when clearing the site once the development came to an end.
- 11.6 As the occupants of the cabins would still access the main hotel buildings for meals, with only limited facilities within the pods for the preparation of drinks and snacks, Environmental Health did not consider it necessary to require restrictions on extraction etc. that may have been relevant had the cabins been designed to enable full kitchen facilities such as hobs or ovens.
- 11.7 The temporary retention and occupation of the cabins therefore complies with the environmental directions of Policies GP1, HS5, SDC1, SDC4 and SDC7 of the Local Plan. In so doing, the development also meets the standards and guidance set out in Sections 2, 11 and 12 of the NPPF.

12. Biodiversity

- 12.1 Policy NE1 of the Local Plan specifically focuses on the protection and enhancement of designated biodiversity and geodiversity assets. This includes the provision and protection of habitat for protected species.
- 12.2 Section 15 of the NPPF shares the same focus as Policy NE1 of the Local Plan, setting out requirements for how development should protect and enhance habitat provision whilst also protecting and supporting endangered species.
- 12.3 As the development under consideration is limited to the installation and occupation of cabins on a temporary basis for ancillary accommodation purposes, the area of focus for ecological matters is limited to the car park on which they are sited. WCC Ecology have assessed the proposals, and the only matter they raised related to the impact of external lighting. They noted that external lighting on or around the cabins could potentially have a detrimental impact on bats, birds and/or other nocturnal species if it caused excessive illumination around the boundary of the car park, especially if it was aimed towards the trees that bound two sides of it. They recommended an informative note be applied in the event of an approval that set out how external lighting should be controlled to prevent unnecessary light spill into these areas, which included a recommendation that external lighting be kept to a minimum. Aside from this matter, WCC Ecology raised no objections or concerns, and did not recommend inclusion of any conditions in the event that permission was granted.

- 12.4 There are no proposed details within the submission for external lighting either on the cabins themselves or around the car park area. In the event that the application were to be approved, the LPA would include a condition requiring details of all external lighting to be submitted for consideration prior to installation, so that WCC Ecology could assess the lighting scheme proposed and its potential implications for protected species.
- 12.5 As WCC Ecology raised no objections, and given the possibility to control external lighting through a condition in the event of an approval, it is considered that the scheme complies with Policy NE1 of the Local Plan and accords with Section 15 of the NPPF.

13. Planning Balance and Conclusion

- 13.1 The proposed development is for the temporary retention of 40 no prefabricated cabins within an existing car park and their use as ancillary accommodation for the existing hotel for a period of 18 months. It is not requesting a permanent change to the site dynamics, although it does represent a significant change in terms of physical structures that would materially alter both the appearance and character of the site and its function over this temporary period.
- 13.2 The significance of the harm to the heritage assets within the site has been considered, as has the matter of whether or not there is a public benefit of sufficient weight to counteract the heritage harm identified that could render the development acceptable in principle. The removal of more visually obtrusive features from the frontage of the site has lessened the degree of harm to a level that is considered to be less than substantial but has not dispensed with it altogether. Whilst the applicant advises that the undertaking of the block booking for accommodation has enabled them to retain staff on site, it does not appear to have generated a significant degree of wider employment opportunities that could benefit the local community. Whilst there are benefits for those seeking to use the accommodation, there is therefore little public benefit of sufficient weight to counteract the less than substantial harm still caused to the heritage assets.
- 13.3 The site is in a sustainable location with good access to a range of facilities in the immediate locality. There is also good access to sustainable public transport and walking/cycle routes. Occupants of the cabins could access all of these either independently or by arrangement with the hotel staff.
- 13.4 There would be no materially detrimental impact on residential amenity if the proposal were to be permitted for the temporary period requested. Whilst it is recognised that the local community may have concerns over crime and the fear of crime, there has been no evidence put forward to substantiate this through specific examples of events or incidents that can be directly attributed to the subject of this application and the concerns seem to relate more to anticipated behaviour and expectations.
- 13.5 There has been a recognised economic impact in how the site operates and how accommodation within the cabins may have an impact on the local economy. Additional opportunities for local businesses that may have arisen from on-site events prior to the pandemic (such as events involving performance artists, practitioners of specific skills, local producers etc.) are no longer being hosted whilst the accommodation contract to which these cabins relate is being undertaken, and as the cabins are located in the main car park in any case there would be insufficient space to attract larger scale events that are not needed to support the guests accommodated under the block booking and within

the cabins. However, the applicants state that jobs have been retained on site and that they still use contractors such as catering suppliers to support the day to day operation of the site for the benefit of the guests.

- 13.6 From a social perspective, the block booking of the whole hotel has meant that none of the pre-pandemic type of events are currently taking place, even though the Covid-19 restrictions that originally caused them to cease are no longer in place. The hotel is however catering for and supporting the social needs of guests currently on site and would also do this for guests who may be accommodated in the cabins if they are approved. Whilst the wider village and borough community may no longer benefit from events hosted on the hotel site, meeting the social needs of the hotel guests is still a factor requiring consideration.
- 13.7 There are no ecological concerns, and no objections have been raised in relation to these matters.
- 13.8 Despite the temporary nature of the development, the heritage implications mean that the principle of development is not acceptable and the proposal therefore conflicts with Policy GP1 of the Local Plan and Section 16 of the NPPF due to conflict with other prevailing policies on heritage grounds.
- 13.9 The impact on the character and significance of the listed buildings and registered parkland means the scheme conflicts with Policies NE3, SDC2 and SDC3 of the Local Plan, and also Sections 12 and 16 of the NPPF.
- 13.10 The detrimental visual impact of the cabins themselves means that their retention also conflicts with Policies NE3, SDC2 and SDC3 of the Local Plan, and also Sections 12 and 16 of the NPPF.
- 13.11 The temporary loss of parking spaces will not have a long term impact on the functionality of Dunchurch Park Hotel, and the proposal therefore complies with Policies D1 and D2 of the Local Plan and the SPD on Planning Obligations.
- 13.12 The proposal complies with the environmental directions of Policies GP1, HS5, SDC1, SDC4 and SDC7 of the Local Plan and meets the standards and guidance set out in Sections 2, 11 and 12 of the NPPF.
- 13.13 There will be no detrimental impact on protected species or biodiversity, and the scheme therefore complies with Policy NE1 of the Local Plan and Section 15 of the NPPF.
- 13.14 In the event that the application is approved, the LPA would apply conditions relating to time limitations for the development, occupation criteria for the cabins, timescales for removal of the cabins upon the expiry of the limited period permitted, access and security protocols, and external lighting details.
- 13.15 The distance from the cabins to the nearest adjacent residential properties, together with the unlikelihood of materially detrimental impact arising from their siting and use as ancillary accommodation, means that there would be no detrimental harm to residential amenity were the application to be approved. The temporary loss of the car parking spaces for the duration proposed is not considered to be detrimental to the functionality of the site or the wider highway network given the nature of the operational model of the site

for this temporary period. There has been no environmental harm caused in terms of contamination, and no harm to protected species or their habitats. Whilst these factors may weigh in favour of the development, they do not overcome the heritage implications of permitting the development to continue for a temporary period of 18 months.

- 13.16 In conclusion, the retention of the cabins, whilst only being a temporary development, has resulted in harm to the heritage assets on site that has not been outweighed by other factors such as the removal of the security cabin, barrier and play equipment from the scheme. Whilst initially they may have been provided to meet an identified need during a global pandemic, when the hotel was not able to operate in the manner it may have done prior to 2020 due to national restrictions on the leisure and tourism industry, there are no longer restrictions in place that limit the hotel's ability to recommence operations as it did prior to the start of the pandemic. The ongoing loss of the community facility due to the block booking arrangement (which would include the occupation of the cabins if approved) is still detrimental and there is limited public benefit to be gained. The visual impact of the cabins affects the character and appearance of the site and is harmful to aesthetic and setting of the heritage assets.

14. Recommendation

Refusal on heritage grounds due to conflict with prevailing local and national planning policies.

DRAFT DECISION

REFERENCE NO:
R22/0193

DATE APPLICATION VALID:
28-Mar-2022

APPLICANT:

Signature Group Limited, Dunchurch Park Hotel, Rugby Road, Warwickshire, Dunchurch, CV22 6QW

AGENT:

Rhys Bradshaw, DLP Planning Ltd DLP Planning Ltd, 18 Regent Place, Rugby, CV21 2PN

ADDRESS OF DEVELOPMENT:

DUNCHURCH PARK HOTEL AND CONFERENCE CENTRE, RUGBY ROAD, DUNCHURCH, RUGBY, CV22 6QW

APPLICATION DESCRIPTION:

Retrospective temporary planning application for ancillary accommodation comprising of 40 cabins for a period of 18 months.

REASONS AND INFORMATIVES:

REASON FOR REFUSAL 1:

The retention of the cabins, by reason of their design, appearance and location, is considered to have caused less than substantial harm to the character and setting of the adjacent listed building. This harm has not been adequately mitigated for by the intended purpose of the cabins or the temporary nature of the development proposed, and no other mitigating circumstances have been put forward by the applicants that would carry sufficient weight or public benefit to

overcome this detrimental impact. The development therefore conflicts with Policies GP1, NE3, SDC2 and SDC3 of the Rugby Borough Local Plan 2011-2031 and Sections 12 and 16 of the National Planning Policy Framework 2021.

REASON FOR REFUSAL 2:

The retention of the cabins, by reason of their design, appearance and location, is considered to have caused less than substantial harm to the character and setting of the registered park and gardens that the site lies within. This harm has not been adequately mitigated for by the intended purpose of the cabins or the temporary nature of the development proposed, and no other mitigating circumstances have been put forward by the applicants that would carry sufficient weight or public benefit to overcome this detrimental impact. The development therefore conflicts with Policies GP1, NE3, SDC2 and SDC3 of the Rugby Borough Local Plan 2011-2031 and Sections 12 and 16 of the National Planning Policy Framework 2021.

REASON FOR REFUSAL 3:

The retention of the cabins by reason of their incongruous and functional design, unattractive appearance and cramped location have resulted in an unsympathetic form of development that fails to respect and complement the surrounding high quality built form of the overall hotel complex, which is to the detriment of the visual amenities of the immediate area. Notwithstanding the presence of existing soft landscaping in the vicinity of the cabins, the location of the cabins are clearly visible from numerous vantage points within the site that represent a form of development that is at odds with the overall character and appearance of the established hotel complex, and appear wholly out of keeping with the setting and surrounding landscape. The adverse impacts that arise from the retention of the cabins outweigh the benefits of the development and therefore would not constitute sustainable development and would conflict with Policies NE3, SDC2 and SDC3 of the Rugby Borough Local Plan 2011-2031 and Sections 12 and 16 of the National Planning Policy Framework 2021.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

GP1, GP2, ED4, HS5, NE1, NE3, SDC1, SDC2, SDC3, SDC4, D1 and D2 of the Rugby Borough Local Plan 2011-2031, June 2019.

Supplementary Planning Documents - Planning Obligations (2012), Sustainable Design and Construction (2012), and Air Quality (2021).

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

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicants and their agents in a positive and proactive manner, in accordance with paragraph 38 of the NPPF. Unfortunately it has not been possible to reach a positive outcome in this instance due to conflict with prevailing local and national planning policies.

Reference: R22/0479

Site Address: 7, CHURCH STREET, RUGBY, CV21 3PH (Upper Floors no's 7 & 8)

Description: Change of use of 1st and 2nd floor to 10 flats including extension on first floor roof

Recommendation

Approve subject to conditions and informatives

1.0 Introduction

This application is being reported to Planning Committee in accordance with the Scheme of Delegation, because the proposed development falls within the definition of a major development.

2.0 Description of site

The application site is located within Rugby Town Centre and the Conservation Area. The retail frontage to the ground floor is part of the secondary shopping frontages within the town centre.

The application relates to the first and second floors of the building, which is located to the north side of Church Street and is within a run of retail units that begin to the northwest from no.36 North Street and finish to the east at no.10 Church Street. The frontage above the retail units is constructed from traditional red brick and contains a variety of window types and designs. The roof is finished with brown tiles and there is a canopy that extends above the ground floor providing cover to the front of the retail units.

To the rear the site is bounded by a public car park accessed from Chestnut Field and opposite to the front south elevation is St Andrews Church, a Grade II* Listed Building. The remainder of the site is bounded by retail units with some residential units above.

3.0 Description of proposals

The application seeks consent for the conversion of the first and second floors to provide 10 no. flats. This includes the construction of an extension on the flat roof of the first floor to the rear of the building.

4.0 Planning History

R20/0254 – Conversion of Redundant Office Space Over Units 8, 9 and 10 Into 6 Flats (3 No. 2 bedroom and 3 No. 1 Approved 29/05/2020

5.0 Relevant Planning Policies

Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework, 2021 (NPPF)

Section 2: Achieving sustainable development

Section 7: Ensuring the vitality of Town Centres
Section 12: Achieving well-designed places
Section 16. Conserving and enhancing the historic environment

Rugby Borough Local Plan 2011-2031, June 2019

Policy GP1: Securing Sustainable Development
Policy GP2: Settlement Hierarchy
Policy GP3: Previously Developed Land and Conversions
Policy TC1: Development in Rugby Town Centre
Policy TC3: Primary Shopping Area and Shopping Frontages
Policy SDC1: Sustainable Design
Policy SDC3: Protecting and Enhancing the Historic Environment
Policy SDC4: Sustainable Buildings
Policy SDC9: Broadband and Mobile Internet
Policy H1: Informing Housing Mix
Policy HS1: Healthy, Safe and Inclusive Communities
Policy HS5: Traffic Generation and Air Quality
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets
Policy D1: Transport
Policy D2: Parking Facilities

Supplementary Planning Documents and other reports

Sustainable Design and Construction – 2012
National Design Guide 2019.
BS 5906 2005 Waste management in buildings - Code of practice
Rugby Borough Council Refuse and Recycling Policy and Design Guide for Developers
Rugby Town Centre Conservation Area Appraisal

6.0 Technical consultation responses

WCC Highways – Objection; Amended first floor plan provided to address concerns and objection removed.
WCC Planning and Infrastructure – no contributions required fee for being a signature on any S106
WCC Ecology – Preliminary Ecology Appraisal required and submitted.
RBC Development Strategy – no objection subject to conditions
RBC Environmental Health – no objection subject to conditions and informatives
Warwickshire Fire & Rescue – informative requested
Warwickshire Police – no comments received
Building Control – no comments received
Severn Trent Water – informative requested
Environment Agency Midlands Central – no comments received
Michelle Dickenson Housing – no comments received
NHS CCG – no contributions required
LLFA – no objection
RBC Parks and Gardens – no objection

7.0 Third party comments

Ward councillors and neighbours notified, and no comments were received
Close proximity neighbours were notified, and a site notice was displayed. No comments were received.

8.0 Assessment of proposals

The key issues for consideration in this application are: -

- 9. Principle of Development
- 10. Character and Design
- 11. Impact upon heritage assets
- 12. Impact on the Town Centre
- 13. Residential Amenity
- 14. Highways
- 15. Air Quality
- 16. Ecology
- 17. Waste and Recycling
- 18. Section 106 Contributions

9.0 Principle of Development

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise
- 9.2 Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires Local Planning Authorities have special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 9.3 Policy SDC3, of the Local Plan supports development that sustains and enhances the significance of the Borough's heritage assets. looks to protect and preserve the historic environment and heritage assets and their settings.
- 9.4 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.
- 9.5 This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 9.6 Policy GP2 sets out the settlement hierarchy with new development in the Rugby Town Area being considered the most sustainable location.
- 9.7 The application site is located within the Rugby Town Area, as defined in Policy GP2 and therefore is the primary focus for new development. As such there is a principle in favour of sustainable development, subject to all planning matters being appropriately addressed.

- 9.8 In addition Policy GP3 relates to previously developed land and conversions where it states that the Council will support proposal where they comply with the policies in the local plan and particular consideration will be given to: -
- The visual impact on the surrounding landscape and properties:
 - the impact on existing services if an intensification is found and
 - the impact on any heritage assets.
- 9.9 Policy TC3 states residential development is encouraged in the town centre provided it does not harm the retail function, character, and its vitality and viability. As the proposal retains the retail aspect of the building the proposal is considered to conform with this policy.
- 9.10 The supporting text for Policy TC3 identifies that the use of upper floors for residential use would be supported. It is identified that an independent access to upper floors should be maintained to ensure that buildings may be fully utilised. This proposal is compliant with this as it enables independent access to the upper floors, whilst enabling the ground floor to be used separately. It is also noted that the ground floor is accessible from the front and rear, which provides significant flexibility for potential layout options for future ground floor uses. The floor size of the retail area is significant and future ground floor uses would not be restricted by the development of the former storage space on the upper floors. Due to its scale and size, the ground floor area has the potential for storage to support future uses. A large loading bay door to the ground floor west elevation, providing access for loading and unloading for the retail area, would be retained.
- 9.11 The proposal would be considered to make a contribution to the vitality and viability of the town centre. This is by virtue of the proposed residential population increasing footfall along Church Street to help sustain nearby businesses and support the wider town centre. The NPPF also states that planning policies should recognise the role of residential development in ensuring the vitality of centres and that residential development should be encouraged on appropriate sites.
- 9.12 Therefore, the principle of the proposed residential development is considered to be in accordance with Section 2 of the NPPF and Policy GP1, GP2 and TC3 of the Local Plan
- 9.13 In terms of Policy GP3 this should be read in conjunction with Policy SDC3 as the property lies within the Conservation Area.

10.0 Character and Design

- 10.1 Policy SDC1 of the Local Plan states that all development will demonstrate high quality, inclusive and sustainable design. New development will only be supported where the proposals are of a scale, density and design that responds to the character of the area in which they are situated, and developments should aim to add to the overall quality of the areas in which they are situated.
- 10.2 The property occupies the former site of the Almshouses which were founded in the 16th century. The buildings were demolished in 1958 and the property subject of this application is part of the later modern infill terrace providing large retail units to the ground floor, with two additional storeys above. The existing front and rear facades of the first and second floors, contain a variety of window types and designs and have a strong horizontal

emphasis. The proposed plans show no alterations to the design of the windows. A rear second floor door on the north elevation would be changed to a window and additional windows to the rear side elevations would be inserted. The current natural day light provision would not be diminished.

- 10.3 There would be two entrances; a pedestrian access from Church Street and the main access would be provided from Chestnut Field to the rear, with stairs leading up to the roof terraced areas. Access to the retail unit would remain unchanged.
- 10.4 The application includes the addition of an extension to the flat roofed area at the rear. This would provide an additional unit of accommodation. The roof of this extension would be flat and its appearance from within Chestnut Field is considered to be appropriate and fit in well with the design of the buildings to the rear, which has a plethora of flat roofed add-ons to the current rear built form. The front elevation onto Church Street would be unchanged, with any new windows matching with the existing. Finished materials would all match with the existing and **Condition 3** will be applied to secure these.
- 10.5 There are no significant alterations to the external appearance of the building and as such the proposal accords with Policies 12 of the National Planning Policy Framework and Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031 in that the new development responds to the site's immediate and wider context and local character.

11.0 Impact upon heritage assets

- 11.1 As the site is within a Conservation Area it falls to be considered under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, including its setting.
- 11.2 Policy SDC3, of the Rugby Borough Local Plan supports development that sustains and enhances the significance of the Borough's heritage assets and their settings. Development affecting the significance of a designated and non-designated heritage asset and its setting, will be expected to preserve or enhance its significance.
- 11.3 Policy 16 of the National Planning Policy Framework supports development which makes a positive contribution to the Conservation Area and its setting (paragraph 206)
- 11.4 Paragraph 195 requires that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This should be taken into account to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 11.5 Paragraph 199 advises great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification. Paragraph 201 states that where proposed development would lead to substantial harm to a

designated heritage asset, such cases should be weighed against the public benefit of the proposal.

- 11.6 Paragraph 201 sets out its guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset.
- 11.7 Paragraph 202 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 11.8 Paragraph 206 states that local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 11.9 Paragraph 207 informs that not all elements of a conservation area will necessarily contribute to its significance.
- 11.10 The courts have held (*South Lakeland DC v Secretary of State for the Environment*, [1992] 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve.
- 11.11 Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.
- 11.12 In the Rugby Town Centre Conservation Appraisal the site lies in Area 3 of the Character Areas which is the commercial hub of the town, and the buildings are predominantly Victorian and follow the historic street pattern. St. Andrew's Church, whilst being located in Character Area 2, sits opposite to the application site and is a highly significant building, the tower and spire being a focal point throughout the town centre.
- 11.13 Policy SDC3 relates to protecting and enhancing the historic environment where it states that development will be supported that sustains and enhances the significance of the Boroughs heritage assets including amongst other things conservation areas and townscape. It also goes on to state that development affecting the significance of a designated or non-heritage asset and its setting will be expected to preserve or enhance its significance. Policy SDC1 states that development must be of a high-quality design and must not cause harm to the character and amenity of the area. In addition, Policy TC1 states that within the Town Centre development must be high quality design which complements the existing townscape and contributes to its local distinctiveness.
- 11.14 The property sits within the Conservation Area and is part of a modern terrace with retail units to the ground floor and a meeting room and storage above. The main alteration to

the external appearance of the building to the front, would be the replacing of the windows with like for like designs. To the rear some additional windows would be inserted, into side elevations and the rearmost north elevation adjacent to the car park would have the fenestration reconfigured. All materials would be to match with the existing.

- 11.15 In terms of impact in the streetscene and wider heritage setting it is considered that the proposal would not harm the Conservation Area. Given that there are no significant alterations to the external appearance along Church Street. The existing horizontal emphasis of the building would be retained and its existing relationship with the listed church would not be altered.
- 11.16 The proposals include an extension on the flat roof to the rear of the site. This part of the site sits on the northern edge of the conservation area and overlooks the North Street public car park, which sits outside of the conservation area. This extension on the roof top is set in from the edge and due to the height of the existing building would have minimal visual impact.
- 11.17 It is therefore considered that the proposed external alterations couple with the rooftop extension would not have a detrimental impact on the historic setting and would not harm the existing townscape in accordance with policies SDC1, SDC3 and TC1 of the Local Plan.

12.0 Impact on the town centre

- 12.1 Policy TC3 states residential development is encouraged in the town centre provided it does not harm the retail function, character, and its vitality and viability. As the proposal retains the retail aspect of the building the proposal is considered to conform with this policy.
- 12.2 The supporting text for Policy TC3 identifies that the use of upper floors for residential use would be supported. It is identified that an independent access to upper floors should be maintained to ensure that buildings may be fully utilised. The submitted plans show that there is an existing independent access from Church Street, which enables independent access to the upper floors whilst enabling the ground floor to be used separately, and this access is to be retained. The ground floor is not included within the application site and will remain unchanged.
- 12.3 The proposal would be considered to make a significant contribution to the vitality and viability of the town centre. This is by virtue of the proposed residential population increasing footfall along Church Street to help sustain nearby businesses and support the wider town centre.
- 12.4 The NPPF also states that planning policies should recognise the role of residential development in ensuring the vitality of centres and that residential development should be encouraged on appropriate sites.

13.0 Residential Amenity

- 13.1 In addition to seeking development to respect the character of an area, Policy SDC1 of the Local Plan seeks to safeguard the living conditions of existing and future neighbouring occupiers. Section 12 of the National Planning Policy Framework states that planning should always seek a high standard of amenity for existing and future users of developments.
- 13.2 The proposal sets the residential accommodation over two floors which includes the rear first floor extension and is comprised of 7 no. 1 bedroom flats and 3 no. 2 bedroom flats. Policy HS1 states development should consider the potential to develop healthy, safe and inclusive communities and it is considered the proposal to provide housing in a location with good access to services is in accordance with this requirement.
- 13.3 Policy SDC1 states that the amenity of neighbouring occupiers must be safeguarded. The application property is located within an area of predominantly commercial properties with some residential to the upper floors of adjacent buildings. RBC Environmental Health have requested a noise assessment be carried out and any recommended works to be completed prior to occupation of the development and maintained thereafter. The noise report shall include recommendations for any necessary acoustic mitigation works, to protect the occupants, having regard to current guidance for the residential development. (**Condition 7**).
- 13.4 There are no significant changes to the arrangements to the windows to the front elevation, which overlooks the public realm in Church Street and the listed Church. The property has the usual relationship associated with properties located within a commercial retail area, and therefore it is considered that there would be no loss of privacy to a harmful degree for the occupants or neighbouring properties.
- 13.5 To the rear, some of the existing windows to the north elevation would be merged, reducing the number of windows from 9 to 5, with the creation of 2no. larger windows to provide a good levels of natural light to the main living areas of flats 8 and 9. Windows would be inserted along the east and west side elevations to the rear, to serve flats 1 and 3 on the east side and flat 8 to the west side. The windows serving the new extension to create flat 10 and located on the west side, would be set well back within the roof area. Separation distances between the east windows and the rear of the properties that front on to Regent Street would measure 10 to 13 metres. Overall, it is considered that the fenestration has been arranged to ensure potential overlooking is kept to an acceptable level, commensurate with town centre accommodation, whilst providing adequate natural daylight provision in accordance with the requirements of good design principles.
- 13.6 In terms of residential amenities to the proposed occupiers and compliance with the National Space standards only 1 of the flats complies. This is because the bedrooms have been shown as doubles and therefore a two person occupancy is assumed for each double bedroom. If assessed as single person occupancy for a double bedroom, then the flats would comply with the space standards. Notwithstanding this It should also be noted that the local authority can only insist on new development complying with the space standards if there is a policy in place to enforce it. The current Local Plan does not have such a policy and on balance whilst the development is below the standards it does provide adequate accommodation.

13.7 It is considered that the proposed scheme is in accordance with Policies HS1 and SDC1 of the Rugby Local Plan in that the new development appropriately safeguards the amenities of neighbouring occupants.

14.0 Highways

14.1 Policy D2 seeks to ensure adequate car, cycle and electric vehicle parking should be achieved on site in line with Appendix 5 of the Local Plan. The site is within the town centre and the high access parking standards zone.

14.2 No parking spaces are proposed due to the units location within the town centre boundary, close to facilities and public transport provision. The notes in Appendix 5 for residential standards make it clear that they 'do not preclude zero or minimal parking close to major transport interchanges or for conversions of existing buildings'.

14.3 The town centre location of the units is the most sustainable location in the Borough. The building is within walking distance of employers in Rugby Town Centre, bus stops and is a 15 minute (0.7 miles) walk from the train station. Therefore buyers/tenants of these proposed apartments are less likely to own a car due to the accessibility this location offers. The proposal is adjacent to the North Street car park and is also close to a further surface level car park, an underground car park and a multistorey car park, with other car parks and on-street parking available nearby in the wider town centre for visitor parking. For these reasons the lack of parking provision is considered acceptable and does not conflict with Appendix 5 due to its central location.

14.4 The proposal falls below the threshold for providing electric vehicle charging points in terms of Policy D2. However, again as parking spaces can't physically be provided neither can electric vehicle charging points. There are electric vehicle charging points within the wider town centre area.

14.5 Cycle parking standards require 10 cycle spaces for residents and cycle hoop spaces for visitors. Cycle parking provision would be provided within a secure bin and cycle store to the rear of the building and **Condition 11** has been imposed to ensure these are provided prior to occupation. No visitor cycle spaces are being provided due to its town centre location and the fact that, there are on street cycle parking hoops provided on Church Street and Regent Street. Collectively this provides the potential to accommodate several bikes. Therefore, the proposal is considered compliant with Policy D2.

15.0 Air Quality

15.1 The urban area of Rugby town and Dunchurch was designated as an Air Quality Management Area (AQMA) under the Environment Act 1995 on 16th December 2004 due to air quality and not being able to meet government standards for nitrogen dioxide (NO₂). The AQMA designation map is contained within Appendix 8 of the Local Plan.

15.2 Policy HS5 sets a threshold for developments differentiating the requirements in terms of air quality mitigation. These are defined as:

- Development throughout the Borough of 10 units or more, or if above 1000 square metres.

- All development within the Air Quality Management Area that would generate any new floorspace.

- 15.3 The proposal will create some floorspace and given that the site lies within the air quality management area the proposal would therefore need to:
1. Achieve or exceed air quality neutral standards; or
 2. Address the impacts of poor air quality due to traffic on building occupiers, and public realm or amenity space users by reducing exposure to and mitigating their effects, proportionate to the scale of the development.
- 15.4 Environmental Health have been consulted and have recommended the air quality neutral condition (**Condition 5**) be applied, as although no dedicated car parking has been identified with the development proposals, measures to avoid worsening air quality or to improve it should be considered. The Scheme detailing on-site measures to be incorporated within the development is required prior to commencement.

16.0 Ecology

- 16.1 Policy NE1 looks at delivering a net gain in biodiversity. WCC Ecology have considered the proposals requested that a Preliminary Ecological Appraisal (PEA) for bats and nesting birds be undertaken prior to determination.
- 16.2 The PEA was submitted and found no bats, or evidence of bats in the building and no evidence of nesting birds.

17.0 Waste and Recycling

- 17.1 It is recognised that within flats, apartments individual provision of waste and recycling bins are not always practical, resulting in the need for communal refuse and recycling facilities to be provided as is the case of the application property. Therefore, the provision of a communal bin area has been shown on the proposed site plan and proposed ground floor plan. The Rugby Borough Council Refuse and Recycling Policy and Design Guide for Developers specifies the requirements for communal waste to be at least three Euro bins per six flats, comprising of one 1100ltr residual Euro bin, one 1100ltr dry recycling Euro bin and one 660ltr green/bio waste Euro bin, and on larger developments sufficient provision should be provided to serve the proposed development.
- 17.2 The proposed size of the bin store area is considered to be large enough to accommodate the level of Euro bin provision needed. The facility is also to be used for bicycle storage and a condition has been applied to secure the details for this storage facility prior to occupation. (**Condition 11**)

18.0 Section 106 Contributions

- 18.1 The application falls within the requirements for S106 Contributions. Consultations with statutory consultees have returned and no requests for contributions have been received.
- 18.2 NHS
The Coventry and Warwickshire Integrated Care Board (CWICB) (NHS) have advised that they will not make a request for section 106 contributions for residential developments of less than 50 dwellings in line with the SPD.

- 18.3 Open Space
RBC Parks and Gardens have confirmed that they have no objection and have not requested open space contributions.
- 18.4 Affordable Housing
The application does not meet the threshold for the provision of affordable housing as laid out in Local Plan Policy H2 The threshold being 11 units.
- 18.5 Education
As the proposal is for primarily one bedroom units no contributions have been sought for education.
- 18.6 Highways
No requests have been received for Highways Contributions.
- 18.7 Planning and Infrastructure
The Strategic Growth and Infrastructure team confirmed that they would not be requesting financial contributions for individual service areas in respect of this planning application.

19.0 Planning Balance and Conclusion

- 19.1 The NPPF identifies three interdependent and overarching objectives to sustainable development
- 19.2 Firstly, an economic objective; jobs would be created during the construction phase and thereafter and the proposed residential use would be considered to make a contribution to the vitality and viability of the town centre. These factors carry weight in favour of the proposals. There would also be Council Tax revenues with the residential properties.
- 19.3 Secondly in terms of a social role, the scheme would provide 10 apartments in a highly sustainable town centre location with accessible services. The development would make a valuable contribution to the supply of housing being a windfall site. This would be a positive factor of significant weight.
- 19.5 Thirdly, from an environmental aspect, the proposal would not have an adverse impact on the Listed Church or the Conservation Area by way of the development leaving the character and appearance unharmed.
- 19.6 The lack of parking provision does not conflict with Appendix 5 of the Local Plan and is considered appropriate given the highly sustainable location with accessibility to employers, bus stops and Rugby railway station.
- 19.7 The impact on the natural environment is considered to be minimal and the proposals would result in no net loss to biodiversity. In addition, the development will make the effective use of an existing developed site.
- 19.8 Therefore, the development of the site would result in social and economic benefits as well as environmental benefits. The collective weight that the identified benefits would bring, as well as making use of an empty building, means the proposal would represent

sustainable development in terms of the NPPF and is considered to accord with the Development Plan and the NPPF.

20.0 Recommendation

Approve subject to conditions and informatives

DRAFT DECISION

REFERENCE NO:
R22/0479

DATE APPLICATION VALID:
14-Jul-2022

APPLICANT:
Mr Marsden 8 Mill Street, Wells, BA1 2AS

AGENT:
Lisa Hall Agrarian Ltd, Walgaston farm, Mobley, Berkeley, GL13 9EN

ADDRESS OF DEVELOPMENT:
7-8 CHURCH STREET, RUGBY, CV21 3PH (Upper Floors no's 7 & 8)

APPLICATION DESCRIPTION:
Change of use of 1st and 2nd floor to 10 flats including extension on first floor roof

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

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

CONDITION 2:

Unless non-material variations which do not give rise to additional or different likely significant effect are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Application Form received on 17/05/2022
Drawing number AG14400-8840 SP and LOC received on 17/05/2022
Drawing number Ag14400-981 Existing Ground Floor Plan received on 17/05/2022
Drawing number Ag14400-861 Existing First Floor Plan received on 17/05/2022
Drawing number Ag14400-862 Existing Second Floor Plan received on 17/05/2022
Drawing number Ag14400-870A Existing Elevations Sheet 2 of 3 received on 23/06/2022
Drawing number Ag14400-871A Existing Elevations Sheet 1 of 3 received on 23/06/2022
Drawing number Ag14400-874A Existing Elevations Sheet 3 of 3 received on 23/06/2022
Drawing number Ag14400-891B Proposed Elevations Sheet 1 of 4 received on 11/07/2022
Drawing number Ag14400-950 A Proposed Elevations Sheet 2 of 4 received on 23/06/2022
Drawing number Ag14400-956A Proposed Elevations Sheet 3 of 4 received on 14/07/2022
Drawing number Ag14400-958 Proposed Elevations Sheet 4 of 4 received on 23/06/2022
Drawing number Ag14400-8000A Proposed Ground Floor Plan received on 23/06/2022
Drawing number Ag14400-8001 Rev A Proposed First Floor Plan received on 17/05/2022
Drawing number Ag14400-8002 Rev B Proposed Second Floor Plan received on 11/07/2022
Bat and Breeding Survey by Colin Hicks of Western Ecology September 2022 received on 14/10/2022

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

CONDITION 3:

The facing materials to be used on the external walls and roof shall as specified on the application form, received by the Council on 17th May 2022

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

CONDITION 4:

The windows serving the bathrooms to Flat numbers 1 and 6, in the second floor north elevation of the proposed development shall be glazed with obscured glass and thereafter shall be permanently retained in that form

REASON: To protect the privacy of future and adjoining occupiers in accordance Policy SDC1 of the Rugby Local Plan.

CONDITION 5:

Unless non-material amendments are otherwise agreed in writing with the Local Planning Authority, no above ground development shall begin until a scheme detailing the on-site measures to be incorporated within the development in order to meet air quality neutral standards or to provide suitable mitigation, has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development, the approved scheme shall be implemented and maintained in perpetuity.

REASON: In the interests of air quality.

CONDITION 6:

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and
- (iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) 8th October 2020.

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

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

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

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

CONDITION 7:

Prior to commencement of works a noise assessment shall be undertaken by a suitably qualified person and be submitted in writing to and approved by the Local Planning Authority. It shall assess the existing noise levels that could adversely affect the proposed development. Regard shall be had to noise from traffic on Church Street and the North Street car park, noise from the nearby pubs and shops, any other existing noise from air handling and extraction plant; and flanking pathways for noise from the ground floor commercial operations and general residual noise from other existing operations in the area. Regard may be had to BS8233:2014 and BS4142:2014+A1: 2019, the World Health Organisation (WHO) 'Guidelines for Community Noise and the ProPG: Planning & Noise guidance May 2017.' The report shall include recommendations for any necessary acoustic mitigation works, to protect the occupants, having regard to current guidance for the residential development. Any recommended works shall be completed prior to occupation of the development and should be maintained thereafter.

REASON: In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority; and to ensure the avoidance of significant adverse effects of noise on the occupants of the proposed development

CONDITION 8:

Prior to the commencement of any works, a Construction Management Plan shall be submitted in writing to, and approved by, the Local Planning Authority. This shall include details relating to:

- (i) the control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase
- (ii) the control of dust including arrangements to monitor dust emissions from the development site during the construction phase
- (iii) measures to reduce mud deposition offsite from vehicles leaving the site.

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

REASON: In the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

CONDITION 9:

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

REASON: In the interests of sustainability and water efficiency

CONDITION 10:

Prior to the first occupation of each dwelling broadband infrastructure shall be provided to that dwelling to allow broadband services to be provided.

REASON: To provide broadband connectivity for future occupiers.

CONDITION 11:

Prior to the first occupation of any of the proposed flats, details for the bin and cycle store structures indicated on Proposed Ground Floor Plan number AG14400 - 8000 Rev A received on 23/06/202, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Cycle rack provision; type and number
- Number of Euro bins and capacities
- Details of the arrangements put in place for waste collection.

The development shall not be carried out other than in accordance with the approved details and shall thereafter be maintained in perpetuity.

REASON: In the interest of visual and residential amenity and for the cycle storage to comply with the Parking standards set out in the Planning Obligations SPD and Appendix 2 section 5 of the Local Plan, and to comply with the requirements of the Rugby Borough Council Refuse and Recycling Policy and Design Guide for Developers.

INFORMATIVE 1:

As per the condition the applicant is required to incorporate measures to assist in reducing their impact upon the Air Quality as part of this development. In order to achieve air quality neutral standards it is suggested that the approved scheme could include the installation of ultra-low emission boilers (<40mg/kWh) if gas is used for space/water heating, increased tree planting, green walls and roofs, the incorporation of electric vehicle charging points on any car parking or provision of secure cycle storage. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf Such measures contribute as mitigation for air quality purposes.

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

Should an Air Source Heat Pump be proposed for installation, it should be ensured that the noise from such plant will not adversely affect residential amenity in the area. These units can create noticeable noise levels which may affect neighbouring dwellings so noise mitigation may be necessary to avoid complaints or possible formal action under other legislation.

INFORMATIVE 2:

Prior to any demolition, redevelopment or refurbishment works taking place an appropriate Asbestos Survey should be undertaken by an asbestos licensed/authorised company/person and any recommendations implemented. For pre-demolition assessment the asbestos survey is fully intrusive and will involve a destructive inspection, as necessary, to gain access to all areas. Where presence of asbestos is suspected the Health and Safety Executive (HSE) and Environment Agency must be notified and special waste regulations complied with; asbestos removal activities fall under the remit of the HSE.

INFORMATIVE 3:

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

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

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

No work on Sundays & Bank Holidays.

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

INFORMATIVE 4:

The development is within the town centre area and will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with the existing town centre activities, including from patrons, pedestrians and vehicles. Such activities may extend throughout the day and night time period.

INFORMATIVE 5:

This development will be subject to separate enforcement regimes including, but not limited to, the Housing Act 2004, building regulations and Council's Standards of Amenity. Advice should be sought from Housing Enforcement on (01788) 533857 prior to any work commencing.

INFORMATIVE 6:

The applicant/developer is advised that the development will need to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at: www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning Where compliance cannot be met, the applicant/developer will need to provide details of alternative measures intended to be put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles. In addition, Warwickshire Fire and Rescue Authority fully endorse and support the fitting of sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

INFORMATIVE 7:

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

INFORMATIVE 8:

In accordance with National Planning Policy Framework para 91(b) and para 95(a)(b) the security requirements for dwellings as set out in Part Q of Schedule 1 to the Building Regulations it is recommended that all doors meet PAS 24:2016 standard and are third party certified such as companies that achieve 'secured by design' accreditation

INFORMATIVE 9:

This permission does not authorise the construction or placement of any hoarding, compound, structure or scaffolding on or over the public highway, and before any works are commenced the developer must obtain from the Highway Authority a licence granted under Section 169 of the Highways Act 1980 for any such works. Details of how to apply for such licenses may be found at <https://www.warwickshire.gov.uk/tempstructures>

DRAFT

AGENDA MANAGEMENT SHEET

Report Title: Planning Appeals Update

Name of Committee: Planning Committee

Date of Meeting: 9 November 2022

Report Director: Chief Officer - Growth and Investment

Portfolio: Growth and Investment

Ward Relevance:

Prior Consultation:

Contact Officer: Richard Holt
Development and Enforcement Manager
01788 533687, richard.holt@rugby.gov.uk

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):
 Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)
 Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)
 Residents live healthy, independent lives, with the most vulnerable protected. (HC)
 Rugby Borough Council is a responsible, effective and efficient organisation. (O)
[Corporate Strategy 2021-2024](#)
 This report does not specifically relate to any Council priorities but

Summary: This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 1 July 2022 to 30 September 2022.

Financial Implications: Increases the scope for related costs claims within the Planning Appeals process.

Risk Management Implications:	There are no risk management implications arising from this report.
Environmental Implications:	There are no environmental implications arising from this report.
Legal Implications:	Advice/support with regard to cost claims and any subsequent costs awards.
Equality and Diversity:	No new or existing policy or procedure has been recommended.
Options:	N/A
Recommendation:	The report be noted.
Reasons for Recommendation:	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

Planning Committee - 9 November 2022

Planning Appeals Update

Public Report of the Chief Officer - Growth and Investment

Recommendation

The report be noted.

1. Introduction

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

2. Appeals determined

During the last quarter from 1 July 2022 to 30 September 2022 a total of 9 planning appeals was determined, of which 2 were allowed, 7 were dismissed and 0 was withdrawn.

A total of 1 enforcement appeal was determined. The enforcement notice is quashed.

A schedule of the appeal cases determined for this period is attached for information at Appendix A.

3. Appeals outstanding/in progress

As at 30 September 2022 there were 6 planning appeals and 3 enforcement appeals still in progress. A schedule of these appeal cases is attached for information at Appendix B.

Name of Meeting: Planning Committee
Date of Meeting: 9 November 2022
Subject Matter: Planning Appeals Update
Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Location	Full development description	Application number	Case Officer	PINS Reference	Decision date	Decision description	Appeal Decision	Appeal Decision Date
MAGPIE LODGE FARMYARD, LILBOURNE ROAD, CLIFTON UPON DUNSMORE, RUGBY, CV23 0BB	Demolition of existing barns and the erection of 5 dwellings (Outline Only - Principle, Access, and Layout Only).	R20/0635	Sam Burbidge	APP/E3715/W/21/3289532	23 June 2021	Refusal	Dismissed	10 August 2022
130, ASHLAWN ROAD, RUGBY, CV22 5EP	Proposed 3 no. new build dwellings with detached garages and associated car parking and landscaping	R21/0872	Lucy Davison	APP/E3715/W/22/3295435	10 February 2022	Refusal	Allowed	8 September 2022
8, DONE CERCE CLOSE, DUNCHURCH, RUGBY, CV22 6NZ	Re-submission of previous application R21/0223. This new application seeks the erection of a new 3-bedroom, two storey dwelling to the end of the terrace.	R21/0881	Sam Burbidge	APP/E3715/W/21/3289361	12 November 2021	Refusal	Dismissed	10 August 2022
LAND TO REAR OF 23, LUTTERWORTH ROAD, PAILTON, RUGBY, CV23 0QE	Demolition of existing ancillary buildings and erection of a new single storey dwelling, detached garage and associated parking	R21/0914	Paul Varnish	APP/E3715/W/22/3295089	3 December 2021	Refusal	Dismissed	26 August 2022
1, CYPRESS ROAD, RUGBY, CV21 1SA	Previously there was a brick wall at the back of the property. This has been replaced with a	R21/0969	Euan Hardy	APP/E3715/D/22/3293613	3 December 2021	Refusal	Dismissed	11 July 2022

	fence which has been moved out to the edge of the property boundary. Fence is in keeping with the style of the rest of the estate. A gate has also been added to provide access at the side of the garden.							
MERLIN FIELD FARM, GIBRALTAR LANE, LEAMINGTON HASTINGS	Conversion of an existing agricultural building to create 4 no. dwellinghouses, together with provision of a total of 9no. car parking spaces and associated works.	R21/0997	Chris Davies	APP/E3715/W/22/3296706	22 December 2021	Refusal	Dismissed	26 August 2022
53, ALWYN ROAD, RUGBY, CV22 7QU	Erection of double storey side extension to existing dwelling house.	R21/1025	Sam Burbidge	APP/E3715/D/22/3292760	8 February 2022	Refusal	Dismissed	11 July 2022
THE SHRUBS, 21, WOOD LANE, SHILTON, COVENTRY, CV7 9JZ	Variation of Condition 2 of R20/0323 for the alterations to provide additional roofspace and the erection of side and rear extensions	R21/1098	Frances Keenan	APP/E3715/D/22/3292124	14 January 2022	Refusal	Allowed	11 July 2022
23, LANCUT HILL, RUGBY, CV23 0JR	Removal of front hedge and existing landscaping, installation of block paving and creation of additional car parking spaces.	R22/0077	Lucy Davison	APP/E3715/W/22/3298343	23 March 2022	Refusal	Dismissed	21 September 2022

Nature of problem	Location	Case Officer	Case No.	PINS reference	Appeal Hearing type ENF	Appeal decision date	Appeal decision ENF
Alleged - Unauthorised raised platform/decking	69 GILBERT AVENUE, RUGBY, CV22 7BZ	Nathan Lowde	ENF/2021/0051	APP/E3715/C/21/3285704 (Appeal A) & 3285705 (Appeal B)	Written Representations	4 August 2022	The enforcement notice is quashed

Location	Full development description	Application number	Case Officer	PINS Reference	Stage Description	Appeal Type	Decision date	Decision description	Decision level
LAND AT FOSSE CORNER (JUNCTION OF MILLERS LANE AND FOSSE WAY), MONKS KIRBY	Change of use of land to use as a residential caravan site for 2no. gypsy families, including siting of 2no. static caravans and 2no. touring caravans together with laying of hardstanding and erection of 2no. stable/utility buildings (retrospective). Permission sought for a temporary period of 3 years.	R20/1062	Lucy Davison	APP/E3715/W/21/3278838	Appeal Lodged	Hearing	30 June 2021	Refusal	Committee
SUNNYCREST HOUSE, RUGBY ROAD, PRINCETHORPE, RUGBY, CV23 9PN	Erection of a 2-storey side extension to provide a pool building with two bedrooms above.	R21/1033	Sam Green	APP/E3715/D/22/3297289	Appeal Lodged	Householder Appeal Service	31 January 2022	Refusal	Delegated
THE WHITE HOUSE, GRANDBOROUGH ROAD, WOOLSCOTT, GRANDBOROUGH, RUGBY, CV23 8DB	Proposed outbuilding with gym, sauna and large open room	R22/0124	Ruth James	APP/E3715/D/22/3300611	Appeal Lodged	Written Representations	13 April 2022	Refusal	Delegated

TRICKLE BROOK, SMEATON LANE, COOMBE FIELDS, RUGBY, CV23 0PS	Erection of a single storey extension to create a bedroom, ensuite and store.	R22/0159	Chris Davies	APP/E3715/D/22/3303907	Appeal Lodged	Written Representations	3 May 2022	Refusal	Delegated
WESTMORLANDS, HINCKLEY ROAD, WOLVEY, HINCKLEY, LE10 3HQ	Certificate of Lawfulness application for the erection of a building incidental to the enjoyment of the existing house through Schedule 2 Part 1 Class E of the General Permitted Development Order 2015 (as amended). This proposed out-building will comprise of a gym, home office and games/garden room.	R22/0505	Sam Burbidge	APP/E3715/X/22/3305073	Appeal Lodged	Written Representations	12 August 2022	Refusal	Delegated
LAND REAR OF CROSS IN HAND FARM, LUTTERWORTH ROAD, MONKS KIRBY	Redevelopment of the site to a HGV facility, including the demolition of agricultural outbuilding and formation of HGV parking spaces, fuel station, vehicle inspection	R20/0259	Paul Varnish	APP/E3715/W/22/3306652	Appeal Lodged	Inquiry	9 March 2022	Refusal	Committee

	station, vehicle maintenance unit, petrol filling station, electric charging points, convenience store, coffee shop, creche, overnight accommodation, ancillary car parking and associated works (Outline – Principle and Access Only)								
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Nature of problem	Location	Case No.	PINS reference	Appeal Hearing type ENF	Case Officer
Unauthorised Gypsy and Traveller encampment site	LAND ADJACENT TO MILLERS LANE, FOSSE WAY, MONKS KIRBY	ENF/2020/0360	APP/E3715/C/21/3267184	Hearing	Chris Davies Hitesh Tosar
Alleged rebuilding of stable	BARN MEADOW FARM, CALCUTT LANE, STOCKTON, RUGBY, CV23 8HY	ENF/2020/0101	APP/E3715/C/21/3273997	Written Representations	Chris Davies
Alleged evidence found to revoke Lawful Development Certificate granted R17/1699	BARN MEADOW FARM, CALCUTT LANE, STOCKTON, RUGBY, CV23 8HY	ENF/2020/0118	APP/E3715/C/21/3273997	Written Representations	Chris Davies Hitesh Tosar

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions - 22 September to 19 October 2022
Name of Committee:	Planning Committee
Date of Meeting:	9 November 2022
Report Director:	Chief Officer - Growth and Investment
Portfolio:	Growth and Investment
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Dan McGahey Search and Systems Officer 01788 533774, daniel.mcgahey@rugby.gov.uk
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	No
Corporate Priorities:	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024 <input type="checkbox"/> This report does not specifically relate to any Council priorities but
Summary:	The report lists the decisions taken by the Chief Officer for 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 - 9 November 2022

Delegated Decisions - 22 September to 19 October 2022

Public Report of the Chief Officer - Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 9 November 2022

Subject Matter: Delegated Decisions - 22 September to 19 October 2022

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Delegated

8 Weeks Advert

Applications Approved

R22/0816 8 Weeks Advert Approval 23/09/2022	FORMER AVON MILL INN SITE, 104 NEWBOLD ROAD, RUGBY CV21 1DH	Installation of 6no internally illuminated projecting fascia signs, 3no. internally illuminated pole mounted signs, 1no. internally illuminated suspended pole mounted sign, 1no. internally illuminated freestanding sign, and 3no. non-illuminated pole mounted signs.
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R22/0611 8 Weeks Advert Approval 04/10/2022	BELL & BARGE, BROWNSOVER ROAD, RUGBY, CV21 1HL	Installation of 7 no. illuminated signs
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8 Weeks PA Applications

Applications Refused

R22/0609 8 Weeks PA Refusal 26/09/2022	95, Mckinnell Crescent, Rugby, CV21 4AU	Retrospective application for a single-storey rear extension to the property.
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52, HEATHER ROAD, BINLEY

Delegated

8 Weeks PA Applications

Applications Refused

R21/1043 8 Weeks PA Refusal 04/10/2022	WOODS, COVENTRY, CV3 2DD	Demolition of existing bungalow to develop a detached two story dwelling with garage and new access. Existing trees and access to remain
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R22/0826 8 Weeks PA Refusal 13/10/2022	THE OLD VILLAGE HALL, PAILTON ROAD, HARBOROUGH MAGNA, RUGBY, CV23 0HQ	Rear dormer and new garden wall.
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R22/0881 8 Weeks PA Refusal 18/10/2022	HILLSIDE, MAIN STREET, FRANKTON, RUGBY, CV23 9PB	Erection of double storey rear extension to existing dwelling house.
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Applications Approved

R22/0605 8 Weeks PA Approval 22/09/2022	57 , Boughton Road, Brownsover, Rugby, Warwickshire, CV21 1BH	Proposed ground floor extension and subdivision of existing property to form 4no. 1-bedroom flats.
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R22/0467 8 Weeks PA Approval 23/09/2022	222, RUGBY ROAD, BINLEY WOODS, COVENTRY, CV3 2BD	Part First Floor Extension, Part Two Storey Extension, with Single Storey Extension to Rear with revised access.
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Delegated

8 Weeks PA Applications Applications Approved

373 , Newbold Road, Rugby,
Warwickshire, CV21 1EP

R22/0685
8 Weeks PA
Approval
23/09/2022

Demolition of existing single story
extensions and store. Erection of
new 2 story side extension and
single story rear extension.

R22/0497
8 Weeks PA
Approval
26/09/2022

3 WARREN ROAD, RUGBY,
CV22 5LQ

Front, side and rear 2 story
extensions and alterations

R22/0629
8 Weeks PA
Approval
27/09/2022

90 ASHLAWN ROAD, RUGBY,
CV22 5ER

Proposed part two-storey, part
single-storey rear extension,
including roof lights to front and
rear roof planes (plus internal
works to facilitate room in the
roof)

R22/0630
8 Weeks PA
Approval
27/09/2022

146 , Ashlawn Road, Rugby,
Warwickshire, CV22 5EP

PROPOSED PART SINGLE
STOREY, PART 2 STOREY
SIDE AND REAR EXTENSION
TO EXISTING DWELLING,

R22/0655
8 Weeks PA
Approval
27/09/2022

31 Langlands Place, Rugby,
CV23 0JG

Erection of single-storey rear
extension and single storey wrap
around extension at rear of the
house including front porch

Delegated

8 Weeks PA Applications Applications Approved

42 , Main Street, Bilton, Rugby,
Warwickshire, CV22 7NE

R22/0727
8 Weeks PA
Approval
28/09/2022

Demolition of existing garage and
erection of replacement
outbuilding incorporating a
garage store, garden room &
hobby/office room.

R21/0641
8 Weeks PA
Approval
30/09/2022

Nissin Uk Limited, MILL ROAD,
RUGBY, CV21 1PR

Laying of hardstanding surface to
create additional car parking
spaces, installation of bike
shelters and associated works.

R22/0576
8 Weeks PA
Approval
30/09/2022

63, CHURCH STREET, RUGBY,
CV21 3PT

Change of use of an existing
storage area in association with a
Hot Food Takeaway to create a
seperate unit for a Cold Food
Takeaway (Class E) with
shopfront alterations

R22/0582
8 Weeks PA
Approval
30/09/2022

Express House Unit 1, Hillman
Way, Ryton-on-dunsmore,
Warwickshire, CV8 3ED

Installation of a temporary
skidded Bio-LNG Refuelling
Station

R22/0410
8 Weeks PA
Approval
03/10/2022

Land Adjacent to 272, Bilton
Road, Rugby, CV22 7EG

Erection of 4 bed dwelling with
parking for 3no. parking bays and
hardstanding.

Delegated

8 Weeks PA Applications Applications Approved

R22/0896 8 Weeks PA Approval 03/10/2022	13, Edgecote Close, Rugby, Warwickshire, CV21 4JU	Single storey side extension and ground floor extension at the rear in replacement of existing conservatory
R22/0888 8 Weeks PA Approval 05/10/2022	2, Cadena View, Burton Lane, Burton Hastings, Nuneaton, CV11 6XW	Alterations to the frontage of Plot 2 to create a single parking space and a soft landscaped front garden.
R22/0521 8 Weeks PA Approval 06/10/2022	147, HILLMORTON ROAD, RUGBY, CV22 5AS	Front porch, single storey rear and double storey rear extension and alterations.
R22/0594 8 Weeks PA Approval 06/10/2022	19 , Graham Road, Rugby, Warwickshire, CV21 3LD	L shaped rear dormer roof extension
R22/0779 8 Weeks PA Approval 06/10/2022	246, DUNCHURCH ROAD, RUGBY, CV22 6HX	Erection of single storey rear and front extension
		Erection of a new trampolining

Delegated

8 Weeks PA Applications Applications Approved

R22/0539 8 Weeks PA Approval 07/10/2022	THE SPORTS CONNEXION, LEAMINGTON ROAD, RYTON- ON-DUNSMORE, COVENTRY, CV8 3FL	and gymnastics facility
R22/0634 8 Weeks PA Approval 07/10/2022	The Old Mill, Church Lane, Thurlaston, CV23 9JY	Installation of air source heat pump and replacement windows
R22/0791 8 Weeks PA Approval 10/10/2022	THE OLD BARN, RUGBY ROAD, PRINCETHORPE, RUGBY, CV23 9PN	Open fronted summer house and patio area.
R22/0384 8 Weeks PA Approval 11/10/2022	STORE AND PREMISES, 14, WELLS STREET, RUGBY, CV21 3JB	PROPOSED CHANGE OF USE OF EXISTING STORAGE OUTBUILDING TO 2 FLATS
R22/0731 8 Weeks PA Approval 11/10/2022	44, BROCKHURST LANE, MONKS KIRBY, RUGBY, CV23 0RA	Extension to link existing garage to carport and alterations.
R22/0748 8 Weeks PA	74, LOWER HILLMORTON ROAD, RUGBY, CV21 3TF	

Delegated

8 Weeks PA Applications Applications Approved

Approval

11/10/2022

Erection of a Proposed garden wall with brickwork piers and metal railings to the perimeter of site

R22/0765
8 Weeks PA
Approval
11/10/2022

1 HOME FARM COTTAGE,
WATLING STREET, CLIFTON
UPON DUNSMORE, RUGBY,
CV23 0AQ

4m extension to the rear of the property.

R22/0805
8 Weeks PA
Approval
11/10/2022

1A, CRICK ROAD, RUGBY,
CV21 4DU

Demolish existing side garage and construct single storey side and rear extensions. Construct front extensions for porch and garage. Demolish old roof and construct new roof with dormers and roof windows.

R22/0817
8 Weeks PA
Approval
11/10/2022

Cedar Vale, Rugby Road,
Harborough Magna, Rugby,
CV23 0HL

Variation of condition 2 attached to R19/1119 (Erection of 2 (no) dwellings). Application for additional dropped kerb.

R22/0835
8 Weeks PA
Approval
11/10/2022

20, MEADOW ROAD,
WOLSTON, COVENTRY, CV8
3HL

single storey side extension

Delegated

8 Weeks PA Applications Applications Approved

10, WELTON PLACE, RUGBY,
CV22 5JY

R21/0529
8 Weeks PA
Approval
12/10/2022

Double storey side and rear extension to property along with the implementation of a front porch and a change in roof design from hipped to gable in order to accommodate a loft conversion.

R22/0619
8 Weeks PA
Approval
12/10/2022

33 , Wise Grove, Rugby,
Warwickshire, CV21 4BA

Side and rear extension with balcony to the rear, loft conversion and first floor extension with increase in ridge height and dormer windows to the front elevation

R22/0360
8 Weeks PA
Approval
13/10/2022

272, Lawford Road, New Bilton,
Rugby, CV21 2JE

Change of use from residential to mixed residential and Class E (c)(i) retail use.

R22/0691
8 Weeks PA
Approval
13/10/2022

50, CLIFTON ROAD, RUGBY,
CV21 3QF

Ground floor side and rear extension, loft conversion including rear dormer and associated internal reconfiguration and alterations.

38, REGENT PLACE, RUGBY,

Delegated

8 Weeks PA Applications Applications Approved

R22/0795 8 Weeks PA Approval 14/10/2022	CV21 2PN	Change of use of the existing ground floor from a Place of Worship to a residential unit.
R22/0769 8 Weeks PA Approval 17/10/2022	81, SOUTH STREET, RUGBY, CV21 3SF	Conversion of existing two-storey outbuilding to form a 1 bedroom dwelling.
R22/0792 8 Weeks PA Approval 17/10/2022	WELKIN COTTAGE, MAIN STREET, EASENHALL, RUGBY, CV23 0JA	Erection of a close board boundary fence and repositioning of existing low level hedging within the garden curtilage of a listed building.
R22/0889 8 Weeks PA Approval 17/10/2022	14 HOLLY DRIVE RYTON-ON-DUNSMORE COVENTRY CV8 3QA	First-floor side extension, infill porch extension to the front, and a single storey rear extension under permitted development.
R22/0939 8 Weeks PA Approval 17/10/2022	Caravan On Land Adj 31, Wood Lane, Shilton	Temporary Siting of Static Caravan & Secure Fencing to Site Frontage.
		Single storey side and rear

Delegated

8 Weeks PA Applications Applications Approved

R22/0857	19 Warren Close	extension to dwelling house
8 Weeks PA	Ryton on Dunsmore	
Approval	Coventry	
18/10/2022	Warwickshire	
	CV8 3JZ	

Certificate of Lawfulness Applications Applications Approved

R22/0733	36, PARK ROAD, RUGBY, CV21	Certificate of lawfulness for
Certificate of	2QH	proposed loft conversion with 'L'
Lawfulness		shaped dormer to rear and cabrio
Approval		velux to front elevation
28/09/2022		

R22/0820	12 , Epsom Road, Bilton, Rugby,	Lawful Development Certificate
Certificate of	Warwickshire, CV22 7PF	for conversion of existing loft into
Lawfulness		habitable space with the addition
Approval		of a pitched roof rear dormer
11/10/2022		

R22/0692	Swallows Rest, Tuckeys Farm,	Installation of Solar panels
Certificate of	Cathiron Lane, Harborough	
Lawfulness	Magna, Rugby, CV23 0JH	
Approval		
13/10/2022		

Delegated

Conditions

Applications Approved

R22/0298 Conditions Approval 23/09/2022	LAND NORTH OF ASHLAWN ROAD, ASHLAWN ROAD, RUGBY, CV22 5SL	Approval of details relating to Condition 29: Construction Method Statement of R13/2102 (Outline application for Ashlawn Road development) in relation to part of site covered by application R21/0689 only.
R22/0934 Conditions Approval 26/09/2022	Land adjacent 99, PYTCHLEY ROAD, RUGBY, CV22 5NG	Approval of details related to condition 8- car parking of R21/0033 (PROPOSED NEW BUILD DWELLING)
R22/1000 Conditions Approval 27/09/2022	WESTMORLANDS, HINCKLEY ROAD, WOLVEY, HINCKLEY, LE10 3HQ	Approval of details in relation to condition 3 attached to R22/0086 - Single storey extension to dwelling along with a roof alteration. The proposal also seeks a new access.
R22/0834 Conditions Approval 29/09/2022	FITZJOHNS, BARBY ROAD, RUGBY, CV22 5QB	Approval of details in relation to condition 3 attached to R17/1834 - Erection of a single dwelling with associated works including construction of the access; parking and turning area, provision of garden and amenity space and landscaping

Delegated

Conditions

Applications Approved

R22/0938
Conditions
Approval
29/09/2022

LAND ADJACENT TO
MASTERS COURT,
LEAMINGTON HASTINGS
ROAD, BIRDINGBURY

Approval of details related to
condition 5- great crested newt
and 6- ecological and
landscaping scheme of R18/1987
(4 new detached dwellings and
related facilities (outline))

R22/0990
Conditions
Approval
29/09/2022

HOSPITAL OF ST CROSS,
BARBY ROAD, RUGBY, CV22
5PX

Approval of details in relation to
condition 7 attached to R22/0392
- Installation of 1no. 200kW
thermal air sourced heat pump
and associated plant.

R22/0385
Conditions
Approval
03/10/2022

RUGBY RADIO STATION,
WATLING STREET, CLIFTON
UPON DUNSMORE, CV23 0AS

Approval of details in relation to
condition 17 - Code of
Construction Part C (including
Construction Management Plan)
of R17/0022 relating to Parcel A
of Key Phase 2.

R22/0945
Conditions
Approval
04/10/2022

DOLLMAN FARM, DOLLMAN
ROAD, RUGBY, CV23 1AL

Application to discharge condition
12 (goalposts) relating to the
construction of Formal Open
Space and Allotments, pursuant
to reserved matters application
R21/1150 dated 25/04/22.

Delegated

Conditions

Applications Approved

1A, A ONE SOCIAL CLUB,
MARKET STREET, RUGBY,
CV21 3HG

R22/0658
Conditions
Approval
05/10/2022

Approval of details related to
Condition 6 CMP of R21/1188
(10 bedroom care home with
associated parking sharing
access.)

R22/0662
Conditions
Approval
05/10/2022

CATTLE MARKET, CRAVEN
ROAD, RUGBY, CV21 3HX

Approval of details in relation to
condition 24 attached to
R19/0804 - Erection of 360
dwellings in four apartment
blocks including vehicular access
from Craven Road, car and cycle
parking, landscaping, footpaths,
public open space and
associated infrastructure.

R22/0854
Conditions
Approval
05/10/2022

81, CLAREMONT ROAD,
RUGBY, CV21 3LX

Approval of details related to
Condition 3- Materials and 5-
Construction Management Plan
of R22/0255 (Erection of three 1
bed apartments with vehicular
access and parking off Tom
Brown Street)

R22/0490
Conditions
Approval

Delegated

Conditions

Applications Approved

06/10/2022

RUGBY RADIO STATION, (KEY PHASE 3), A5 WATLING STREET, CLIFTON UPON DUNSMORE, RUGBY, CV23 0AQ

Application to discharge condition 6 (Construction Management Plan) of R21/0873 (KP3 Parcel D for erection of 147 dwellings).

R22/0708
Conditions
Approval
07/10/2022

SATELLITE MEDIA SERVICES, LAWFORD HEATH LANE, LONG LAWFORD, RUGBY, CV23 9EU

Approval of details for Condition 3 (Part b, Archaeological Written Scheme of Investigation); Condition 4 (30-year Landscape and Ecological Management Plan) and Condition 5 (Protected Species Method Statement) of R22/0169 Change of use of agricultural land to extend the existing satellite communications teleport with the erection of 7 new antennas and road

R22/0947
Conditions
Approval
07/10/2022

GRANGE FARM, LONDON ROAD, RYTON ON DUNSMORE, COVENTRY, CV8 3EW

Approval of details in relation to condition 7 attached to R19/0947 - Partial demolition of farm yard and conversion of buildings to seven residential units and associated works.

R22/0783
Conditions
Approval

LAND TO THE REAR OF 321-327, HILLMORTON ROAD, RUGBY, CV22 5EZ

Delegated

Conditions

Applications Approved

10/10/2022

Application for the approval of conditions 3,9,10,11,15,16 & 17 from application R21/0706 for the erection of 6 new build flats to the rear of 321-327 Hillmorton Road.

R22/0661
Conditions
Approval
13/10/2022

CATTLE MARKET, CRAVEN
ROAD, RUGBY, CV21 3HX

Approval of details in relation to condition 23 attached to R19/0804 - Erection of 360 dwellings in four apartment blocks including vehicular access from Craven Road, car and cycle parking, landscaping, footpaths, public openspace and associated infrastructure

R22/0859
Conditions
Approval
14/10/2022

LAND NORTH OF COVENTRY
ROAD, COVENTRY ROAD,
LONG LAWFORD

Approval of details in relation to condition 8 attached to R17/1089 - Written Scheme of Investigation

R22/0909
Conditions
Approval
14/10/2022

LAND NORTH OF COVENTRY
ROAD, COVENTRY ROAD,
LONG LAWFORD

Approval of details in relation to condition 13 attached to R17/1089 - Hedgehog Holes

R22/0311
Conditions

Land Adjacent April Cottages,
Railway Street, Long Lawford

Delegated

Conditions

Applications Approved

Approval

18/10/2022

Approval of details relating to conditions 3, 4, 9, 10, 11, 12, 13, 14, 15, 17 and 20 of R20/0933 (Erection of a pair of 2 bedroom semi detached dwellings).

R22/0933

Conditions

Approval

19/10/2022

ZONE C: LAND NORTH OF
COVENTRY ROAD, COVENTRY
ROAD, THURLASTON

Details for conditions 32: Protected Species Mitigation Strategy and 33: Lighting Strategy for Biodiversity of R16/2569 (Outline application for Use Class B8 buildings with associated infrastructure) in relation to Zone C of site covered by R22/0803

Discharge of Conditions

Applications Approved

R21/0689

LAND NORTH OF ASHLAWN
ROAD, ASHLAWN ROAD,
RUGBY, CV22 5SL

23/09/2022

Erection of 216 dwellings, associated access, infrastructure and landscaping. Approval of reserved matters (access, appearance, landscaping, layout and scale) relating to R13/2102.

Land off Rugby Road (Spikes)

Erection of 2 (no). dwellings

Delegated

Discharge of Conditions Applications Approved

R19/1119 Lane), Rugby Road, Harborough
Magna

30/09/2022

R22/0817 Cedar Vale, Rugby Road,
Harborough Magna, Rugby,
CV23 0HL

30/09/2022

Variation of condition 2 attached
to R19/1119 (Erection of 2 (no).
dwellings). Application for
additional dropped kerb.

Listed Building Consent Applications Applications Approved

R22/0640 HORTON HOUSE, 6,
Listed Building Consent HILLMORTON ROAD, RUGBY,
Approval RUGBY, CV22 5DD
06/10/2022

Listed Building Consent for
proposed refurbishment of
windows

R22/0643 WHITELAW HOUSE, 4,
Listed Building Consent HILLMORTON ROAD, RUGBY,
Approval CV22 5DE
06/10/2022

Listed Building consent for
proposed refurbishment of
windows

R22/0752 The Old Mill, Church Lane,
Listed Building Consent Thurlaston, CV23 9JY

Delegated

Listed Building Consent Applications

Applications Approved

Approval

07/10/2022

Installation of internal insulation, installing steels within the floors to support damaged/perished support beams, installation of an air source heat pump and replacement windows

R22/0793
Listed Building Consent
Approval
17/10/2022

WELKIN COTTAGE, MAIN
STREET, EASENHALL, RUGBY,
CV23 0JA

Erection of a close board boundary fence and repositioning of existing low level hedging within the garden curtilage of a listed building.

Committee

Non Material Amendment Applications

Applications Refused

R17/1089
Non-Material
Amendment refused
14/10/2022

LAND NORTH OF COVENTRY
ROAD, COVENTRY ROAD,
LONG LAWFORD,

Development of 149 dwellings with associated landscaping, public open space and infrastructure, including an amended junction between the A428 Coventry Road and Back Lane.

Delegated

Non Material Amendment Applications

Applications Approved

R21/0664	LAND OFF PARKFIELD ROAD, PARKFIELD ROAD, RUGBY	Erection of a steel clad portal frame building as a storage facility falling within Use Class B8, with associated ancillary two storey offices with external works, yard and vehicle parking, including roof mounted photo-voltaic panels.
Non-Material Amendment agreed 27/09/2022		
R21/0811	34, RUGBY ROAD, DUNCHURCH, RUGBY, CV22 6PN	Single storey rear extension, along with conversion & extension of existing loft area into habitable space.
Non-Material Amendment agreed 30/09/2022		
R21/0829	SOUTH EASTERN PART OF ZONE D - LAND NORTH OF COVENTRY ROAD, COVENTRY ROAD, THURLASTON	Provision of an energy centre
Non-Material Amendment agreed 06/10/2022		
R19/1451	MANOR FARM, BIRDINGBURY ROAD, FRANKTON, Rugby, CV23 9QR	Conversion of agricultural buildings at rear to 5no. dwellinghouses including demolition of existing agricultural buildings, including the use of the existing access from Birdingbury Lane.
Non-Material Amendment agreed 11/10/2022		

Delegated

Non Material Amendment Applications Applications Approved

133, RUGBY ROAD, BINLEY
WOODS, COVENTRY, CV3 2AY

R21/0585

Non-Material
Amendment agreed
13/10/2022

Two storey side extension to both sides of property. Single storey extension to the rear. Loft conversion with hipped dormers. Centrally will see a dormer section between dormers to improve head height. To the front a porch is to be created.

R21/1094

BLENHEIM, OXFORD ROAD,
RYTON-ON-DUNSMORE,
COVENTRY, CV8 3EA

Non-Material
Amendment agreed
17/10/2022

Substantial alterations to the existing property to form a new larger dwelling. This will include a ground and first floor rear extension, new roof and loft conversion and internal and external remodel.

Prior Approval Applications Prior Approval Applications

R22/0747 39, St Annes Road, Rugby, CV22
6DH

Prior Approval
Extension
Approval
27/09/2022

PAX - Erection of a single storey rear extension.

Street Record, Coton Park Drive,

Delegated

Prior Approval Applications

Prior Approval Applications

Rugby

R22/0814
Telecoms Prior
Approval
Required and Refused
28/09/2022

Prior Approval for the installation of 20m high monopole, supporting 6 no. antennas, 1 no. wraparound equipment cabinet at the base of the monopole, 2 no. equipment cabinets, 1 no. electric meter cabinets and ancillary development thereto.

R22/0815
Telecoms Prior
Approval
Required and Refused
28/09/2022

STREET RECORD, CLIFTON
ROAD, RUGBY

Prior Approval for the installation of 17m high monopole, supporting 6 no. antennas, 1 no. wraparound equipment cabinet at the base of the monopole, 2 no. equipment cabinets, 1 no. electric meter cabinets and ancillary development thereto.

R22/0811
Telecoms Prior
Approval
Required and Approved
05/10/2022

BROWNSOVER ROAD,
BROWNSOVER, RUGBY, CV21
1QL

The installation of 20m high slim-line monopole, supporting 6 no. antennas, 1 no. wraparound equipment cabinet at the base of the monopole, 2 no. equipment cabinets, 1 no. electric meter cabinets and ancillary development thereto.

12, Epsom Road, Rugby,

Delegated

Prior Approval Applications

Prior Approval Applications

Warwickshire, CV22 7PF

R22/0819
Prior Approval
Extension
Not Required
12/10/2022

Erection of flat roof single-storey
rear extension with pyramid
lantern

R22/0840
Prior Approval
Extension
Not Required
13/10/2022

1, Anderson Avenue, Rugby,
CV22 5PE

Prior Approval for a larger home
extension- Erection of single
storey rear extension to dwelling.

R22/0890
Non-domestic solar
prior approval
Required and Approved
17/10/2022

NEIL TERRY PRINTING
COWPER HOUSE
161-163 RAILWAY TERRACE
RUGBY
Warwickshire
CV21 3HQ

Prior Approval for roof mounted
solar PV on non-domestic
building

R22/0955
Demolition Prior
Approval
Not Required
19/10/2022

CHURCHOVER COMPRESSOR
STATION, CHURCHOVER
LANE, HARBOROUGH MAGNA,
RUGBY, CV23 0HH

Prior Approval for the demolition
of the Compressors units (CABs)
A & B at Churchover Compressor
Station.