

Planning Committee – 11 October 2023

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	R21/0152	Thurlaston Meadows Care Home, Main Street, Thurlaston, Rugby CV23 9JS Erection of a two storey and single storey extension to the west elevation, demolition of air raid shelter and erection of a single storey extension to the south elevation and a two-storey extension to the north elevation with associated access and parking.	3
2	R20/1030	Thurlaston Meadows Care Home, Main Street, Thurlaston, Rugby CV23 9JS Erection of a Retirement Living Housing Scheme (Use Class C2) comprising of 35 bungalows with associated development together with alterations to existing access off Main Street (Outline - Principle, Layout and Access Only).	27
3	R23/0211	Autumn Farm, Easenhall Road, Harborough Magna, Rugby CV23 0HX Conversion of existing agricultural barn into one dwelling.	72
4	R23/0560	16-26a Dunchurch Road, Lawrence Sheriff Almshouses, Dunchurch Road, Rugby CV22 6AA New one and a half height building to eastern end of courtyard to provide 4 no. 1 bed almshouses. Alterations to existing alms-houses to include reconfiguration and replacement of windows and doors; removal of chimneys; insulated render applied to all elevations; installation of solar array; new wall and railings to east boundary.	90
5	R23/0727	Plot 8, Ansty Aerodrome, Combe Fields Road, Combe Fields, Coventry CV7 9JR Erection of one commercial unit within Use Class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) including ancillary office space and associated development including access, plant, car parking, service yard, security fencing and landscaping	104
6	R23/0786	Cloudesley Bush Pumping Station, Mere Lane, Copston Magna Residential conversion of existing water reservoir to create a new dwelling.	141

Reference: R21/0152

Site Address: THURLASTON MEADOWS CARE HOME, MAIN STREET, THURLASTON, RUGBY, CV23 9JS

Description: Erection of a two storey and single storey extension to the west elevation; demolition of air raid shelter and erection of a single storey extension to the south elevation; and a two storey extension to the north elevation with associated access and parking.

Weblink: <https://planning.agileapplications.co.uk/rugby/application-details/32499>

Recommendation

1. Planning application R21/0152 be approved subject to:
 - b. the conditions and informatives set out in the draft decision notice appended to this report; and
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.

1. Introduction

- 1.1. This application is being reported to planning committee in accordance with part 5.2.3 (e) (i) for applications which have received letters of objection from 15 or more households residing in the locality of the application site.

2. Application Proposal

- 2.1. This application is for full planning permission for the erections of a two storey and single storey extension to the west elevation; demolition of air raid shelter and erection of a single storey extension to the south elevation; and a two-storey extension to the north elevation with associated access and parking.
- 2.2. The purpose of the extension is to improve the quality of the home and improve facilities for residents and staff. The proposed extensions would include the following facilities:
 - A new main entrance with new reception and staff changing room facilities;
 - Visitor toilets and a larger lift to the first floor;
 - The laundry room would become a training room with a new beauty salon;
 - New kitchen and laundry; storage and dining facilities;
 - Large bedrooms for residents with en-suites;
 - Dining area/lounge with garden views and a balcony; and
 - A sunroom providing additional office space and meeting room.

- 2.3. During the course of the application Officers requested amended plans on the grounds that the proposal, resulted in excessive massing and detracted from the character and appearance of the existing Care Home, within the Conservation Area. Amended plans were received in August of 2022.
- 2.4. The proposed front extension would extend from the north elevation with the central entrance of most prominence due to its greater ridge which staggers down in height from 8.5 metres down to 6.9 metres. The higher portions would extend from the existing front elevation by 7 metres with 3.3 further metres as a canopy. The wings of the front extension would be single storey and would also be stepped back to meet the front elevation in portions to meet the existing front elevation. The proposed materials are a mixture of red brickwork with dog tooth brick to the eaves and clay roof tiles. The front extension would house a reception staff room, medical office, draft lobby, lift and beauty salon including 2 treatment rooms. There would also be two new dormer windows which would replace the existing rooflights on the northern roof plane. There would also be a small infill flat roof extension added to the north elevation infilling a gap of 4.5 metres by 2.05 metres in between the existing built form.
- 2.5. The western wing is the largest addition as part of the proposal and would extend in front of and to the rear of the western side of the existing care home. The proposal would have an approximate total length of 25 metres in length and would transition to single storey at its most northern and southern points. There is also a glazed link used between the northern transition. The proposed wing would have a total height of 9.25 metres with an eave height of 7.7 metres Internally the proposed wing would house at 1st floor dining room/lounge, external balcony, unisex WC and 4 bedrooms with 6 bedrooms added to the ground floor as well as a laundry room, kitchen, lobby, and storage rooms. The western elevation would use several gables as well as glazing and balconies serving the rooms. This design continues on the southern elevation of the two-storey extension which also features an aluminium glazed apex.
- 2.6. To the south-eastern elevation there would also be a further extension termed the "Sunroom". This would be of a flat roof design at a height of 2.95 metres with a further roof lantern to a total height of 3.55 metres and would extend 7.7 metres in width and extend 6.28 metres from the original southern elevation.

3. Site Description

- 3.1. The application site and Thurlaston Meadows itself is situated on land that once formed the grounds of the manor house, although the current house is not the original and likely dates back to at least the 18th century. The property is not listed but is located within a Conservation Area and also sits just inside the village boundary. The care home building has been extended incrementally over a considerable period of time. There are extensive grounds around the building, some of which have been landscaped into formal gardens whilst other areas have been left unkempt.

4. Relevant Planning History

Application Number	Description	Decision	Date
R84/1541	Use of existing outbuilding as extension to existing retirement home.	Approved	19 th February 1986

R85/1198	Erection of two storey rear extension to existing retirement home.	Approved	19 th February 1986
R92/0260	Erection of two storey rear extension and use for storage purposes with ancillary office.	Approved	1 st April 1992
R99/0887	Erection of 13 dwellings and construction of new vehicular access.	Refused	12 th January 2000
R00/0243	Erection of 5 dwellings and construction of new vehicular access.	Refused	12 th July 2000
R00/0243	Erection of 3 dwellings and construction of new vehicular access.	Refused	12 th July 2000
R00/00929	Erection of 6 dwellings and construction of new vehicular access.	Refused and Dismissed on Appeal	30 th May 2001
R05/1000	Retention of external staircase.	Refused and Dismissed on Appeal	21 st November 2005
R10/1850	Erection of a two-storey extension and single storey annex and conservatory to western end of building; two single storey extensions to northern side of building; and single storey extension and balcony to southern side of building. Demolition of air raid shelter to accommodate new conservatory to the southern end of building. Demolition of part of existing wall to accommodate new parking area. Enlarged entrance and modified parking and landscaping alterations.	Approved	22 nd February 2012
R17/2121	Proposed replacement single storey extension to create a new orangery.	Approved	5 th February 2018
R20/0830	Erection of a garden room to be used as a visitor pod, enabling residents to see their families.	Approved	13 th November 2020

5. Technical Responses

WCC Public Rights of Way
WCC Archaeology
WCC Extra Care Housing
WCC Highways

No Objection
No Objection, Subject to conditions
No Comments
Objection

WCC Ecology	Objection
RBC Environmental Health	No Objection
RBC Housing	No Comment
RBC Work Services	No Comment
RBC Trees and Landscaping	Further information required.
Warwickshire Fire and Rescue	No Objection, subject to advisory note
Warwickshire Police	No Comment
The Ramblers	No Objection

6. Third Party Responses

Thurlaston Parish Council have objected to the application on the following grounds:

1. The proposal would result in substantial harm to the Conservation Area;
2. The rural setting and tranquillity at the centre of the Conservation Area should be conserved;
3. The site and proposal will be visible from Main Street; Biggin Hall Lane and the Public Right of Way to the west;
4. The enlarged access will expose the site visually from Main Street resulting in parts of the wall to be removed and reinstated to form a wider entrance;
5. The changes to the wall and roadside green will harm the street scene with the enlarged access presenting views of associated paraphernalia and artefacts on the Care Home site along with a shared access for all;
6. A detrimental impact from the two-storey building extension would be at the centre and highest point in the site;
7. Introduction of the development will lead to further changes in character at the site, including the introduction of suburbanising features such as buildings, roads, parking, and entrance access from Main Street;
8. Negative effect on views noted within the Conservation Area Appraisal;
9. Change in the character of the site viewed from public footpath R310/1;
10. The proposed development would have an adverse effect on views from Main Street; Biggin Hall Lane; and Public Footpath;
11. Thurlaston is a small rural village with limited accessibility by means other than the private car;
12. The village infrastructure is not conducive to such developments;
13. The ecology assessment submitted with the application is superficial and incomplete;
14. Thurlaston is a linear village culminating in a cul-de-sac the lack of through road has a detrimental impact on traffic management; safety and parking;
15. Roads within the Conservation Area are single track, within minimal passing places and no pavements;
16. Public service vehicles such as buses and gritting vehicles are not able to service the village due to road narrowness and absence of a turning place with reduced size refuse vehicles to access parts of the village;
17. Significant risk to pedestrians and wheelchair users who have little or no protected space from trade's people;
18. Unsatisfactory location of staff car parking in close proximity to an adjacent private property; and
19. There has been a lack of engagement with the local community by the applicants and developers.

Neighbours notified and a site and press notice have been displayed. Twenty-One letters of objection has been received raising the following:

1. The proposed extensions are disproportionate considering it would cater for visitors to an additional seven bedrooms;
2. It is out of character with the rest of Main Street and shows that trees would need to be removed to create this larger entrance;
3. The lift shaft sticking out from the South of the main building will be unsightly
4. In a 2012 Planning Appeal the inspector ruled that the entrance to the Care Home should not be changed;
5. The West Wing is on the highest ground in the heart of the Conservation Area and would be visible at great distance;
6. The applicants have treated the residents with contempt through not notifying the Parish Council in advance of the application being submitted;
7. Village infrastructure and essential services are almost on the limit and could collapse under further pressure;
8. The proposal needs to be redesigned so that it is not as overbearing and appears subservient to the original building;
9. The plans do not show the entrance to the Care Home along Biggin Hall Lane;
10. The project would result in a 43% increase in floor space;
11. The increase of commercial development at the heart of the village is unacceptable and sets precedents for future incremental development;
12. Demolition of the feature wall on Main Street would be an act of vandalism;
13. The field and footpath behind Moat Close are used extensively by local residents to lose this would be a great loss which will never be replaced;
14. The sunroom would directly overlook neighbouring gardens resulting in a loss of privacy with no objection to this if the window was located in another position;
15. Staff parking is too close to neighbouring properties and is not clear which application the parking relates R20/1030 or R21/0152;
16. The parking location will impact on the enjoyment of the neighbouring property being able to enjoy their property and garden;
17. Loss of light from location of carports with charging points being located against the neighbouring properties fence;
18. Mature trees and archaeological remains will be lost and a PRow disturbed;
19. The impact on the loss of the landscape and green fields resulting in damage to the surrounding environment;
20. An American Style Entrance Gateway will be out of keeping with the main attractions of the village centre;
21. Accessibility to the village by public transport is limited so not an easy place for staff and visitors to get to and therefore not good for the environment;
22. The grand entrance canopy would have a huge impact from Biggin Hall Lane for little benefit;
23. The planning application follows the same basic design of the earlier proposal with the single storey parallel to Biggin Hall Lane, being removed;
24. The proposal will impact on the rural heart of the village and its ecology;
25. If approved the demographics of the village will change significantly influencing lifestyles and overall vitality of the community;
26. The impact on the landscape views will be detrimental with a two storey development at the highest level of the site;
27. The additions are not sympathetic and would destroy the original dwelling further the building should have been listed;

28. Planting more trees would help the carbon footprint and improve the view for residents as opposed to removing them;
29. The proposal compromises the safety of walkers; cyclists; horse riders and the vulnerable;
30. The open space around Thurlaston is important to the village of Thurlaston with appeals stating that this should not be developed;
31. Proposal results in the likely disturbance and destruction of the hidden past of the monks of Pipewell and other notables that exist;
32. All present staff parking needs to be levelled with grass parking reinforcement and therefore no need to relocate;
33. Bio-diversity on site needs to be taken into consideration and should provide a 10% improvement;
34. The public footpaths should not be disturbed or obstructed;
35. Traffic trying to depart the village to Thurlaston turn will be in even more danger with the increase in traffic;
36. The proposal will take away the natural environment and historic aspect destroying the quintessential English Village;
37. The proposals if granted will result in an effect the equivalent of a 52 bedroomed hotel;
38. The village will not be able to cope with the increase in traffic with associated air pollution;
39. There would be an increase in noise pollution;
40. The proposals are contrary to the Thurlaston Conservation Area Appraisal and the Thurlaston Design Statement;
41. The proposal does not include visitor parking which will inevitably increase should planning permission be granted for the proposal;
42. There is poor visibility from the junction of Biggin Hall Lane in respect of traffic passing along Main Street with the proposal increasing traffic not just through the development but also provision of extra staff parking;
43. The proposal would result in heavy vehicles and construction equipment having access to the site via a narrow bridge over the A45;
44. The proposal would also be visible from the public right of way across the picturesque Patricks Field;
45. The widening of the access would have significant impacts in terms of the works to the wall; street trees; grass verges and the village bus shelter which is also used as a book exchange and notice board;
46. Visibility for drivers would be reduced by the proposals;
47. The proposal would increase parking within Main Street adding to an already problematic road;
48. Light pollution will increase significantly from the nursing home with the proposal making it worse;
49. The proposal would result in an impact on the tree lined stretch of Main Street to improve access for a minimal increase in visitors; and
50. The application for the extensions should not be considered without understanding the outcome of planning application R20/1030

7. Relevant Planning Policies and Guidance

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

7.2. The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011 - 2031. The relevant policies are outlined below.

7.3. Local Plan Policies – 2011 – 2031

Policy GP1: Securing Sustainable Development
Policy GP2: Settlement Hierarchy
Policy GP3: Previously Developed Land and Conversions
Policy H1: Informing Housing Mix
Policy H6: Specialist Housing
Policy HS1: Healthy, Safe and Inclusive Communities
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 SDC5: Flood Risk Management
Policy SDC6: Sustainable Drainage
Policy D1: Transport
Policy D2: Parking Facilities

7.4. Supplementary Planning Documents

Planning Obligations
Climate Change and Sustainable Design and Construction SPD – 2023

7.5. Material Considerations

National Planning Policy Framework – 2023
Thurlaston Conservation Area Appraisal
Thurlaston Village Design Statement – 2016
Landscape Assessment of the Borough of Rugby Sensitivity and Condition Study – 2006

8. Assessment of Proposal

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

Section 9	The Principle of Development;
Section 10	Housing Need for Older People;
Section 11	Character and Design;
Section 12	Impact on the Landscape
Section 13	Impact on the Conservation Area;
Section 14	Impact on Residential Amenity;
Section 15	Highway Safety;
Section 16	Air Quality, Noise & Contamination
Section 17	Ecology;
Section 18	Archaeology
Section 19	Trees

Section 20	Other Matters
Section 21	Planning Balance;
Section 22	Conclusion; and
Section 23	Recommendation.

9. 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 the Rural Village of Thurlaston as defined within Policy GP2 of the Local Plan which states that development will be permitted within existing boundaries only. As the application seeks permission to extend the facilities at an existing care home; within the confines of the village boundary the application is considered to be acceptable in principle subject to all planning matters being appropriately addressed.

9.3. This application is therefore considered to be in accordance with Policy GP2 of the Local Plan.

10. Housing Need for Older People

10.1. Policy H6 of the Local Plan states that the Council will encourage the provision of housing to maximise the independence and choice of older people and those members of the community with specific housing needs. In addition, any proposal should allow future residents to access essential services, including public transport shops and appropriate health care facilities.

10.2. Section 5, Paragraph 62, of the NPPF states that the amount and tenure of housing needed for different groups should be assessed and reflected in planning policies including providing housing for older people and people with disabilities.

10.3. Policy H6 of the Local Plan was informed by the SHMA, this identified that a key driver of change within the housing market over the plan period, will be the growth in population of older people. It is estimated that there will be a 122% increase in the 85 and over age group over the life of this Local Plan and a total increase of over 55-year-olds by 51%. This provides the highest need in the whole Housing Market Area and as such demonstrates a clear need for housing for older people within the Borough of Rugby.

10.4. The SHMA provides an indication of the levels of demand expected in the Borough over the course of the plan period as indicated in the table below. This shows the annual requirement for market Extra Care provision of 72 units and 22 affordable Extra Care units.

10.5. The proposal would create 11 new bedrooms (a net gain of 7 bedrooms) and additional supporting facilities. The acting agent explains that the development does not increase the overall capacity of the care home which will remain at 45 residents, but the development

would allow double occupancy rooms to be altered to single occupancy rooms. Therefore, it is considered that the application does not contribute to a quantitative need but does however, provide an improvement in facilities which can therefore contribute to a qualitative increase for the residents of the care home.

- 10.6. These additional supply of single occupancy rooms would still contribute to the specialist housing supply and would be provided within an established care home facility. It is recognised that a diverse range of different size proposals should be considered to safeguard delivery of specialist housing under Policy H6.
- 10.7. In assessment of need the proposal does include a beauty salon, which includes 2 treatment rooms. The LPA would accept that the rationale for including this within the care home solely for its occupiers would be considered acceptable for the onsite use of its occupants. There has been no justification statement provided alongside the beauty salon for a wider use. However, in discussion with the acting agent it was stated that the Salon is for the residents solely. In assessment, the impacts the business would have if it were to be used by the general public have not been justified or evidenced and therefore the council deem that due to the lack of information this would not be considered acceptable. Therefore, it is considered that the salon is only considered acceptable subject to CONDITION 15 which ensures that the salon is exclusive to the occupiers of the care home solely.
- 10.8. This application is therefore considered to be in accordance with Policy H6 of the Local Plan and Section 5 of the NPPF.

11. Character and Design

- 11.1. Local Plan Policy SDC1 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.
- 11.2. Section 12 of the NPPF states that the creation of high quality buildings and place is fundamental to what the planning and development process should achieve. Likewise, paragraph 130 (a) states that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 11.3. The application site is also within the Thurlaston Conservation Area and its impacts on the conservation area will be assessed in section 12 of this report.
- 11.4. The application has been amended to use solely brickwork instead of render for the development. This will be safeguarded under CONDITION 3 to ensure appropriate materials are used both sympathetic to the existing building and the conservation area.
- 11.5. In terms of scale and massing, it is determined that particularly the western wing and the front entrance way are of a large scale. In assessment of this the care home does exist within large grounds and therefore proportionally could accommodate such a development.

It is considered that the two-storey wing would become one of the taller ridges amongst the range of roof heights that the building offers. However, the ridge would not be the tallest and the massing is also broken up using the single storey addition to the front.

11.6. In terms of the smaller single storey additions these are considered to be of a subservient and appropriate scale in relation to the existing building and considered of an acceptable design.

11.7. On balance, the extensions are considered to be of an undesirable design. This chosen design must be weighed within the planning balance alongside all other planning matters including how the chosen design impacts residential amenity, landscape and the conservation area.

12. Impact on the Landscape

12.1. Local Plan Policy NE3 states that new development which positively contributes to landscape character will be permitted with new proposal required to demonstrate that they Identify likely visual impacts on the local landscape and townscape and its immediate setting and undertakes appropriate landscaping to reduce these impacts. Policy SDC1 of the Local Plan states development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated.

12.2. In assessment, the greatest impact on the landscape from the development is that of the proposed two-storey western wing. In assessment the proposed wing would impact views east to west and would be deemed to cause harm to the landscape. In assessment, this harm would be deemed to be less than substantial harm. This is due to the proposal being set within the site, not extending further than the exiting built form and proportionally leaving the majority of the surrounding open space and grounds undeveloped.

12.3. The less than substantial harm to the Landscape will be weighed within the planning balance.

13. Impact on the Conservation Area

13.1. Policy SDC3 of the Local Plan states that development will be supported that sustains and enhances the significance of the Borough's conservation area. This is supported within Paragraph 190 (c) of the NPPF which states that the desirability of new development making a positive contribution to local character and distinctiveness.

13.2. Within the conservation area appraisal, the application site is located within area 3 of the Conservation Area which encompasses Thurlaston Meadows Care Home. The Care Home is stated to be the most dominant building in the village, which was formerly a substantial private house with Victorian origins. The original building has been much altered and extended with the original now overtaken in scale by the later additions. The building is large and sprawling yet responds to the prevailing character of the Conservation Area through the use of red brick, tile/slate, incorporating dormer windows and sharing similar heights to surrounding buildings.

- 13.3. The buildings are set within large undeveloped grounds which provide an important open space. The grounds are all within the Conservation Area and are the largest undeveloped space within the designation. The field to the north of the complex is less formal and has an unmanaged appearance. The site itself bordered by a prominent red brick wall which acts as an enclosure to buildings within the nursing home complex. This wall is the most dominant boundary feature in this part of the Conservation Area. The wall is visually attractive and prevents most views into the nursing home site.
- 13.4. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 13.5. The original proposal included alterations to the boundary wall in a request from WCC highways. The LPA considers alterations to this wall would cause substantial harm to the important boundary wall within the conservation area which formed a main theme of objection. Through amendment the boundary wall is now to be retained with the existing access and therefore there would be no harm to the boundary wall.
- 13.6. The development within this proposal would be set within the existing grounds and therefore in assessment would not directly harm any of the listed buildings or their setting.
- 13.7. The impacts from this proposal therefore are that of the impact to the conservation area. It is considered that the proposed development is largely extension of the Care Home with only the replacement of the air raid shelter as partial demolition.
- 13.8. Images for the air raid shelter to be replaced by the sunroom are included on page 6 of the design and access statement submitted with this application. The building is not listed nor is it directly mentioned within the character appraisal. The floor plans show the air raid shelter is currently used as an outbuilding.
- 13.9. The National Planning Practice Guidance states that paragraph 201 of the National Planning Policy Framework is the starting point. An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building. If the building is important or integral to the character or appearance of the conservation area then its proposed demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 195 of the National Planning Policy Framework. Loss of a building within a conservation area may alternatively amount to less than substantial harm. However, the justification for a building's proposed demolition will still need to be proportionate to its relative significance and its contribution to the significance of the conservation area as a whole.
- 13.10. An assessment therefore is required into whether this building is integral to the character or appearance of the conservation area. This air raid shelter is proportionally a small part of

the overall care home. In terms of the appearance the air raid shelter is brick built and its use as an air raid shelter not significantly apparent unlike the curved shelters which would offer significant contribution to the character of the grounds. In consideration the air raid shelter is more typical of that of a brick-built extension. However, the building does contribute to the story and thus the character of the dwelling. Overall, in this case the loss of the air raid shelter is considered to amount to less than substantial harm to the conservation area.

13.11. In terms of the extensions, these are set within the site and extend the existing building rather than demolition and replacement as in the case of the air raid shelter. The proposal would still be considered to impact the character of the conservation area due to its mass and scale. In consideration of this the Care Home has already been extended over and above the original building and is of a large scale within large grounds. Due to the current scale as the largest building within the conservation area it is considered that the existing built form and its footprint would allow for this type of development in this case. Due to the above, the proposal would be determined to result in less than substantial harm to the conservation area.

13.12. Para 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

13.13. Therefore, the less than substantial harm shall be weighed in the planning balance against the proposed economic, social and environmental benefits.

14. Impact on Residential Amenity

14.1. Policy SDC1 states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

14.2. Likewise, Section 12 of the NPPF states that development will provide a high standard of amenity for existing and future users.

14.3. Patricks Field is located on the western side of the development and is located approximately 150 metres away from the proposed western wing of the development and therefore there would be no loss of light or privacy to this dwelling.

14.4. Nut Coppice is the other dwelling which would have potential to be impacted by the site. The main development near this dwelling would be the car parking. Development and intensification within the site closer to the dwelling would be considered to negatively impact the dwelling. CONDITION 13 and 14 include both landscaping and tree protection conditions and it would be the case that this aspect of the development would need to be appropriately landscaped in order to alleviate the intensification of this space.

14.5. On balance, therefore it is considered that there would be less than substantial harm on the residential amenity of Nut Coppice and therefore this needs to be weighed within the planning balance.

15. Highway Safety

15.1. Local Plan Policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Whereas 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.

15.2. Local Plan Policy D2 also state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD and Appendix 5 of the Local Plan.

15.3. Appendix 5 of the Local Plan states that developments for Residential Institutions (C2), located outside of the High Access Zone, are required to provide 1 parking space per 4 residents.

15.4. The proposed development does remove space to the front of the care home which currently provides informal parking. This is replaced by a proposed car park to the south-eastern portion of the site. The technical note states that this new car park will provide 33 car parking spaces which is a net increase of 21 marked spaces for the development. This will be subject to CONDITION 13 to ensure appropriate landscaping.

15.5. Highways currently have an objection to the proposal which required an alteration to the access. In consideration it is determined that the widening and alterations to the existing access would cause significant harm to the conservation area and has been a main theme of public objection in regard to the developments on site. It is considered that the application R21/0152 has the potential to create significantly less trips than R20/1030.

15.6. There was a technical note supplied by the applicant which states that the proposed development would result in 4 additional staff at an increase in daily vehicle trips of 8. The development does include additional bedrooms. However, in discussion with the transport consultant and within the technical note it is stated that the additional bedrooms would move existing residents out of multiple occupancy rooms into single occupancy and therefore would not create any further trips. In order for the proposal to be deemed acceptable on highway grounds CONDITION 5 and 13 ensure the trips generated are as stated for the avoidance of doubt and in the interest of highway safety.

15.7. On balance the proposed application does increase the number of trips to and from the site by a minimal amount. In consideration the trips would not increase in a manner which would require the existing function access to be widened. WCC highways also provided recorded accident data and it was stated there have been no recorded PIA's since 1990 in the vicinity of the existing access. Therefore, it is considered that the current access would

strike a balance, which would alleviate the need to significantly harm the conservation area.

16. Air Quality, Noise & Contamination

- 16.1. Paragraph 186 of the Framework and policy HS5 of the Local Plan set out the need to consider the impact of the proposal on air quality. Further detailed guidance is outlined in the Air Quality SPD.
- 16.2. Paragraph 174 and 185 of the Framework and policies HS5 and SDC1 of the Local Plan set out the need to ensure that the proposed development would not be adversely affected by noise. It also sets out the need to ensure that noise arising from the proposed development would not adversely impact on the amenity of nearby noise-sensitive receptors.
- 16.3. Paragraphs 174, 183 and 184 of the Framework sets out the need to ensure a site is suitable for its proposed use taking account of risks arising from contamination.
- 16.4. RBC Environmental Health were consulted to scrutinise the proposal and subject to CONDITIONS 4,6 8,9,10 and 11 the technical consultee takes a stance of no objection.
- 16.5. As the leading technical consultee on the matters of noise, air quality and contamination take a stance of no objection subject to conditions and informatives. The application can be considered acceptable on these grounds.

17. Ecology

- 17.1. Paragraphs 174 and 180 of the Framework and policy NE1 of the Local Plan set out the need to protect and enhance biodiversity including protected habitats and species.
- 17.2. Warwickshire County Council Ecology do take a stance of objection to this application. The applicant has submitted a Preliminary Ecological Appraisal (PEA), a reptile survey, a Great Crested Newt Edna survey which the technical consultee has scrutinised.
- 17.3. WCC Ecology have concerns that within the PEA it is unclear whether all loft spaces were completely searched, whether there were any limitations to access and a lack of detail in terms of the assessment of where impacts will take place. The survey was undertaken in May and June 2020 and the leading authority now consider the information is now out-of-date thus requiring update. As well as activity surveys of those sections of the building that were found to have low and moderate suitability for bats. Overall, the recommendation is that an updated site walkover of the entire site and an updated Preliminary Roost Assessment of the buildings is undertaken to assess whether any changes have taken place, and whether the assessment of bat roost suitability has changed as previous surveys had found the building to have medium potential.

17.4. WCC Ecology have concerns that the reptile survey was carried out mid-September to October 2021 which is late in the season and not optimal for timing for reptiles. The survey returned 2 grass snakes on several occasions and therefore the leading consultee has concerns that if the surveys were taken a more suitable time greater numbers may be recorded.

17.5. The Great Crested Newt survey report presents clearly the results of pond surveys using various methods including eDNA sampling, which has confirmed the presence of great crested newts in Pond 1, which falls within 100 metres of the site. GCN can therefore be considered present within the site. In order to determine the population size and likely impact of the development. a full survey of all ponds within 250m should be undertaken.

17.6. Therefore, it is considered that the above surveys should be compiled with in an Ecological Impact Assessment (EclA). This should include;

- Updated site walkover
- Updated Preliminary Roost Assessment of the buildings, clearly showing all areas that could be investigated and stating as limitations any areas that could not be thoroughly investigated internally.
- Updated ground level investigation of the trees on site. Further investigation of trees with moderate/high suitability for bats in line with BCT guidance
- Nocturnal bat activity surveys of the wider site
- Updated reptile surveys to include April/May
- Full GCN presence/absence/population survey of all ponds within 250m of the site
- The EclA needs to include a Biodiversity Impact Assessment which secures a biodiversity net gain.

16.7. Due to the timeframes involved with submitting this information it is considered by the LPA that CONDITION 12 should be added to any decision notice to ensure the site is made suitable on Ecological Grounds.

18. Archaeology

18.1. Section 16 of the Framework and policy SDC3 of the Local Plan sets out that new development should seek to conserve and enhance the historic environment.

18.2. WCC Archaeology were consulted in order to assess the application. The technical consultee states the proposed development lies within an area of significant archaeological potential. The site fronts onto Main Street and is within the probable extent of Thurlaston Medieval Settlement and lies adjacent to the Site of Medieval Grange at Biggin Hill. The site of the Manor House possibly 16th century in origin, is now occupied by the care home. Cropmark evidence from aerial photography suggests the presence of a probable Neolithic or Bronze ring ditch approximately 750 m to the west of the application site. Further cropmarks including enclosures, linear features, also observed from aerial photography are recorded between approximately 550m and 200m to the north and northwest of the site.

18.3. The technical consultee considered there is a significant potential for prehistoric, medieval, and post-medieval remains to survive across the site.

18.4. Whilst the technical consultee does not wish to object to the development, they do consider the CONDITION 7 to be required in the event of an approval.

19. Trees

19.1. Paragraphs 131 and 174 of the Framework and policies NE3 and SDC2 of the Local Plan set out the importance of incorporating features such as trees and hedgerows into the proposed development.

19.2. The applicant has submitted a tree report and arboricultural assessment which includes the application R20/1030 and the widened access which further impacts vegetation and therefore would not be applicable to the most updated scheme for R21/0152.

19.3. The technical consultee did provide comment in absence of an applicable tree report and arboricultural assessment and notes that one apple tree is required to be removed to facilitate the western extension, the technical consultee notes this tree is not under TPO but does exist within the Conservation Area. The arboricultural officer notes the tree is relatively insignificant within the wider context of the conservation area.

19.4. The arboricultural officer does however have concern in regards to the proposed parking adjacent to Nut Coppice and therefore the proposed hard standing should avoid root protection areas.

19.5. The LPA therefore requires CONDITION 13 and 14 to be added to any approval decision notice in order to safeguard both existing trees and ensure sufficient planting is added throughout the site.

20. Other Matters

20.1. Electric Vehicle charging points are now secured under building control regulations and therefore will not be secured under condition as part of the decision notice.

20.2. WCC PROW request that an advisory note is attached to any decision notice ensuring that PROW R310 must remain unobstructed at all times unless closed by legal order.

20.3. The fire service has reviewed the application and offer a stance of no objection. This is subject to an advisory note requiring the application to be in accordance with building regulations. There were concerns raised by the LPA in regards to the access remaining the same and it was confirmed by the acting agent in email on the 27-Sep-2023 that in relation to emergency services accessing the site the applicant can confirm that the existing access is able to easily accommodate emergency vehicles to get to the building, which has been utilising with one or two emergencies over the years. As for emergency strategy, all staff have fire training, and an emergency fire action plan is in place and a more comprehensive business continuity plan for all types of emergencies.

20.4. In terms of flood risk the application does not constitute major development and is sited within flood zone 1 and therefore would not require consultation with flood risk or SUD in accordance with Policy SDC6.

21. Planning Balance

21.1. 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.

21.2. 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)) outlines that this 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 considered to be an up-to-date development plan.

21.3. A straightforward neutral balancing exercise must therefore be carried out to weigh up whether the identified harm caused by the proposed development would be outweighed by the benefits. This should take account of the economic, social, and environmental objectives which are necessary to achieve sustainable development.

21.4. From an economic perspective the proposed development would result in money being invested in construction on the site, employment relating to construction jobs over the build period and the creation of employment opportunities associated with the care home. Such matters would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the application.

21.5. From a social perspective there is a significant need for specialist housing for older people within the Borough in which this proposal would provide single occupancy bedrooms as well as upgrade the existing facilities to provide a qualitative contribution to the need through the provision of higher quality specialist housing for the elderly and people requiring care. These matters are considered to attract significant weight in favour of this application.

21.6. From an environmental perspective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, biodiversity, trees and hedgerows, heritage and archaeology, highway safety, traffic flows, public rights of way, flood risk, drainage, air quality, noise, contamination, visual amenity, have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, in other instances where potential adverse impacts are identified, it would be possible to mitigate against this impact through a number of different measures and strategies. This mitigation could be secured through conditions to ensure that this is delivered. There are however identified harms to the landscape, character and appearance, impact to residential amenity and the conservation area which have all been identified to cause a less than substantial harm. In terms of the impacts on the landscape and conservation area, it would be considered unachievable by the LPA for the care home to provide a qualitative increase in its facilities without impacting the landscape and conservation area in some manner due to the scale increase required. In

terms of the impact on residential amenity this would mainly be through the intensification of the site within proximity to the dwelling as a use for parking. This impact could be alleviated by landscaping measures which would further reduce the harm which is included under Condition. The harm must also be weighed against the fact that the green space exists within the grounds of the care home already and therefore could be used recreationally causing similar albeit considered that the parking area is likely to be of a more intensified use.

22. Conclusion

22.1. On Balance, it is considered that the due to the identified need for this type of specialist housing and the need for the qualitative increase of the existing care home facilities some harm is unavoidable. Overall it is considered that the associated social and economic benefits of the proposed development do outweigh less than substantial harm to the landscape, conservation area and residential amenity.

22.2. In view of the above, the proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Indeed, the proposal would result in a number of positive economic, social benefits which outweigh the identified environmental harm. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal would comply with policy GP1.

22.3. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that the application should be approved subject to conditions and informatives.

23. Recommendation

23.1. Planning application R21/0152 be approved subject to:

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

DRAFT DECISION

REFERENCE NO:
R21/0152

DATE APPLICATION VALID:
10-Feb-2021

APPLICANT:

C Dayer, Eastdene Investments Limited Eastdene Investments Limited, c/o Agent, Burlington House, 369 Wellingborough Road, Northampton, NN1

AGENT:

Jessica Hird Planning and Design Group, Pure Offices, Lake View Drive, Sherwood Park, Nottingham, NG15 0DT

ADDRESS OF DEVELOPMENT:

THURLASTON MEADOWS CARE HOME, MAIN STREET, THURLASTON, RUGBY, CV23 9JS

APPLICATION DESCRIPTION:

Erection of a two storey and single storey extension to the west elevation; demolition of air raid shelter and erection of a single storey extension to the south elevation; and a two storey extension to the north elevation with associated access and parking.

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

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

Plans Received by Council 12-Aug-2022

Proposed Ground Floor	Drawing No 3703-106 Rev C
Proposed first floor plan	Drawing No 3703-107 Rev B
Existing and Proposed East Elevation	Drawing No 3703-109 Rev A
Existing and Proposed South Elevation	Drawing No 3703-110 Rev B
Proposed North, S East, S west Elevation	Drawing No 3703-113 Rev B
Proposed Roof Plan	Drawing No 3703-116 Rev A
Existing and Proposed South West Elevation	Drawing No 3703-111 Rev B

Plans Received by Council 21-April-2023

Existing and Proposed South Elevation	Drawing No 3703-112-Rev D
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Site Location Plan

Streetwise Maps 29/10/2019 20:01:22

Archaeological geophysical Survey at Thurlaston Meadows March 2021 Report No 21/033
Desk-Based Assessment Thurlaston Meadows R19/0727 September 2020
Phase 1 Preliminary Ecological Appraisal Thurl0620_PEA, Date Nov 2020

REASON:

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

CONDITION 3

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

REASON:

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

CONDITION 4

In the event that contamination is found at any time when carrying out the development hereby permitted it shall be reported in writing immediately to the local planning authority. Each of the following subsections a) to c) shall be subject to approval in writing by the local planning authority.

a) An investigation and risk assessment shall be undertaken 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.

b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.

c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

REASON:

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

CONDITION 5

The additional bedrooms hereby approved shall not result in a net gain of occupancy to ensure the development is acceptable on highway grounds in accordance with Technical note 344-TS-02-A received by council 08-Sep-2023.

REASON:

In the interest of highway safety.

CONDITION 6

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 7

No development shall take place until:

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

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

REASON:

In the interest of archaeology and in accordance with Policy SDC3 of the Local Plan

CONDITION 8

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

- the control of noise and vibration emissions from demolition and construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the [demolition and] construction phase
- the control of dust including arrangements to monitor dust emissions from the development site during the demolition and construction phase
- measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Demolition and 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

Prior to installation, a scheme of works to be submitted to and approved in writing by the Local Planning Authority, detailing the design of the kitchen cooking equipment to demonstrate compliance with the supply and extract air to DW172: Specification for Kitchen Ventilation Systems prior to installation or fitting.

REASON:

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

CONDITION 10

Prior to the installation of extraction plant or other refrigeration/air handling plant a noise assessment shall be undertaken by a competent person to determine the existing background noise levels, noise from proposed extraction system and any other refrigeration or air-handling plant, flues or other equipment to be installed. The assessment shall include measures for acoustic treatment to ensure adequate protection to existing noise sensitive properties from structural and/or airborne noise transmission. It shall be submitted to and approved in writing by the Local Planning Authority prior to such plant being installed. Equipment shall then be installed in accordance with the approved details.

REASON:

In the interests of the amenities of neighbouring properties.

CONDITION 11

Prior to installation of extraction equipment a scheme of works to be submitted to and approved in writing by the Local Planning Authority, detailing the design of the odour and fume control equipment serving the kitchen extraction system prior to installation or fitting and shall thereafter be so retained.

REASON:

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

CONDITION 12

No development, including site clearance, shall commence unless and until an Ecological Impact Assessment has been carried out and approved in writing by the Local Planning Authority. The Ecological Impact Assessment shall include;

- Updated site walkover
- Updated Preliminary Roost Assessment of the buildings, clearly showing all areas that could be investigated and stating as limitations any areas that could not be thoroughly investigated internally
- Updated ground level investigation of the trees on site. Further investigation of trees with moderate/high suitability for bats in line with BCT guidance
- Nocturnal bat activity surveys of the wider site
- Updated reptile surveys to include April/May
- Full GCN presence/absence/population survey of all ponds within 250m of the site
- The EclA needs to include a Biodiversity Impact Assessment which secures a biodiversity net gain.

The approved mitigation or details shall thereafter be implemented in full.

REASON:

To ensure that protected species are not harmed by the development and to ensure a Biodiversity Net Gain.

CONDITION 13

No above ground works shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of

planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place.

REASON:

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

CONDITION 14

Prior to the commencement of development 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.

CONDITION 15

The beauty salon hereby approved in drawing 3703-106 Rev C shall be for use by customers who are residents of Thurlaston Meadows Care Home only and shall not be used by external customers not residing within the care home.

REASON:

In the interest of highway safety and to safeguard the vitality of Rugby Town Centre.

CONDITION 16

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

REASON:

To ensure the proper development of the site.

INFORMATIVE:

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

INFORMATIVE:

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:

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

Monday – Friday 7.30 a.m. – 6.00 p.m.

Saturday 8.30 a.m. – 1.00 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:

Warwickshire Fire and Rescue Authority offers no objection to the application, subject to, the inclusion of, an advisory note drawing the applicant's attention to the need for the development to comply with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at; www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning

INFORMATIVE:

Public footpath R310 must remain open and unobstructed at all times unless closed by legal order.

Reference: R20/1030

Site Address: THURLASTON MEADOWS CARE HOME, MAIN STREET, THURLASTON, RUGBY, CV23 9JS

Description: Erection of a Retirement Living Housing Scheme (Use Class C2) comprising of 35 bungalows with associated development together with alterations to existing access off Main Street (Outline - Principle, Layout and Access Only).

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/32192>

Recommendation

1. Planning application R20/1030 be refused
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal outlined in the draft decision notice.

1. Introduction

1.1. This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major development in accordance with the Scheme of Delegation 5.2.4 (c).

2. Description of site

2.1. The application site is on the Thurlaston Meadows Care Home located to the west of Main Street and south and east of Biggin Hall Lane which wraps around the site. The topography of the site is generally higher in the east and west and gently slopes downwards to the central and southern portions of the site. The application covers approximately 3.42 hectares of land.

2.2. The care home itself is situated on land that once formed the grounds of the manor house, although the current house is not the original but likely dates back to at least the 18th century. The property is not listed but is located within a Conservation Area and also sits inside the village boundary. The care home building has been extended incrementally over a considerable period of time. There are extensive grounds around the building, some of which have been landscaped into formal gardens.

2.3. The majority of the application site, is located outside of the village boundary, consists of a mixture of scrub grassland and areas of trees together with dense vegetation. The southwestern portion of the site comprises of the residential property, Patricks Field and associated extensive gardens including a large pond to the rear of the property. The house is served by a tarmac and gravel driveway, located off Biggin Hill Lane. A further gate and access is present in the north-west part of the property grounds which provides vehicle access to the garden area. There is also a Public Right of way which intersects the site east to west from Main Street to Biggin Hall Lane which is sited in a southern position in the site.

3. Description of proposals

- 3.1. This application seeks outline planning permission for the erection of 35 new bungalows. Originally the application sought permission for 40 however, this was amended to 35. An illustrative site plan has been submitted, which provides guidance on how the site could be developed to accommodate 35 bungalows within Use Class C2 including the residential dwelling Patricks Field which is also proposed to be demolished.
- 3.2. In addition to the bungalows the proposal also seeks approval for the alterations to the existing access along with the following associated development:
 - Crèche and Gym/Hydro Pool;
 - Shop and Community Building;
 - Playground.
 - 2 x Tennis Courts.
 - Bowling Green;
- 3.3. It has been proposed that the vehicular access will be taken from Main Street indicated to be widened to 5.5 metres. An access point for Emergency Services would also be added via Biggin Hall Lane and feed into the wider site. Along with the principle of development the main considerations in respect of this application are the layout and access with all other matters being considered at reserved matters stage.
- 3.4. The Town and Country Planning (Development Management Procedure) (England) Order 2015 under Part 1 and the Communities and Local Government Guidance on Information Requirements and Validation; March 2010 details information which needs to be submitted to allow for the determination of an outline planning application. This information was received from the agent through the submission of the Proposed Site Plan (3703-101 Rev B) which through the course of the application has now been amended to site plan 3703-101 Rev G.
- 3.5. The application is in outline for principle, layout and access only. However, there is illustrative indication of 4-unit types. As well as examples of both attached and semi-detached plots, stated to be 2 bedroom (one ensuite) to allow for a carer if needed. The units would also contain an entrance hallway, a wc, a kitchen and living room and one room would likely be used for storage due to its size.
- 3.6. Boundaries for the plots would be created using landscaping features. There is also a palette of materials provided including timber cladding, zinc roofing and buff brick. This detail would be confirmed at reserved matters stage and therefore only offer illustrative proposals at this stage.
- 3.7. Within the southern portion of the sites, there are two dwellings which are indicated to be “sunken dwellings” with turf roofs at ground level on the site plan. There is a discrepancy in the plans as although not indicated on the site plan there are sunken dwellings also indicated on the northern portion of the site under Section Plans A-A.

- 3.8. Sections plans have been provided and show considerable works will be carried out in relation to altering the site level.
- 3.9. The northern part of the site (Section A-A) as existing slopes to a low point centrally within the site. The proposed level plans show the proposal would fill the site creating a shallower gradient and level the dwellings. This portion of the site would also use sunken dwellings and a retaining wall.
- 3.10. Section B-B does not propose any changes with Section C-C allowing for the road to be implemented.
- 3.11. Section D-D would also cut the level to allow for the road and would use further sunken dwellings into the existing level.
- 3.12. The application proposal is to be assessed on its own merits. However, the developer indicates a “vision” for the site which coincides with the ongoing application R21/0152 for the extension to the existing care home. Through the course of this application, it was attempted to cumulatively assess both applications alongside one and other. However, this eventually hindered the process and impeded the responses from technical consultees. For the purposes of this report the assessment will be made on the information submitted for R20/1030 solely and assessed on its own merits.

4. Planning History

Application Number	Description	Decision	Date
R84/1541	Use of existing outbuilding as extension to existing retirement home.	Approved	19-Feb-1986
R85/1198	Erection of two storey rear extension to existing retirement home.	Approved	19-Feb-1986
R92/0260	Erection of two storey rear extension and use for storage purposes with ancillary office.	Approved	1-April-1992
R99/0887	Erection of 13 dwellings and construction of new vehicular access.	Refused	12-Jan-2000
R00/0243	Erection of 5 dwellings and construction of new vehicular access.	Refused	12-July-2000
R00/0243	Erection of 3 dwellings and construction of new vehicular access.	Refused	12-July-2000
R00/0929	Erection of 6 dwellings and construction of new vehicular access.	Refused and Dismissed on Appeal	30-May-2001

R05/1000	Retention of external staircase.	Refused and Dismissed on Appeal	30-May-2001
R10/1850	Erection of a two-storey extension and single storey annex and conservatory to western end of building; two single storey extensions to northern side of building; and single storey extension and balcony to southern side of building. Demolition of air raid shelter to accommodate new conservatory to the southern end of building. Demolition of part of existing wall to accommodate new parking area. Enlarged entrance and modified parking and landscaping alterations.	Approved	22-Feb-2012
R17/2121	Proposed replacement single storey extension to create a new orangery.	Approved	5-Feb-2018
R20/0830	Erection of a garden room to be used as a visitor pod, enabling residents to see their families.	Approved	13-Nov-2020
R21/0152	Erection of a two storey and single storey extension to the west elevation; demolition of air raid shelter and erection of a single storey extension to the south elevation; and a two storey extension to the north elevation with associated access and parking.	Undetermined	

5. Relevant Planning Policies

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

5.2. The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011-2031. The relevant policies are outlined below.

5.3. 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 H1: Informing Housing Mix
 Policy H6: Specialist Housing
 Policy HS1: Healthy, Safe and Inclusive Communities
 Policy HS4: Open Space, Sports Facilities and Recreation
 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 SDC5: Flood Risk Management
 Policy SDC6: Sustainable Drainage
 Policy SDC7: Protection of the Water Environment and Water Supply
 Policy SDC9: Broadband and Mobile Internet
 Policy D1: Transport
 Policy D2: Parking Facilities
 Policy D3: Infrastructure and Implementation
 Policy D4: Planning Obligations

5.4. Supplementary Planning Documents

Planning Obligations
 Climate Change and Sustainable Design and Construction SPD – 2023

5.5. Other Material Considerations

National Planning Policy Framework, 2023 (NPPF)

6. Technical consultation responses

Ramblers Association	Objection
WCC (Ecology)	Objection
Trees and Landscape	Objection
WCC Highways	Objection
WCC Flood Risk	Objection
NHS Property Services	S106 Contribution Request
WCC Rights of Way	No Objection, subject to conditions
Warwickshire Police	No Objection, subject to design considerations
Archaeology	No Objection, subjection to conditions
Work Services	No Objection
Fire and Rescue	No Objection Subject to minimum requirements.
Severn Trent	No Objection
RBC Housing	Comment
Environmental Agency	No Response

7. Third party comments

Thurlaston Parish Council have objected to the application on the following grounds:

1. The location of the application is predominantly outside of the settlement boundary;

2. The specific position of housing for older people is recognised within the development plan;
3. Such specialist housing should be subject to need and accessibility to services;
4. The application lacks the evidence and justification for this departure from the development plan;
5. Substantial harm to the Thurlaston Conservation Area;
6. The Local Authority must pay special attention to preserving or enhancing the character and appearance of the surrounding area;
7. Policy requirement within the NPPF to ensure that the Conservation Area is not harmed by development within its setting applying also to outside of the Conservation Area boundary;
8. The proposal would result in substantial harm to the heritage asset and should therefore be refused on this basis;
9. Harm to the character and appearance of the area in townscape and landscape terms;
10. The site is visible from a number of public vantage points notably Main Street, Biggin Hall Lane and public right of way;
11. The introduction of new development leading to a change in the character at the site, including suburbanising features such as buildings, roads, parking and associated garden paraphernalia;
12. Loss of trees and woodland;
13. Introduction of lighting;
14. Change to the settlement form and connection of isolated development at Biggin Hall Lane with the main village;
15. Negative effect on the landscape setting of the village;
16. Negative effect on views which are noted within the Conservation Area Appraisal;
17. Change in the character of Biggin Hall Lane and public footpath Thurlaston R310/1;
18. Thurlaston is a dark sky village in keeping with the surrounding countryside. The building of a housing estate, with street lamps and a concentrated light source conflicts with paragraph 180 of the NPPF;
19. The sustainability of the location for residential accommodation for older people;
20. Planning applications have been refused along Coventry Road, circa 400 metres from Thurlaston, due to the unsustainable location of the development;
21. WCC Gritting services and Bus service providers do not service the village due to road accessibility constraints;
22. In Thurlaston there are a number of road constrictions, single tract carriageways and areas of limited visibility;
23. History of collisions, severity, risks and causes;
24. Presence of vulnerable road users – in Thurlaston there are pedestrians, horse riders, cyclists, and wheelchair users which have to use 'shared space' with motor vehicles;
25. The application makes no attempt to address social and economic aspects of sustainability;
26. Dwellings for Older People that would increase the Thurlaston settlement population and housing stock, each by an estimated 30%, and significantly raise the median age of the community population;
27. There is no mention of the provision for affordable Extra Care housing not in accordance with the Rugby Local Plan;
28. The ecological assessments are superficial and incomplete and call into question declared a priori assumptions;
29. The applicant has not engaged with the Parish Council or resident during the development of this application;

30. Approximately 75% of households responded resulting in an overwhelming (>99%) opposition to the proposal;
31. Should the Local Authority be minded to approve the application it is requested that the community building has unrestricted availability to the whole of the parish in perpetuity and protected from Successors in Title; and
32. In addition to this a number of conditions would be important to be imposed on any recommendation for approval.

Neighbours notified and a site and press notice have been displayed with ninety letters of objection being received raising the following:

1. The development equates to circa 25% of the housing stock within the village which is a designated area of conservation;
2. Thurlaston is a quintessential village unique in nature major developments will inevitably dilute its appeal;
3. Children have to walk out of the village on a daily basis to catch buses the extra traffic would put these children at further risk;
4. A minibus service is proposed to run throughout the day taking residents to the Local Shops where there is currently no service;
5. The quickest access for emergency vehicles would be Main Street as opposed to Biggin Hall Lane which is unsuitable and unsafe;
6. Government should restrict air freight, restore local shops and jobs and focus on local deliveries to reduce car travel;
7. CO2 levels must be reduced to prevent increased temperatures, raised sea levels, melting glaciers and species extinction;
8. Government must protect citizens from these threats to humanity;
9. Thurlaston is a dark sky village in keeping with the surrounding countryside;
10. Broadband speed in the village is barely adequate without the addition of another 40 dwellings;
11. Two bedrooms are proposed with room for live in carers, why is this required when the Care Home would assist, also other local care agencies could assist;
12. The proposals go against the Village Design Statement for Thurlaston;
13. Bus services are non-existent and doctors surgeries are already struggling;
14. Covenants were placed on the land preventing building upon it;
15. Retirement homes in the Bilton and Cawston areas are empty showing there is no call for the homes;
16. The offer of community facilities is cynical as there are not enough children in the village for a crèche, there is no evidence of a village shop being successfully maintained within a village, the village already has a village hall and another is not required;
17. Residents are already impacted by noise from the Care Home through musical entertainment which will be worsened should permission be granted;
18. Thurlaston Meadows Care Home requires urgent improvement as identified in recent Care Quality Commission Reports;
19. The development will destroy the ambience of the village;
20. The Rugby Borough Local Plan is recently adopted and protects Thurlaston from speculative development such as this scheme;
21. The proposal would create a village within a village which is an objection of the design statement submitted with the application;
22. The bowling green would result in a loss of privacy and additional noise through teams visiting to play the sport;

23. The proposal would result in localised flooding with the loss of natural drainage onsite;
24. Residents maybe more willing to accept 6 – 12 family homes with a playground and parking this uses the existing nursing home grassland adjacent to Main Street and the top of Biggin Hill Lane and protect the green lung of the village;
25. According to Rugby Local Plan only 72 units of this type of housing is required for the next 10 years;
26. No account is taken of exiting developments such as Tritax warehousing and the pressure this will put on the roads and junction;
27. Thurlaston is isolated from basic infrastructure and not suitable for the proposed increase in age demographic;
28. Allowing the proposal would see the loss of the annual fete which this area of land is regularly used for;
29. The Meadows Home has not been successful in integrating the residents of the Home into the village life despite openings being made by the community;
30. The proposal would result in the creation of a separate thriving village as opposed to an integrated one;
31. Will the shop and community building actually be built once planning permission has been granted;
32. The Transport Statement assumes that people will walk to amenities that do not existing even within one mile of the village which would not be the case;
33. Allowing a shop and community building will attract more residents from outside of the area increasing traffic flows in excess of the care home;
34. The biodiversity impact assessment said very little and there was no comprehensive reasoning that suggests biodiversity would be unchanged or improved;
35. The Ecology Statement is based on a snapshot visit in late Spring and therefore does not consider all round wildlife within this location;
36. Part of the proposal is in a Conservation Area with the remainder being within Warwickshire's Area of Special Landscape Value which says further development should only consist of extensions and barn conversions in the area;
37. The proposal is for financial gain only which will come at a cost for the residents who live in the care home already;
38. The emergency access onto Biggin Hall Lane is not a legal requirement and becomes an access point for criminals into a vulnerable age group;
39. Any wider use of the amenities proposed within the application would be for the benefit of the retirement care residents, staff and controlled by a management company allowing the development to dominate and dictate the community;
40. The development is not compliant with the NPPF and there is no worth within the Sustainability Statement submitted within the application;
41. In terms of sustainable transport only cycle storage is mentioned as an option;
42. The nursing home has already doubled in size and the Conservation Area needs to therefore be respected;
43. The proposal will not assist the Local authority with becoming Carbon Neutral by 2030 with more than 80 vehicles being a decimate to the village;
44. The topography of the land is not suitable for this development;
45. Pipewell Cottage is the oldest property in Warwickshire with designs not in keeping with the village building stock;
46. The addition of a shop is not appropriate in an age online shopping with the final village shop being converted into a house;
47. Following COVID many companies are changing the way they work with employees now working from home this will ultimately release brownfield land for development;

48. Any modifications to increase the width would result in the removal of the grassed verges and the natural elements of the village entrance;
49. There is evidence of an air raid shelter and an ancient chapel on site as well as endangered species;
50. It is more than likely when approved designs will change for example oak framed windows replaces with oak coloured UPVC;
51. Electric charging points will distract from the rural character of village;
52. Open gardens will encourage criminals with an increase in residents making community spirit with watchful neighbours harder;
53. The disposal of extra sewage caused by the building of 40 extra dwellings;
54. There is a national campaign to plant 750K trees why would the Local Authority think it appropriate to remove trees and habitat;
55. Living in more rural areas promotes a healthier lifestyle with better longevity;
56. Soil compaction from heavy plant in and out of the village has the potential to undermine the construction of existing properties, notably the Old Forge;
57. Further development applications for these spaces are inevitable due to lack of interest/justification;
58. Amenities within the village will be permanently degraded and not improved for residents;
59. In order to squeeze in this development 77 trees would be removed and replaced with only 4 trees;
60. St Patricks Field is the only central area of green which the village of Thurlaston has;
61. No opposition to more houses being built however feels the surrounding area is being changed so much with a large amount of over 60's retirement at Lime Tree Village;
62. The area does not have the facilities to deal with more residents with the Hospital not being open for A & E and the inability to get a doctor's appointment;
63. The area is wet, boggy and flood prone requiring major engineering/earth works likely to cause enormous collateral damage;
64. The protected species within the application site move through adjoining gardens with the report being of the opinion that the existence of such species of anecdotal and recommends mitigation measures;
65. The development is out of contest with the village and represents a near doubling of the current population with limited infrastructure;
66. Light pollution is going to be an issue for the protected species including bats with the retirement homes requiring good lighting along paths;
67. The area is an area of outstanding natural beauty, untouched for hundreds of years, used regularly by residents on the public footpath;
68. Any downscale of proposal ensures the village character and amenity is not in any way irreversibly damaged.
69. The proposal is not in accordance with the adopted Local Plan;
70. Elderly residents downsizing to making provision for families to move in is overly exaggerated;
71. Downsizing is usually a last result with the village already having mixed housing it can be concluded that new housing will be brought by those outside the village;
72. The development will turn the village into a retirement one or worse, two separate communities with conflicting requirements;
73. The proposal will do nothing to add to the diversity of a small village;
74. Biodiversity will not be added to only destroying natural habitat;
75. Assumption that Main Street will be made wider to facilitate the development by demolishing existing dwellings;

76. The Borough Council are creating pollution through allowing warehouses, car parks and 5000 dwellings off the Coventry Road to Dunchurch and Opposite Thurlaston;
77. Local residents do not get full water flow at work the development will intensify this problem
78. The numbers within this application are too large for such a small village;
79. The increase in pollution will have a significant impact on quality of life;
80. We moved to the village knowing it had no amenities and cannot see us using any of the ones proposed;
81. The bridge into the village is another hazard which needs to be fully addressed within this application;
82. The development would generate a significant amount of traffic for this rural area, by residents and visitors alike, parking is also a consideration when Main Street can resemble a car park;
83. Grass verges get damaged with people parking on the grass and delivery vans mounting the kerbs;
84. Double parking occurs making it impossible for car drivers to see if oncoming vehicles have enters the other end of the obstruction;
85. People park far too close to junctions making passing dangerous and blocking access to residents, delivery lorries and emergency vehicles;
86. Concerns over the impact construction traffic will have on the village which would add to what will also be generated by two other properties which have received permission; and
87. Questions are being raised on the validity of population growth statistics in Warwickshire.

In addition to the letters of objection, two letters of support have been received, raising the following:

1. Thurlaston has made no significant contribution to the delving of housing for well over 25 years with no major development for over 30 years this position is not sustainable;
2. The application recognises the aging population of the Borough providing purpose built hosing for the elderly;
3. The retirement bungalows will complement the existing residential home for the elderly in the village offering residents more options to stay in the care home or move to the care home for additional support;
4. The proposal allows elderly residents in the village living in large family homes the option to stay in the village by moving into a purpose designed bungalow. Freeing up large family homes;
5. The development will bring much needed amenities to the village;
6. The proposal results in economic benefits in the form of onsite maintenance and security once construction has finalised;
7. The proposal offers a residential community that would be beneficial in terms of health and wellbeing of the future occupiers providing a safe environment and reduces social isolation;
8. The addition of the dwellings would introduce further spending in the local area from the new population;
9. The proposed development reflects the landscape setting and characteristics of the area; and
10. All the parking needs will be self-contained within the application site and not have an adverse impact on parking within Main Street.

8. Assessment of proposals

8.1. The key issues to assess in the determination of this application are:

Section 9	The Principle of Development. <i>National Policy</i> <i>Previously Developed Land</i> <i>Sustainable Development</i> <i>C2 Use Class</i> <i>Sustainability of Location – Appeal History</i> <i>Sustainability of Location – Assessment</i> <i>Access to Essential Services</i>
Section 10	Housing Need for Older People
Section 11	Character and Design <i>Impact on Landscape</i>
Section 12	Impact on the Conservation Area
Section 13	Noise, Air Quality and Contamination
Section 14	Archaeology
Section 15	Impact on Residential Amenity
Section 16	Public Rights of Way
Section 17	Highway Safety
Section 18	Trees
Section 19	Flood Risk and Drainage
Section 20	Ecology
Section 21	Broadband
Section 22	Water Consumption
Section 23	Planning Obligations
Section 24	Planning Balance
Section 25	Conclusion
Section 26	Recommendation

9. 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 does overlap partially with the village boundary of Thurlaston however, the majority of the site is located within the Countryside as defined within Policy GP2 of the Local Plan which states that new development will be resisted; and only where national policy on countryside locations allows will development be permitted.

National Policy

9.3. Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. For decision taking this means approving development that accords with an up-to-date development plan without delay. As the Local Authority has a five-year supply of land and an adopted Local Plan the tilted balance in this instance is not engaged.

- 9.4. Section 5 of the NPPF states that planning policies should avoid the development of isolated homes in the countryside unless certain exceptions are met. Paragraph 80 sets out these exceptions.
- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) The development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) The development would involve the subdivision of an existing residential building; or
 - e) The design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
- 9.5. In this instance it is considered that this proposal does not meet any of the criteria for the exceptions outlined in paragraph 80.
- 9.6. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including but not limited to with reference to older people and people with disabilities.
- 9.7. Furthermore, Section 2 of the NPPF and Local Plan Policy GP1 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.

Previously Developed Land

- 9.8. Local Plan Policy GP3 states that Local Planning Authorities will support the redevelopment of previously developed land where proposals are compliant with the policies within the Local Plan in particular where the stated criterion is met.
- 9.9. As the proposal seeks outline planning permission for the erection of 35 new retirement dwellings on land within the grounds of Thurlaston Meadows Care Home and Patricks Field, Biggin Hall Lane it is of consideration that some of the grounds are currently developed and would be subject to redevelopment as part of this proposal. The NPPF does include a definition for Previously Developed land within its glossary.

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. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed

but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 9.11. In accordance with this definition, it is determined that although portions are developed, mainly the care home building itself and Patricks Fields, the NPPF does not encourage that the whole of the curtilage should be developed. Therefore, where grounds are previously developed consideration will be given in favour of the development within these areas subject to meeting the criteria of all other planning matters. However, the entirety of the site will not be considered previously developed land as agreed within the *planning statement (Nov 2020)* which under point 7.10 refers to the proposal predominantly involving undeveloped land.

Sustainable Development

- 9.12. Section 2 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These include an Economic, Social and Environmental objective.
- 9.13. The Sustainability Statement submitted with the application states that the proposal will be able to achieve the three dimensions of sustainable development through the following mechanisms the applicant proposes the below benefits:

Economic

During the undertaking of the works, the development proposals would create employment opportunities as well as indirect benefits through the demand for goods and services to support the works required. During the occupation phase the development would provide for new employment positions in regard to site maintenance, security duties as well as in the new community facilities. The applicant considered overall, the development would benefit the local economy through both direct and indirect economic

Social

- 9.14. The proposed development would provide a social role in supporting and building a healthy community through the provision of specialist housing for older people.

Environmental

- 9.14. The proposal would provide sufficient space for a designated cycle storage area with electrical power charge points specifically designed for the safe and efficient charging of electric powered cars to be provided to each unit. Whilst appearance is to be agreed the layout has been designed with an integrated approach to passive solar gain with access to daylight, insulation, thermal materials, heating, and control systems.
- 9.15. These suggested benefits will be assessed and considered against the harms of the proposal within the planning balance.

C2 Use Class

9.15. The Town & Country Planning (Use Classes) Order 1987 (as amended) states that a Class C2 use (Residential Institutions) contains the Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses). This order further defines care as being 'personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in Class C2 also includes the personal care of children and medical care and treatment.'

9.16. The NPPG further states the types of specialist housing.

Retirement living or sheltered housing.

This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services but provides some support to enable residents to live independently. This can include 24-hour on-site assistance (alarm) and a warden or house manager.

Extra Care Housing or Housing-with-care

9.17. *This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.*

9.18. The level of care statement provided with this application does provide details in regard to provision. The level care statement states "At this early stage of the scheme, it is not possible to confirm the precise details". However, does then confirm the below to be provided for residents.

- 24-hour on-site assistance (each unit will be installed with an emergency alarm).
- Night-time site security across the development.
- Dedicated staff to provide 24-hour cover for the benefit of the residents, consisting of a manager and a team of support staff.
- Residents will also have the option of moving into the adjoining care home for short periods of time for recuperation, for example after an operation to provide enhanced care and support at that period of time.
- In addition to the above, when residents require more care and assistance and are unable to live independently, they will have the option to move into Thurlaston Meadows care home, remaining in the village.
- Meals may be provided if required utilising the kitchen facilities within the adjoining care home.
- Communal landscaped areas and gardens will be maintained by staff.
- Home maintenance ('handyman') service available to proposed residents for any small household jobs.
- Domestic cleaning assistance may be provided according to residents' needs.
- Management staff will hold a master key for access to all units in case of emergency access required.

- 9.19. This level of care is contrary to the type of specialist housing suggested in Point 3.2 of the planning statement which indicates the housing to be retirement living or sheltered housing and not extra care. This is also contrary to the definition provided as part of the application description which specifically uses the term “Retirement Living Housing Scheme”. As the type of care suggested by the applicant is somewhat contrary to one and other it is considered by the LPA that the proposal does have potential to provide extra care. However, due to point 3.2 of the planning statement and the description provided the LPA deems the application to be assessed as suggested by the applicant and considered as retirement living or sheltered housing.
- 9.20. It is determined that this proposal does fall within the C2 use class due to the level of care provided and would not be considered C3 dwelling houses. This would be required to be conditioned to remain within this manner in the event of an approval.

Sustainability of Location – Appeal History

- 9.22. As stated above a large portion of the site is within the open countryside. Policies GP1 and GP2 of the Local Plan focus on the need to avoid unsustainable developments and inappropriate development in countryside locations, in addition to supporting the principles of Section 11 which stresses the need to consider the accessibility and capability of infrastructure and services, which are in short supply in this locality which does not offer sufficient services to meet the criteria required for sustainability.
- 9.23. There are a number of appeals which make assessment into sustainable and unsustainable locations. The LPA note that each planning application is to be assessed upon its own merits. However, appeal decisions do provide a wider commentary for assessing the sustainability of developments and there locations.
- 9.24. An Additional appeal decision (APP/E3715/W/19/3231710) Flecknoe Farm Stud & Livery, Flecknoe Village Road, Flecknoe, which was originally refused; on sustainability grounds by Planning Committee on 6th February 2019, supports the Local Planning Authorities decision. The appeal decision acknowledges that there would be an overwhelming reliance of the private car and that this reliance on the private car would hinder social integration between new and existing residents in the village. It then goes onto say that the remoteness of the appeal site would mean that the future occupiers of the proposed development would be unlikely to offer any meaningful day-to-day support to the facilities and services at the identified main settlements without reliance on the private car.
- 9.25. The inspector concludes that the dwellings would be within a location with poor access to services and facilities. Whilst it is accepted that the Framework recognises the opportunity to maximise sustainable transport, solutions will vary between urban and rural areas, it also states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, and that housing should be located where it will enhance or maintain the vitality of rural communities. It does not justify locating development in an inherently unsustainable location. Thus, resulting in a proposal which would be in conflict with the National Planning Policy Framework.

- 9.26. Likewise appeal decision (APP/E3715/W/19/3233944) 8 Swedish Houses, Birdingbury Road, Hill, the Planning Inspector cites that the potential for future residents to make a meaningful contribution to the vitality of Hill is severely limited given the narrow range of local services. Furthermore, Leamington Hastings and Birdingbury have few facilities, thereby limiting the potential for residents to affect or maintain the vitality in the other nearest settlements. Whilst the proposal would not be isolated it was considered that the proposal would not promote use of sustainable modes of transport and would fail to have any meaningful effect on the vitality of a rural community.
- 9.27. In the appeal decision (APP/E3715/W/20/3250957) the Old Pastures, Moor Lane the planning Inspector concludes that whilst there is a footpath from the village to Braunston it is some distance away, and the route is along the A45 London Road, which was noted on the site visit a busy unlit road, subject to the national speed limit in places, and therefore does not provide for a particularly inviting route for either pedestrians or cyclists. There is a bus service to larger centres such as Dunchurch and Rugby, though this is an infrequent service.
- 9.28. The inspector concluded, whilst recognising that the access to services and facilities would be the same for existing residents of the village, and even considering that transport solutions will vary from urban to rural areas, considering the infrequency of the services and that nearby centres are closer and more easily accessible by car, the appeal of public transport for future occupants may well be limited, and they would be more reliant on the private car for access to services and facilities. These locational disadvantages are recognised by the Rugby Borough Council Local Plan, 2019. Considerable weight was afforded to the conflict with the Local Plan and, whilst there are some economic and social benefits attributable to the proposal these do not weigh heavily in favour of the development. Any benefits would not be sufficient to outweigh the locational disadvantages and would not justify departing from the recently adopted Local Plan.
- 9.29. In addition, appeal decision (APP/E3715/W/20/3251142) Masters Barn, Masters Yard it was concluded that future occupants would be reliant upon the services and facilities in other nearby settlements, the nearest being Leamington Hastings, Marton, Frankton and Bourton on Dunsmore. These settlements are however a significant walking distance from the site and, beyond the settlement there would be a reliance on grass verges for access. These are uneven and unsuitable for walking, cycling or using pushchairs and wheelchairs. Furthermore, considering the speed limits in place, attempting to walk alongside the road with fast moving traffic may put anyone attempting to do so at considerable risk. The Local Plan is recently adopted, and considerable weight was attached to the conflict with these policies.

Sustainability of Location – Assessment

- 9.30. The LPA does accept that for a proposal of this nature, as a “retirement living scheme” minimal weight can be afforded to the residents requiring access to employment opportunities as by definition are likely to be retired and therefore would not require employment opportunities in the locality. However, It is of consideration, that this proposal is a retirement living scheme of C2 use and as can be seen within the definition of C2 use (point 9.15) it is reasonable to assume that the occupants of such a proposal proportionally are more likely to

have further difficulty with travelling via public transport and mobility issues such as walking than a proposal for unspecialised C3 dwelling (albeit still within an unsustainable location). The LPA deems this matter to hold significant weight when assessing the appropriateness and accessibility of the occupants to nearby facilities.

- 9.31. The application seeks to deliver a crèche, gym/hydro pool, community building and shop which would be available for use by the village of Thurlaston (confirmed point 3.9 of the planning statement). The LPA considers that insufficient evidence has been provided on how the creche, gym/hydro pool, community building and shop facilities will meet the need and demand of the residents of the living retirement scheme to alleviate the requirement to travel for goods and services. Nor it is evidenced that a creche or secondary community building within Thurlaston is required not only for the new occupants but also as stated within the applications supporting information for use by the residents of Thurlaston. It is accepted these on-site facilities would help to some extent to mitigate the potential for reliance on cars. However, specific details regarding these facilities have not been provided. Overall, it is of consideration the facilities may alleviate some need however without justification, the LPA cannot prescribe weight to how much the facilities alleviate the need for the use of the private motor car. Therefore, an assessment into the current services available is required which can be used to determine the necessity for the use of the private motor car.
- 9.32. Supporting information submitted with the application (under 3.18 of the planning statement and within the DAS) includes the offer of a minibus service, running throughout the day to take residents to the local shops, with the view of minimising traffic journeys from the site. This is further evidenced in TS-01-A transport statement where it is stated that the operator will provide an electric vehicle for 'taxi ride' to local services such as the local supermarket. This will go to locations chosen by residents and be demand led both in terms of locations and frequency. Whilst this is a welcomed addition, without detailed information and justification (including other successful schemes) the LPA cannot identify how significant or beneficial such a scheme may be.
- 9.33. Internet deliveries for essential goods may be used by the residents. However, it is of consideration that the minimum wait time for these types of service is at minimum next day delivery and therefore this does not alleviate circumstance for essential goods such as food or medicine and also requires a level of computer literacy.

Access to essential Services

- 9.34. The Rural Sustainability Study 2015 was submitted as part of the evidence base for the Local Plan. The rural sustainability study is in reference to Thurlaston with the majority of the proposal sited within the open countryside outside of the development plans village boundary. It is however considered that the rural sustainability study can be applied to this development bordering the boundary to assess the sustainability of the site location in question. The rural sustainability study refers to services as 'essential' and 'desirable' and offers greater weight (x4) and (x2) respectively. The study does take into account that essential services are considered of reduced weighting (x2) if there is 'good access' outside the village boundary. In the case of 'good access' the village boundary needs to be within 1.5 miles (along a traversable route) and accessed by a regular bus service.

9.35. Access to Public transport is assessed by the below parameters and as can be seen in point 9.43 of this report there is a service less frequent than hourly but several times per day which is consistent with the 2015 study.

Frequency	Weighting
More frequent than hourly service (including some Saturday service)	X5 weighting
Hourly service (including some Saturday service)	X4 weighting
Less frequent than hourly service, but several times per day	X3 weighting
Once or twice a day =	X2 weighting
One or two days per week	X1 weighting

9.38. The rural sustainability Study 2015 collates the scores giving Thurlaston an overall score of 19.

Village	Access to Services	Access to Public Transport Score	Overall Score
Thurlaston	16	3	19

9.39. Within the sustainability Study 2015 a consultation was carried out with the Parish Council to be adjusted accordingly. The LPA accepts there is now an 8-year gap between 2015 and 2023 and therefore carried out the exercise with a member of Thurlaston Parish Council in order to ensure the rural sustainability study is still applicable in this case. (Please turn over)

	2015	2023
Essential Service		
Village Hall / Community Centre	Yes	Yes
village Shop / Convenience Store	No but other access	No but other access (Londis)
Post Office	No but other access	No but other access. (Dunchurch)
Doctors Surgery	No but other access	No but other access. (Dunchurch)
Pharmacy	No but other access	No but other access. (Dunchurch)
Primary School	No but other access	No but other Access. (Dunchurch Boughton C of E)
Non-Essential Services		
Leisure Centre	No	No
Bank / B.Society	No	No
Pub (No.)	No	No
Café / Restaurant	No	No
Library (Perm or Mobile)	No	No
Place of Worship	Yes	Yes
Recreational open space	No	No
Dentist	No	No
Early Years Nursery	No	No
Garage / Petrol Station	No	No
Access to public transport		
Bus Service	580	25
Rail Station	No	No

9.40. In consideration of the above, it is determined that Thurlaston has no services within its village boundary apart from the village hall and place of worship. There is other access in accordance with the methodology of the Sustainability Study.

9.41. The LPA therefore identifies that the two likely locations used for services would be that of Rugby Town and Dunchurch. The table below details the relative distances from the application site to the services located within a main settlement and to Rugby Town Centre with associated travel time and distance:

Rural Settlement	Main Settlement	Travel Time/Distance
Thurlaston (Driving)	Dunchurch	4 minutes/1.4 miles
Thurlaston (Walking)	Dunchurch	28 minutes/1.4 miles
Thurlaston (Driving)	Rugby	10 minutes/3.8 miles
Thurlaston (Walking)	Ruby	75 minutes/3.8 miles

9.42. As stated in point 9.30 the occupiers of the proposed development are more likely to suffer mobility issues and would therefore the LPA consider both of the walking distances above to be too far thus creating substantial detriment to the occupier and evidencing the reliance on the motor car or public transport.

9.43. Section 9 of the NPPF states that appropriate opportunities to promote sustainable transport modes can be taken up given the type and location of the development for its location ensuring that safe and suitable access to the site can be achieved for all users. In terms of access to facilities, due to the location of the site, there would be a heavy reliance on the private car for residents to access services and facilities within the surrounding settlements. This by virtue of the fact that:

- The 580 National Express service was superseded during the course of this application and was replaced by the number 25 which operates from Coventry – Rugby. However, the bus stop is located a 7-minute walk away from Thurlaston Meadow Care Home and if travelling towards Coventry located opposite a busy main road.
- There is one pavement from the Care Home to Coventry Road heading into Dunchurch with limited or no street lighting; and
- The location of the pavement would require residents to cross a main road subject to a 50mph speed limit.
- The LPA notes a service No 63. However, this would require a 1.4 mile walk to Dunchurch to access the service and therefore minimal weight can be given to this in consideration of the occupants of a retirement living scheme.

Bus Service 25 – Coventry – Rugby (as of 2/07/2023)					
Monday	8:55	11:55	13:55	16:00	18:00
Tuesday	8:55	11:55	13:55	16:00	18:00
Wednesday	8:55	11:55	13:55	16:00	18:00
Thursday	8:55	11:55	13:55	16:00	18:00
Friday	8:55	11:55	13:55	16:00	18:00
Saturday	8:55	11:55	13:55	16:00	18:00
Sunday	07:55	11:09	13:09	15:09	17:24

9.44. Policy H6 references the ability for future residents to access services. The bus stop which is located approximately ½ mile and a considerable walk for residents of a retirement home is considered to be inappropriate due to the potential for mobility issues which are proportionally higher for the elderly and people requiring care. Further from this, the bus runs until 18:00 hours latest and therefore any essential or emergency goods required after these hours would require use of the private motor car.

9.45. Whilst the LPA accepts, not a material planning consideration the RTPI, Practice Advice September 2020, relating to Dementia and Town Planning, includes simple design principles that can be applied to a number of urban or rural, new development or existing settlements. One of these principles is that development must be accessible. Accessibility within the document is defined as being “land uses are mixed with shops and services within a 5 – 10-minute walk from housing. Entrances to places are obvious and easy to use and conform to disable regulations”.

9.46. In assessment of the above, the proposed site location, as clearly set out in the aforementioned points, would not constitute a sustainable location. The LPA determine that there has not been a significant justification on how the proposed facilities building nor the bus service would meet the need of the development to prevent the journey by motor car and therefore the development deemed an unsustainable location. It is recognised that the units may provide accommodation for people who have a degree of independence. However, they will need to access shopping, health and community facilities. Considering the above developing these units in an unsustainable location would mean that residents would have a heavy reliance on the private car in order to access services and facilities within the surrounding settlements. Without the motor car, the residents will be without access to goods in event of emergency and routinely and therefore not meeting the requirements of Section 2 of the NPPF and Policy GP1, GP2 and H6 of the Local Plan.

9.47. The harm identified is given significant negative weight which will be balanced against the benefits within the planning balance.

10. Housing Need for Older People

10.1. Policy H6 of the Local Plan states that the Council will encourage the provision of housing to maximise the independence and choice of older people and those members of the community with specific housing needs.

10.2. Policy H6 further states, when assessing the suitability of sites and/or proposals for the development of specialist housing such as, but not restricted to, residential care homes, extra care housing and continuing care retirement communities, the Council will have regard to the following:

- The need for the accommodation proposed, whereby the development contributes towards specialist housing need as identified within the Strategic Housing Market Assessment (SHMA)
- The ability of future residents to access essential services, including public transport, shops and appropriate health care facilities.

10.3. As concluded in section 9 the proposed site is contrary to the second bullet point listed above.

The Need within the Strategic Housing Market

10.3. Section 5, Paragraph 62, of the NPPF states that the amount and tenure of housing needed for different groups should be assessed and reflected in planning policies including providing housing for older people and people with disabilities.

10.4. The units would be considered to be within the open countryside but do border the village of Thurlaston and if to be developed could be experienced as an extension of the village. There is a 2016 study "A Detailed Investigation into The Housing Needs of Thurlaston Parish" which was completed in consultation with the residents of Thurlaston and returned the identified need for 1 open market home and 0 affordable homes this was forecasted for the

next 5 years from 2016. Although this does provide commentary of the recent need due to the dates the information would now be considered outdated.

- 10.5. Policy H6 of the Local Plan was informed by the SHMA, this identified that a key driver of change within the housing market over the plan period, will be the growth in population of older people. It is estimated that there will be a 122% increase in the 85 and over age group over the life of this Local Plan and a total increase of over 55-year-olds by 51%. This provides the highest need in the whole Housing Market Area and as such demonstrates a clear need for housing for older people within the Borough of Rugby.
- 10.6. The SHMA identifies a requirement for market Extra Care provision of 72 units and 22 affordable Extra Care units although this is stated to be indicative. Planning Practice Guidance for Older and Disabled people released in June 2019 identifies the different types of specialist housing for older people. This proposal is identified as being 'Retirement Living or Sheltered Housing' as stated within point 9.19 of this report.
- 10.7. The LPA currently has a live application for an extension at the care home. Currently, this application remains undetermined however, is to be recommended for approval by the LPA subject to members determination at committee. It is of consideration that if the proposal R21/0152 were to be delivered this would go towards meeting a qualitative need on the proposal site.
- 10.8. Whilst the 2013 SHMA excludes "Retirement Living" type of specialist housing from assessment, it is acknowledged that weight in favour of the proposal can be given to the site's role in contributing to specialist housing need.
- 10.9. The Coventry and Warwickshire Housing and Economic Development Needs Assessment informed by the 2021 Census Data, considered the need for all types of older persons accommodation as set out in the Planning Practice Guidance and therefore provides an updated evidence base since the SHMA. The HEDNA also projects significant growth in the local population aged 65+ both across Warwickshire, and in Rugby. It also draws a link between the older population and the population with long term health conditions, and notes that currently circa 78% of Rugby's population in the 65+ age bracket are owner occupiers (high home ownership in 65+ is reflected across the Warwickshire population).
- 10.10. The HEDNA goes on to identify a very notable shortfall in the provision of 'market housing with support' across Warwickshire suggested to be 1647 (table 14.11, p316) and that need is projected to grow. This is not however mirrored in affordable need for Market housing with support, which is highlighted as in surplus across the county. This is not the case for affordable housing for C3 residential dwellings.
- 10.11. The HEDNA does provide more up to date evidence on need at a Warwickshire level than was available at the time the application was originally submitted. This need is for the whole of Warwickshire and therefore provision for this need should not nor does it need to be entirely within the Borough of Rugby.
- 10.12. Overall, a need is accepted by the LPA informed by the evidence base which attracts positive weight in favour of the proposal. However, this must be weighed against the harms within the planning balance.

11. Character and Design

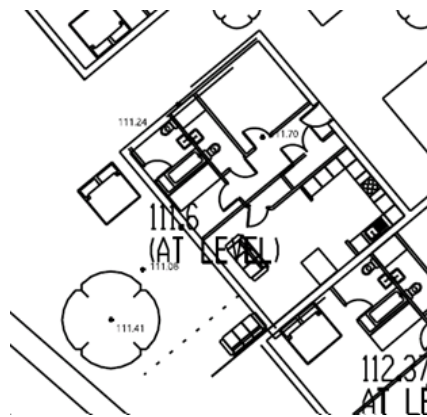
- 11.1. Local Plan Policy SDC1 seeks to ensure that development is of a high quality and will only be allowed where proposals are of a scale, density and design that responds to the character and amenity of the areas in which they are situated.
- 11.2. Section 12 of the NPPF states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve.
- 11.3. Whilst appearance and scale are not matters for consideration under the outline application the layout of the proposal is a key consideration. The LPA identify significant issues when taking the layout into consideration on its impact to the existing density of Thurlaston. Although, it is considered the majority of the proposal would be in the open countryside physically and visually the proposal would be experienced as an extension of the Village of Thurlaston.
- 11.4. Thurlaston Village Design Statement identifies that the main area of open land, with accompanying well wooded coppice, is contained within the grounds of Thurlaston Meadows Care Home. Similarly, the field adjoining Biggin Hall Lane is a valuable open space which contributes largely to the character of the village.
- 11.5. The Thurlaston Village Design Statement then goes onto say that development within this location would seriously diminish and have an incongruous effect on the character and appearance of Thurlaston and adjoining Conservation Area (to be explored in Section 12). The existing open countryside, with abundance of mature trees and vegetation, makes an important contribution to the visual amenities of the surrounding area.

Density

- 11.6. It is considered that the landscape and open countryside currently acts as a buffer between Thurlaston and the built form of the care home and loss of this landscape and the development of built form within the space would cause a coalescence with the dwellings on Biggin Hall Lane and both physically and visually would extend the village of Thurlaston. The main character is formed by low density linear development within an agricultural setting, this would be entirely altered by development of this nature and is therefore considered significantly detrimental to the character of the area and contrary to Policy SDC1.

Plan Error

- 11.7. On the attached site plan there is one unit which appears not to have been drawn correctly. The LPA considered that this could be rectified however, a full assessment cannot be made on the layout of the proposal with these incorrect details. There is also notable concerns on the available garden size of the dwelling featured in the image and its neighbours.



- 11.8. The proposal does propose changes to the levels within the site. The current sections provided do not demonstrate the level changes across the entirety of the site and are taken across a variety of positions only offering partial drawings of the site. Due to this it is considered that the LPA cannot fully assess the changes to the levels required to bring the site forward as well as ensure the site is useable by the residents who proportionally are more likely to encounter mobility issues. This is of significant concern in relation to the development and is considered contrary to Policy SDC1.

Impact on the Landscape

- 11.9. Landscaping is a reserved matter and therefore the details regarding landscaping would be considered at the reserved matters stage. However, an assessment is required at outline stage to identify the impacts to the existing landscaping against the proposed principle, layout, and access.
- 11.10. The proposal lies within national character area profile 96:Dunsmore and Feldon which is stated to be predominantly a rural, agricultural landscape, crossed by numerous small rivers and tributaries and varying between a more open character in the Feldon area and a wooded character in Dunsmore. The application site is within the Dunsmore area.
- 11.11. The Warwickshire Landscape guidelines class the proposal site as Plateau fringe with a rather variable often large-scale farmed landscape with a varied undulation topography and characterised by a nucleated settlement pattern of small often shrunken villages. The Warwickshire Dunsmore Landscape Map characterises;

- Undulating topography of low rounded hills and narrow meandering river valleys
- Large, arable fields, often with a poorly defined field pattern,
- Pockets of permanent pasture and smaller hedged fields, usually associated with more steeply sloping ground.

11.12. It is stated within The Thurlaston Village Design Statement that the village has open farmland to the north, east and west, mainly used for grazing pasture for sheep and cattle with Draycote Water to the south. The Thurlaston Village Design Statement further states, the countryside permeates into the heart of the village from the west along Biggin Hall Lane. This combination of countryside and dwellings is part of the village heritage and history. The design statement also references the rural character of the approach along Biggin Hall Lane should be preserved and enhanced by appropriate landscaping.

11.13. The eastern part of the site is largely dominated by the built form of the care home. The western part of the site is a mixture of wooded areas with a number of clustered trees and TPOs. The LPA considers the site would not be considered a woodland in its entirety in consideration of the larger areas of open grounds when balanced against the concentration of trees. However, the landscape does contain typical features seen within the character profile and is consistent with the concentrated but sporadic vegetation opposing Biggin Hall Lane and further south. From a wider topographical point view the vegetation also feeds into the woodland further west on Biggin hall lane and the vegetation further south which sits to the rear of the dwellings on Main Street and forms boundaries to the fields.

11.14. The LPA considers a number of viewpoints to assess the impact the development would have upon the landscape including Main Street (views from Thurlaston), view from the northern point of Biggin Hall Lane, a view from the western point of Biggin Hall Lane, as well as the view from the PROW.

Main Street

11.15. From North to South on Main Street views are offered but mostly screened. The open landscape can be viewed at the junction of Biggin Hall Lane. Considering the Layout of the proposal, this would be impacted with the two facilities buildings, (shop and community building and the creche and pool building) which would further screen the openness of the landscape and creating a likely incongruous development not reflected elsewhere along Main Street. Further South, Main Street offers views of the openness through the entry of the care home. At this point the tennis courts, facilities buildings and the built form of the dwellings would become apparent. It is considered that the viewpoints from Main Street are screened by the boundary wall and therefore the built form is somewhat alleviated at eye level other than in the openings mentioned above. It is considered that there is a harmful impact on the landscape from this position mainly from the views through the junction of Biggin Hall Lane.

Biggin Hall Lane North

11.16. As the site boundary runs along the length of Biggin Hall Lane the built development would have an impact on this landscape. The site from west to east follows a considerable gradient to its lowest point before rising again to meet the level of the dwellings on Biggin Hall Lane.

The levels are indicated to be raised in this position the LPA considers this would increase the prominence of the dwellings from Biggin Hall Lane.

11.17. The LPA accept that the implementation of Landscaping is a reserved matter, the site plan does indicate deciduous trees are to be planted on Biggin Hall Lane alongside the retained trees as existing to mitigate the impacts of the built form. As the trees are deciduous, full screening would not be offered in times of the leaves being shed in turn offering views into the site and the proposed built form.

11.18. It is considered that the introduction of the built form would cause loss of the open landscape and erodes the separation and gradual transition from open countryside to the built form of the village of Thurlaston which is considered harmful.

Biggin Hall Lane West

11.19. From this view point the proposal would demolish the existing residential dwelling Patricks field and would be demolished and replaced with a cluster of 7 dwellings with an emergency exit alongside proposed additional planting and grassland in the south-western corner. The LPA accepts there is built form along this portion of Biggin Hall Lane. The built form is largely on the western side apart from Patricks Field. Currently Patricks Field offers an attractive residential garden which coalesces with the existing landscape. This would be lost by the proposed development which would introduce built form of 7 dwellings on the eastern side of Biggin Hall Lane with the 4 units closest to the boundary although screened be apparent. The introduction of built form when experienced as an entirety on Biggin Hall Lane would erode the landscape and create a continuum of built form from Biggin Hall Lane into Thurlaston.

Public Right of Way (PROW)

11.20. Entering the site from Main Street, the PROW runs across the southern boundary of the site in and is largely screened in the direction of the care homes grounds. Progressing further along the PROW intersects the proposed development site. Views are offered into the care homes grounds at a number of breaks in vegetation which would reveal the proposed built form. However, the LPA does accept that the grounds are partially screened. Facing a southern direction is where the development would create the most harm. Views south from the PROW offer vast open views of undulating open countryside subdivided by vegetated boundaries (field hedges) and trees. This viewpoint is particularly attractive and the introduction of the bungalows in this position would erode the openness and significantly harm the landscape from the PROW both visually and for the experience of the user.

11.21. An LVIA was not submitted with the original submission of this application and therefore the applicant offered no detailed justification, consideration, or assessment of how this development has been designed to preserve and or enhance the landscape. Due to this the LPA consider that the impact to the landscape is considered to be significantly harmful.

11.22. The application is in outline and landscaping is a reserved matter. However, it is determined that any level of landscaping would be insufficient to mitigate the scale of change proposed within this development and that any overly extensive landscape planting to screen the site would further create enclosure in turn failing to embrace the open characteristics of the site and surroundings resulting in significant harm.

11.23. The proposal is therefore considered contrary to Policy SDC1 and Policy NE3 and the above attracts significant negative weight within the planning balance.

12. Impact on the Conservation Area

12.1. Policy SDC3 of the Local Plan states that development will be supported that sustains and enhances the significance of the Borough's conservation area. This is supported within Paragraph 190 (c) of the NPPF which states that the desirability of new development making a positive contribution to local character and distinctiveness.

12.2. The application site is located within Area 3 of the Thurlaston Conservation Area which encompasses Thurlaston Meadows Care Home. The appraisal explains the most dominant building in the village is the Warwickshire Private Nursing Home, which was formerly a substantial private house with Victorian origins. The building has been much altered and extended with the original now overtaken in scale by the later additions. The building is large and sprawling yet responds to the prevailing character of the Conservation Area through the use of red brick, tile/slate, incorporating dormer windows and sharing similar heights to surrounding buildings.

12.3. The buildings are set within large undeveloped grounds which provide an important open space. The grounds are partially within the Conservation Area and are the largest undeveloped space within the designation. The site itself bordered by a prominent red brick wall which acts as an enclosure to buildings within the nursing home complex. This wall is the most dominant boundary feature in this part of the Conservation Area and is visually attractive.

12.4. The NPPG states that Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm. The NPPG continues by stating that Applicants are expected to describe in their application the significance of any heritage assets affected, including any contribution made by their setting (National Planning Policy Framework paragraph 189). In doing so, applicants should include analysis of the significance of the asset and its setting, and, where relevant, how this has informed the development of the proposals. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance.

12.5. There has been no specific heritage impact assessment submitted with application R20/1030 with information provided within the planning statement. The applicant deems the proposal less than substantial harm and weights this against the public benefits of the proposal and deems the proposal to be acceptable (Point 7.49-7.50 of the Planning statement).

12.6. The LPA consider a number of Listed Buildings within the conservation area which will be discussed below;

Pipewell Cottage Grade II Listed entry number 1034925

12.7. Pipewells Cottage is set back from Main Street and fronts pudding bag lane and therefore the impacts of this proposal would not be considered to directly harm this listed building nor its setting.

Stanleys Farmhouse Grade II Listed entry number 1034924

12.8. Stanleys Farmhouse opposes the care home and is a prominent building within the conservation area including its associated amenity space. The proposal would not be considered to directly harm this building nor its setting.

The Old Forge Grade II Listed entry number 1116482

12.9. The Old Forge is the corner dwelling on the junction of Biggin Hall Lane and Main Street and is prominent within the conservation area due to the Thatched roof Profile and siting abut the highway. The site plan layout shows the shop and community building to oppose the listed building on the junction. There is suggested tree retention to the corner which provide some screening however, nonetheless the built form would impact the setting of the Listed Building. At outline, the scale of the proposals and appearance are reserved. Therefore, an assessment at this point must be made on whether the layout, i.e the building being in this position would be of detriment to the setting of the Listed building. The LPA considers that the introduction of built form would lead to less than substantial harm to the setting of Listed Building. This therefore would need to be balanced against the public benefits within the planning balance.

The Conservation Area

12.10. The shop and community building would be prominent within the conservation area and would add a retail element to the conservation area which does not currently exist. Gray's Cottage is stated within the character appraisal to act as a strong focal point which signals the return to the village. The built form of this development would alter this and instead create a sprawl of built form from Biggin Hall lane which in turn damages the transition from countryside into the conservation area. The significant increase in density and built form alongside the retail addition to the junction, the loss of important open countryside and the less than substantial harm to the setting of The Old Forge cumulatively would be considered to significantly alter and lead to substantial harm the conservation area. The applicant has offered no further justification to the LPA.

12.11. Due to substantial harm to the conservation area and less than substantial harm to the setting of the listed building. The NPPF states under para 201 where a proposed development will lead to substantial harm to Local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. This substantial harm shall therefore be weighed against the benefits within the planning balance.

12.12. If the harms do outweigh the benefits the application is to be considered contrary to Policy SDC3 of the Local Plan.

13. Noise, Air Quality and Contamination

Noise

- 13.1. Paragraph 174, 185 and 187 of the Framework and policies HS5 and SDC1 of the Local Plan set out the need to ensure that the proposed development would not be adversely affected by noise.
- 13.2. A noise assessment was not submitted with the proposal. The Northern boundary of the development site is located approximately 350m South of the M45. Noise mapping data suggests there could be a detrimental impact from road noise to those dwellings located on the Northern boundary and therefore Environmental Health recommend a noise assessment condition.
- 13.3. There is also potential noise impact on current residential properties to the north of the site from any plant equipment associated with the planned gym and pool and community centre and shop buildings. Therefore, Environmental Health recommend a scheme of works condition that ensures that before the installation of any plant or equipment details are submitted and checked to ensure there will not be a detrimental impact from noise by achieving NOEL (No observed Effect Level).
- 13.4. The technical consultee would also require a Construction and Environmental Management Plan to ensure mitigation from construction noise, dust and vibration.

Air Quality

- 13.5. Paragraph 186 and 187 of the Framework and policy HS5 of the Local Plan set out the need to consider the impact of the proposal on air quality. Further detailed guidance is outlined in the Air Quality SPD.
- 13.6. The development site is located outside (but does border) Rugby Borough Council's Air Quality Management Area. Environmental Health consider the amount of new dwellings and parking along with the trip analysis in the Transport Statement reference: 344-TS-01-0 does not meet the criteria set out in Land-Use Planning & Development Control: Planning For Air Quality guidance and therefore would not recommend the need for a full air quality assessment to be provided under condition with the recommendation that the standard air quality neutral standard is applied.

Contamination

- 13.7. Paragraphs 174, 183 and 184 of the Framework set out the need to ensure a site is suitable for its proposed use taking account of risks arising from contamination.
- 13.8. A geotechnical desk study was submitted with the planning application and assessed by Environmental Health. The report identifies although the desk study has not identified any significant potential sources of contamination or hazardous ground gases at the site there are small areas of potential contamination and further intrusive investigation is required. Therefore, Environmental Health advise that based on the recommendations a contaminated land condition should be added.

13.9. At this stage, air quality, noise and contamination have been assessed by Environmental Health. The technical consultee takes a stance of no objection subject to conditions which enable further investigation and mitigation measures. The application therefore is considered acceptable in relation to the above matters.

14. Archaeology

14.1. Section 16 of the Framework and policy SDC3 of the Local Plan sets out that new development should seek to conserve and enhance the historic environment.

14.2. Submitted with the application is a desk based archaeological assessment, archaeological geographical survey, written scheme of investigation and trial trenching report.

14.3. Warwickshire County Council Archaeology were consulted in order to assess the submitted information. The trial trenching conclusively demonstrated that archaeological remains dating to the late Saxon, medieval and post-medieval periods survive within the site. These remains which included a complex of ditches, pits and gullies possibly relate to previous agricultural and water management of the site. The proposed development will have an impact on the archaeological features which survive across the site.

14.4. WCC archaeology take the stance that this could be mitigated by an appropriate programme of archaeological work and therefore recommend a condition that prior to commencement an archaeological mitigation strategy has been submitted and approved.

14.5. Therefore, it is of consideration that the proposal could impact archaeological features within the site. However, the leading technical consultee deem that this impact can be appropriately mitigated against subject to condition.

15. Impact on Residential Amenity

15.1. Policy SDC1 states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

15.2. Likewise, Section 12 of the NPPF states that development will provide a high standard of amenity for existing and future users. The layout submitted has identified that the site would accommodate 35 new retirement homes.

15.3. Patricks Field would need to be demolished and therefore would not be impacted by the proposal. Nut Coppice is the other dwelling which would have potential to be impacted by the site. The main development near this dwelling would be the bowling green which both borders the site. It is considered at the outline stage that loss of light and privacy would not be considered significantly detrimental. This would need to be reviewed at the reserved matters stage.

15.4. Therefore, the outline application is considered acceptable in relation to impacts on the amenities of neighbouring properties. The impacts would need to be appropriately addressed at the reserved matters stage should outline planning consent be granted.

16. Public Rights of Way (PROW)

16.1. Public footpath R310 runs outside of the south-western and eastern boundary of the site, apart from the central portion of the path which cuts across a south-westerly projection in the site boundary.

16.2. WCC Paths Team have been consulted to assess the impact of the proposal. This consultation was received in January 2021 with the site layout amended in March 2021. Therefore, the response related to the 40-bungalow layout and not the scheme DWG NO 3703-101 Rev C. The scheme does differ in relation to the PROW as although the total number of units are reduced 4 units are moved to within the southern-most portion of the site. The impact of the views from the PROW have been assessed within the landscaping section. The revised layout does add units in proximity to the PROW. The PROW does appear to be mapped and considered within the plans but does run close between a bungalow and the existing pond. It would be required that the PROW at this pinch point remains unobstructed and open to 3 metres in accordance with Policy RW5c: Legal widths of rights of way and recreational highways.

16.3. WCC PROW did raise concern regarding the footpath crossing the proposed new road. The technical consultees authorisation as Highway Authority would be required to disturb or alter the surface of a public right of way. In order to grant such authorisation for the access road to be constructed across the public footpath WCC need to be satisfied that the ground levels of the sections of public footpath either side of the access road would be restored to an acceptable condition and that the levels will be flush with the edge of the access road. Given that the public footpath will be serving a new residential development WCC also consider it appropriate for the developer to surface the public footpath with tarmac, particularly the section of public footpath that would run eastwards from of the proposed internal access road towards Main Street. These matters have not been confirmed as part of the planning application and therefore should be safeguarded under condition or as part of a legal agreement in the event of an approval.

16.4. Subject to the above being met, the technical consultee recommends the following conditions be added to a decision notice in the event of approval.

- No site security fencing may be erected on or within 1m of public footpath R310.
- Prior to commencement of any works involving disturbance of the surface of public footpath R310 the developer must contact Warwickshire County Council's Rights of Way team Highway Authority to obtain any necessary consents and make any necessary arrangements for the protection of the public footpath and its users.
- Prior to the commencement of any works to resurface public footpath R310 the specifications for the new surface must be submitted to Warwickshire County Council for approval. All resurfacing works on public rights of way must be completed to the satisfaction of the Highway Authority prior to the first occupation of any property at this site.
- The applicant must make good any damage to the surface of public footpath R310 caused during works.

16.5. Subject to the above conditions the application can be considered acceptable in relation to the PROW. Impacts from the viewpoint offered by the PROW have been assessed within the landscaping section and considered significantly harmful and this will attract negative weight within the planning balance.

17. Highway Safety

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

17.2. Warwickshire County Council (Highways) initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the agent for the additional information; to be submitted with the application.

17.3. A transport statement was provided 344-TS-01-A dated February 2022. This statement does still refer to the retirement living scheme of 40 Residential units and under appendix C represents a scheme of 37 units. The current scheme being assessed is at 35 units which does impact the validity of the Transport statement.

17.4. On email between the agent and WCC highways, the agent requests that the consultee takes the transport statement 344-TS-02-0 for R21/0152 as a consultation for both applications including R20/1030.

17.5. WCC Highways reviewed the information as requested and the latest response from the WCC Highways refers to missing information including;

- The updated transport statement referred to - MAC reference 344-TS-01-A, this doesn't appear to have been submitted?
- Where the internal footway meets the public highway footway is the wall being removed to provide a transition or are pedestrians going through the access?
- Details on the minibus service Clarification on the shop etc proposed on-site - are they open to public, just residents etc?
- Is enough parking provided for these uses?
- Please could you show PROW R310 on the site plan and a formal crossing point across the internal road for users of the PROW. (have WCCs PROW team been consulted?)
- Management strategy for the emergency access
- Various swept paths for refuse vehicle at the main site access and internally and swept path analysis for 2 MPVs to pass in the southern staff access.
- The relocated bus shelter looks as though it would narrow the footway width, please confirm.

17.6. There is reference of the relocation of a bus stop. This would not be supported in terms of impact on the conservation area as the bus stop is considered valued street furniture which

contributes positively to the conservation area and the sense of place within Thurlaston as a community notice board.

17.7. It is therefore considered that the initial objection has not been overturned due to lack of information and therefore the application is considered contrary to Policy D1 and D2 of the Local Plan. This attracts significant negative weight within the planning balance.

18. Trees

18.1. Paragraphs 131 and 174 of the Framework and policies NE3 and SDC2 of the Local Plan set out the importance of incorporating features such as trees and hedgerows into the proposed development.

18.2. In regard to the original layout the arboricultural officer, objected to the proposed layout and recommend that the agent revisited the layout in order to gain a more successful relationship between proposed built new form and existing tree stock.

18.3. The proposed site has a number of Tree preservation orders throughout the site.

18.4. An arboricultural statement has been submitted with the planning application and RBC arboricultural officer has been consulted to assess the application. The officer had a number of concerns in regard to the proposed development at 37 units in relation to trees. A consultation on an amended scheme returned the following concerns;

- TPO tree T23 (T260) in tree report has developed a large split in it (at approx. 5m in central stem) and therefore not worthy of retention.
- T166 (Poplar) and contained within TPO group no. G5 would have the new access road directly against it. The arboricultural officer deems this to require amendment.
- T258 (Ash – TPO no. 24) dominates the rear aspect of a planning unit bungalow.
- Bungalows are proposed in very close proximity to T28-T33 (Beech and Lime). The RBC arboricultural officer notes their height, collective dense stature (the trees are in excessive of 20 metres in height) considers the tree and unit have an unacceptable relation via an overbearing impact on the bungalows.
- To the southwest near TPO woodland group (W1) “sunken dwellings” are proposed. The RBC arboricultural office seeks clarification on building/land profile/excavation and proximity to retained trees be assessed in order to prevent negative impacts on the trees.
- Trees 136 and 137 (Chestnut and Sycamore) would have bungalows in close proximity and are likely to dominate the rear aspect (overbearing/loss of light etc.)

18.5. In assessment of the consultee’s response, the LPA consider that overbearing and loss of light may be alleviated dependent on the eventual reserved matters and therefore would note concern at this stage. The LPA does however consider that the lack of information provided by the agent on the retention and preservation of the southwest TPO woodland and the implementation of the access road near to the TPO would be considered significantly detrimental to the existing trees on site. Overall, due to lack of information it cannot be determined that TPO trees within the site are appropriately retained and protected.

18.6. Therefore, the application is considered contrary to Policy NE1 of the Local Plan.

19. Flood Risk and Drainage

- 19.1. Paragraphs 159-169 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.
- 19.2. A flood risk assessment was submitted with the application. The report establishes that the application site falls within flood zone 1 (lowest risk) and therefore passes the requirements of the sequential and exception tests outlined within the Framework and policy SDC5.
- 19.3. The application does constitute a major development and therefore Warwickshire County Council Flood Risk Management Team and the Environment Agency have been consulted on the application. No comments have been received from the Environment Agency in respect of this proposal.
- 19.4. WCC FRM agreed with the flood risk assessment confirming that the site is located wholly within Flood Zone 1 in accordance with the publicly available Flood Map for Planning. The technical consultee reviewed the Long-Term Flood Risk Information Surface Water mapping and identified two areas of 'High Risk' surface water ponding on site, with 'Low Risk' surface water flow paths associated with these. It is noted that one of these areas is associated with an existing pond which is to be retained; however, the northern area of surface water ponding is proposed to be managed through a series of flood resilience measures. WCC FRM require further consideration to cut off features to manage surface water flows or a designated green-blue corridor to manage the flow path and request this to be explored at reserved matters stage.
- 19.5. WCC FRM also confirmed that the applicant has stated that Sustainable Drainage Systems (SuDS) will be utilised to manage surface water flows. The technical Consultee scrutinised that the no information on discharge rates or volume of surface water drainage was made available. Further to this, no site surface water outfall has been identified and consideration of overland flow routes or future operation and maintenance of SuDS is also not available.
- 19.6. The technical consultee requested the further information be provided.
- 19.7. A surface water drainage strategy, proportionate to the size and scale of the proposed development, which should include the following:
- Plans of a proposed surface water drainage strategy, showing proposed sustainable drainage (SuDS) features, indicative levels and a suitable outfall location/discharge point.
 - Evidence that the proposed discharge, generated by all rainfall events up to and including the 1 in 100-year return period plus climate change, has been limited to QBAR.
 - Where proposing an infiltration led drainage system, soakaway testing compliant with BRE Digest 365 Soakaway Design Guide standards to be provided to demonstrate this is a viable means of surface water disposal. Where infiltration is proven to be insufficient

and it is proposed to discharge to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.

- Operation and maintenance information regarding the proposed surface water drainage system for the lifetime of the development.
- Consideration of a proposed allowance for exceedance flow and associated overland flow routing.

19.8. As confirmed by WCC Flood Risk no further consultation was made with the updated information. Therefore, it is determined that the application has insufficient information in regard to Sustainable Drainage and therefore is contrary to Policy SDC5, SDC6 of the Local Plan.

20. Ecology

20.1. Paragraphs 174 and 180 of the Framework and policy NE1 of the Local Plan set out the need to protect and enhance biodiversity including protected habitats and species.

20.2. Warwickshire County Council (Ecology) object to the application on the grounds that insufficient information as well as information which requires update has been submitted and therefore the technical consultee recommends that the application is refused.

Preliminary Ecological Appraisal

20.3. A PEA was submitted and amended through the course of this application. Assessment has been made on impacts of the existing care home. However, this assessment is required for the application R21/0152 and not required for this development.

20.4. The PEA notes four trees with moderate or high bat roost potential were found within the site and WCC Ecology raise concerns that within the arboricultural survey two of these (tree no. 156 and 266) are proposed for removal and should be subject to further investigation.

20.5. The technical consultee also considers the information out of date as it was carried out in May and June 2020. With recommendation that an updated site walkover of the entire site and an updated Preliminary Roost Assessment of the buildings is undertaken to assess whether any changes have taken place, and whether the assessment of bat roost suitability has changed.

20.6. The report also makes recommendations for bat foraging activity surveys to determine usage of the wider site which are required prior to determination.

Reptile Survey

20.7. A reptile survey report was also submitted detailing the results of a series of surveys using artificial refugia (reptile mats). These were carried out from mid-September to October 2021, which WCC Ecology scrutinise as late in the season and not optimal timing for reptiles. Two grass snakes were found using the refugia on several occasions. WCC Ecology therefore raise concerns that if surveys were undertaken in April or May, greater numbers may be found. Given the suitability of habitats in the wider site the likely impact on reptiles has

therefore not been adequately assessed. The technical consultee therefore requires Updated reptile surveys, to include visits in April/May, which should be undertaken and the results included in the EclA.

Great Crested Newts (GCN)

20.8. Planning Ecology consider the GCN eDNA survey report to clearly present the results of pond surveys using various methods including eDNA sampling, which has confirmed the presence of great crested newts in Pond 1, which falls within the site. The technical consultee therefore determines that GCN can be considered present within the site. WCC Ecology therefore require that in order to determine the population size and likely impact of the development. a full survey of all ponds within 250m should be undertaken prior to determination, with the results and any necessary mitigation included in the EclA.

Biodiversity Net Gain

20.9. The Warwickshire BIA has been completed for the application which indicated that the development will result in a biodiversity net gain of 4.54 units. WCC Ecology consider this to be dependent on the habitats being created and managed in the long term (30 years) which would need to be secured via a Landscape and Ecology Management Plan (LEMP). WCC Planning Ecology also scrutinised the BIA and clarify the amended BIA should be included as part of the EclA for the application.

20.10. An ecological enhancements/ habitat plan should be included as part of the EclA to clarify the locations of the proposed habitats listed on the BIA within the site.

20.11. 1.15 ha of the site is broad-leaved parkland which is a high distinctiveness habitat and this is the category for Wood Pasture and Parkland Habitat of Principal Importance only. It is proposed that 0.54ha will be retained and enhanced. However, WCC Ecology query these proposed enhancements with specific information is needed including how management of the parkland will improve the existing condition from poor condition to good condition in 15 years. WCC Ecology expect this is not likely to be achievable.

20.12. It is recognised that the application is in outline however, the technical consultee recommends a precautionary approach at this stage to ensure once revisited at the reserved matters stage when detailed landscaping and management is known that a gain could be achieved. At the reserved matters stage, an updated BIA would need to be carried out to re-assess the biodiversity impact and re-visit the calculation at that stage.

20.13. Taking the precautionary approach Ecology has the following concerns and revisions required to the BIA calculation;

- Broad-leaved parkland is a high distinctiveness habitat and its loss should be avoided. Currently 0.61ha is proposed to be lost within the development.

- 0.2 ha of plantation woodland is proposed to be retained and enhanced from poor to good condition in 20 years. As above, details of the proposed management of the plantation woodland will be needed at this stage to demonstrate how this will be achieved.
- The existing pond (0.12ha) is proposed to be retained and enhanced from moderate to good condition. WCC Ecology raise concerns that if the pond would be subject to any run-off from the development or used for flood attenuation purposes, then the good condition won't be achieved. Please can further information be provided to clarify the proposals for the pond.
- An area of 0.11 mixed semi-natural woodland is proposed to be retained and enhanced. 0.30 ha proposed to be lost. However, the PEA describes the woodland on site as native, rather than mixed woodland. This requires clarification as Native woodland is a High distinctiveness habitat. Further from this existing woodland types should be clarified. Area F on the Phase 1 habitat map is classified as 'Woodland' however in the text F refers to Plantation Woodland.
- The proposed amenity grassland habitat should be entered with a target of poor condition, rather than good condition (in line with the Habitats Tab). This is to be consistent with the approach for amenity grassland which is generally always has a poor target condition, unless further information is provided on the proposed grassland management.
- The semi-improved neutral grassland is proposed as good condition in 5 years. Ecology would recommend this is changed to moderate in 15 years.
- As above, as the proposed broad-leaved parkland refers to the HPI Wood Pasture and Parkland habitat. WCC Ecology unlikely to be achievable to be created in good condition in 5 years. Further information to clarify the habitat type and proposed habitat will be needed.

Hedgerow Impact Assessment

- 20.14. A total of 300m of hedgerows are proposed to be removed and 450m to be retained. WCC Ecology welcome the proposed total of 550m of new species rich hedgerows in the plans. However, the technical consultee requires clarification to be provided on the location of the hedgerows on the site e.g descriptions of the locations or shown on the ecological enhancements plan.
- 20.15. Overall, the technical consultee recommends the results of the surveys should be used to produce an Ecological Impact Assessment (EclA) to present the findings, assessment and mitigation for all ecological features identified within the site and should include a Biodiversity Impact assessment and include a working copy of the biodiversity metric itself.
- 20.16. The LPA consider there is a number of outstanding pieces of information in relation to Biodiversity, habitat and species. At this point the LPA cannot determine whether the proposal is acceptable on Ecological grounds and WCC Ecology recommend the application to be refused without such information.
- 20.17. This application is therefore considered to be contrary with Local Plan Policy NE1 of the Local Plan.

21. Broadband

21.1. Policy SDC9 of the Local Plan sets out the need for new developments to facilitate and contribute towards the provision of broadband infrastructure. A condition should be added to any approval decision notice which stipulates that no dwelling shall be occupied until broadband infrastructure at a minimum of superfast speed has first been installed and made available for use by the occupants of that dwelling in order to comply with Policy SDC9.

22. Water Consumption

22.1. Policy SDC4 of the local plan stipulates that all new dwellings shall meet the building regulations requirement of 110 litres of water per person per day. This would be required as a condition on any decision notice. complies with policy SDC4.

23. Planning Obligations

23.1. Paragraphs 55, 57 and 58 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.

23.2. 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.

23.3. 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.

23.4. The LPA would like to highlight that a number of technical consultee responses are in relation the 40 unit scheme. Where the contribution is related to a per dwelling calculation these have been adjusted accordingly. In the event of approval, the LPA would, deem it appropriate to reconsult on the below figures where this adjustment cannot be made to ensure the contribution is directly related to the development.

Heads of Terms

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

Obligations	Requirement	Trigger
Rugby Borough Council – Monitoring contribution	To contribute towards the cost to the Council of monitoring the implementation and compliance with the legal agreement	Upon first occupation of the development

Warwickshire County Council – Libraries	£547 financial contribution to improve, enhance and extend the facilities or services of a specified library service point where local housing development will mean an expected increase in numbers of people using those facilities.	Before first occupation
Warwickshire County Council – Public Rights of Way	£2338.60 financial contribution to support the ongoing maintenance of public rights of way within a one and a half mile radius	Before first occupation
Warwickshire County Council – Sustainable travel Promotion	£10 per dwelling x 35 = £350 contribution to promote sustainable travel	Before first Occupation
Warwickshire County Council – Road Safety	£50 per dwelling x 35 = £1750 contribution sought to support road safety initiatives within the community associated within the development. Road safety initiatives include road safety education for schools and training/education for other vulnerable road users within the area	Before first occupation
Warwickshire County Council – Monitoring and Administration	The County Council requires a monitoring fee for the monitoring and administration of County Council obligations	Upon signing of the agreement
NHS Coventry and Rugby CCG	£64,562 contribution towards Health Primary Care	Before first Occupation

23.6. 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. The applicant has provided no viability report to state otherwise.

23.7. Therefore, 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.

23.8. 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.

24. Planning Balance

- 24.1. 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.
- 24.2. 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)) outlines that this 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 considered to be an up-to-date development plan.
- 24.3. A straightforward neutral balancing exercise must therefore be carried out to weigh up whether the identified harm caused by the proposed development would outweigh the benefits. This should take account of the economic, social and environmental objectives which are necessary to achieve sustainable development.

Economic

- 24.4. It is accepted that during the construction phase the development would offer short term indirect positive impacts until construction is complete. Within the submitted sustainability statement it is referenced that the demands for good and services to support the works also attract economic benefits for the Local Economy. It is not confirmed that all the demand for material associated with the construction would be met locally or would be locally sourced and therefore the LPA would not consider this to attract significant weight in contribution to the Local Economy. This is further evidenced in point 3.7 of the planning statement which states that the units will predominantly be constructed off site. Once the development would be in the operational phase, the planning statement states that the care home will then provide new employment positions in relation to the site maintenance, security duties as well as through the provision of new community facilities. The planning statement (point 3.19) “it is difficult to quantify the number of new employment positions”. The LPA accept the likelihood that the proposal would create employment opportunities which attract positive economic weight. However, as there is no justification of these opportunities the LPA cannot give substantial weight to this information.
- 24.5. It is considered that these economic benefits should be afforded less than substantial weight in favour of the proposal.

Social

- 24.6. From a social perspective, there is a significant need for specialist housing. This proposal would provide 35 units which would contribute to the Borough meeting the requirement within the Local Plan albeit indicative. The Coventry and Warwickshire Housing and Economic Development Needs Assessment also identifies a shortfall in ‘market housing with support’

although spatially over a regional area. In assessment, the LPA do consider that the need for specialist housing is significant.

24.7. This need must weighed against the determination that this site is in an unsustainable location for specialist housing. The occupants of such specialist housing would potentially be subject to lengthy walks and public transport commutes in relation to services in which the LPA deem unsuitable for specialist housing due to the potential mobility issues and disability of its occupiers which need to be catered for. The updated evidence base on the rural sustainability studies confirms that this location is deemed to be unsustainable when assessing the available services and facilities locationally. The LPA considers that the social benefit of this type of housing in an unsustainable location is of detriment to the positive social weight in which meeting the need attracts. It is accepted the development does attempt to address the unsustainable location. However, there has not been evident justification on the nature of proposed facilities and how they quantitatively address the impacts of such a development in an unsustainable location. Further, from this the introduction of the development is determined to significantly harm the landscape and the conservation area further attracting negative weight socially for the current occupiers of Thurlaston Village in which is further evidenced the public response of substantial objection.

24.8. Overall, the need for specialist housing is accepted and is of significance. However, when balanced against the negative social impacts as assessed above, the proposal can only be deemed to attract less than substantial positive weight in favour of the social aspect's proposal.

Environment

24.9. From an environmental perspective, the potential adverse impacts of the proposed development in relation to heritage, archaeology, highway safety, air quality, noise, overheating, contamination, flood risk, drainage, ecology, trees, sustainability, landscape impacts and water consumption have all been considered.

24.10. In terms of air quality, noise, contamination, archaeology and water consumption, these aspects have all been considered and there would be no adverse impacts in most instances and where there are adverse impacts these are deemed by the technical consultees to be appropriately mitigated against.

24.11. The proposed development is considered to be in an unsustainable location and in the open countryside. There has not been sufficient justification into the proposed facilities or bus service for the LPA to consider that these aspects would outweigh the harms to all other planning matters as well as address the need to transport for services. It is therefore determined that the application would rely on the use of the private motor car. This attracts significant harm within the planning balance.

24.12. The proposal is also determined to be significantly harmful to the landscape. An LVIA was not included with the original submission of the application in order to justify the impacts to the landscape. Due to cumulative impacts from a number of viewpoints as well as a significantly detrimental impact from vistas provided from the PROW the harm to the landscape is considered to be significant.

- 24.13. The level of information provided has not been enough to overturn the objection initially raised by WCC highways and therefore the application is not deemed to be acceptable in terms of access which is an outline matter and attracts significant negative weight and does warrant refusal.
- 24.14. In terms of trees, the proposal raises significant concerns in regard to the retention of TPO trees which attracts further significant weight within the planning balance.
- 24.15. In regard to Ecology, WCC Ecology consider there is a number of outstanding pieces of information in relation to Biodiversity, habitat and species. At this point the LPA cannot determine whether the proposal is acceptable on ecological grounds and WCC Ecology recommend the application to be refused without such information. This attracts further significant weight within the planning balance.
- 24.16. In regard to Flood Risk the technical consultee consider that insufficient information has been provided in relation to flood water and sustainable drainage and therefore the LPA cannot determined that the proposal is acceptable on these grounds attracting further negative weight within the planning balance.
- 24.17. In regard to heritage assets including the conservation area, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the decision maker to give special regard to the desirability of preserving a listed building and its setting. Section 72 of the same Act places a duty on the decision maker to give special attention to the desirability of preserving and enhancing the character of a Conservation Area. In accordance with policy SDC3 of the Local Plan and paragraph 202 of the Framework, the identified harm above should be weighed against the public benefits of the proposal. Paragraph 199 of the Framework states that “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”. This gives rise to a strong presumption against planning permission being granted. In relation to the Thurlaston Conservation area this impact is deemed to be substantially harmful. The development would be of a density which is contrary to the current density of Thurlaston extending outside the village boundary and sprawling into the open countryside. This would erode the transition from open countryside to the conservation area. The development would also introduce a retail element to Main Street which provides main entry and exit to the village of Thurlaston and is not seen elsewhere within the village boundary. This is to be weighed against the public benefits which have been mentioned above with the most significant being contributing to a need for specialist housing. In consideration of the associated less than substantial economic and social benefits and the significant environmental harms, it is considered that the public benefits do not outweigh the significant harm to the conservation area.
- 24.18. Considering all the above, it is determined that from an environmental perspective this proposal is deemed to cumulatively attract significantly negative weight within the planning balance.

25. Conclusion

- 25.1. On balance, it is concluded that the benefits of the proposed development contributing to meeting a need for specialist housing are not sufficient to clearly and demonstrably outweigh

the significant harms associated with heritage and impact to the conservation area, ecology in terms of biodiversity habitat and species, highways, impact to the landscape, flood risk and drainage and reliance of the motor car due to development in an unsustainable location within the open countryside. The application does not therefore constitute sustainable development and is therefore contrary to Section 2 of the NPPF and is deemed contrary to Policy GP1, GP2, H6, SDC1, SDC3, SDC5, SDC6, NE1, NE3, D1 and D2 of the Local Plan 2019 and the National Planning Policy framework and should be refused.

26. Recommendation

1. Planning application R20/1030 be refused subject to:
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:
R20/1030

DATE APPLICATION VALID:
27-Nov-2020

APPLICANT:

Mr C Dayer, Eastdene Investments Limited Eastdene Investments Limited, c/o Agent, Burlington House, 369 Wellingborough Road, Northampton, NN1

AGENT:

ian Gidley Planning and Design Group, Pure Offices, Lake View Drive, Sherwood Park, Nottingham, NG15 0DT

ADDRESS OF DEVELOPMENT:

THURLASTON MEADOWS CARE HOME, MAIN STREET, THURLASTON, RUGBY, CV23 9JS

APPLICATION DESCRIPTION:

Erection of a Retirement Living Housing Scheme (Use Class C2) comprising of 35 bungalows with associated development together with alterations to existing access off Main Street (Outline - Principle, Layout and Access Only).

REASONS

REFUSAL REASON 1

The proposed retirement living scheme for 35 units and associated infrastructure is located within the open countryside which is considered an unsustainable location. By virtue of the substantial harms to the landscape, conservation area, ecology, flood risk and drainage and highways it is determined that on balance the benefits do not outweigh the harms associated with the overarching economic, social and environmental objectives. Therefore, sustainable development is not achieved and development is contrary to Local Plan Policy GP1, GP2 and H6 and Section 2 of Local Plan (2019) and the National Planning Policy Framework 2023.

REFUSAL REASON 2

It has not been demonstrated that the proposed access is acceptable, that the minibus service is sufficient, parking provisions for the facilities buildings has been made, a management strategy for the emergency access and swept path analysis for the north and southern access. Due to lack of information it is considered that the LPA cannot determine that the proposal would not have significant adverse impacts on highway safety and it is therefore considered that the application is contrary to Policy D1 and D2 of the Local Plan (2019) and Paragraph 110 Section 9 and 12 of the National Planning Policy Framework 2023.

REFUSAL REASON 3

The proposed retirement living scheme would introduce 35 units and associated built form within the open countryside, due to their positioning the built form would encroach into the existing open countryside creating a significantly harmful impact by virtue of eroding the transition from open countryside into Thurlaston Village and to vistas experienced from the public right of way R310. The application is therefore considered contrary to Policy SDC1 and NE3 of the Local Plan (2019).

REFUSAL REASON 4

The proposed retirement living scheme would introduce built form both within the conservation area of Thurlaston and its setting. The proposed 35 units within the setting and the introduction of the facilities building within the conservation area would be considered to cause substantial harm by virtue of a significant increase to density of built form, introduction of a retail addition on Main Street as well as loss of important open countryside which contributes to the overall setting of the conservation area . In accordance with Paragraph 201 it is considered that the public benefits do not outweigh the substantial harm to the conservation area and therefore the application is considered contrary to Policy SDC3 of the Local Plan (2019) and Section 16 of the National Planning Policy Framework 2023.

REFUSAL REASON 5

The proposed retirement living scheme introduces built form into the open countryside and by virtue of lack of information the LPA consider that it cannot be determined that the proposal is acceptable on ecological grounds and flood risk and drainage. Therefore the proposal could have significantly adverse impacts to biodiversity, habitat, species and Trees under Tree preservation order as well as flood water management and drainage. The application is therefore considered contrary to Policy NE1, SDC5, SDC6 of the Local Plan (2019) and Section 15 of the National Planning Policy Framework 2023.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Council Local Plan 2019

Policy GP1

Policy GP2

Policy D1

Policy D2

Policy SDC1

Policy SDC3

Policy SDC5

Policy SDC6

Policy NE1

Policy NE3

Policy H6

National Planning Policy Framework 2023

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

Reference: R23/0211

Site Address: AUTUMN FARM, EASENHALL ROAD, HARBOROUGH MAGNA, RUGBY, CV23 0HX

Description: Conversion of existing agricultural barn into one dwelling.

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/37522>

Recommendation;

- Planning application R23/0211 be refused due to the unsustainable location of the development contrary to Policy GP1, GP2 & HS1. This is subject to:
- The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reason for refusal as outlined in the draft decision notice.

1.0 Introduction

- 1.0- This application is being reported to planning committee in accordance with paragraph 5.2.3 (a) Requests by Councillors of the scheme of delegation. This application was called to be determined by the planning committee by Cllr Garcia during the 21-day statutory consultation period in order to maintain the ongoing viability of the agricultural business on site.

2.0 Description of site

- 2.1- The site is located approximately 0.6 miles west of the village of Harborough Magna and 0.3 miles to the south of Easenhall. The farmstead comprises of a dwelling house and a collection of agricultural buildings. The application building is situated within the wider site of Autumn Farm and circa 45m from the farmhouse.
- 2.2- The farm is accessed from a small track and public bridleway which extends off Easenhall Road. This track provides vehicular access for both Autumn farm and its associated agricultural built form, as well as Lilac cottage which sits circa 175m to the northeast of the application site. This track also serves as a public bridleway.
- 2.3- The front elevation (south orientation) of the building faces a small courtyard area which overlooks fields to the south. Adjacent to the east elevation is a temporary mobile home structure, whereas the west elevation faces the remainder of the agricultural land and an adjacent stable area. The front elevation of the building is mainly open sided with the storage of agricultural goods, materials and general paraphernalia within.
- 2.4- The application site is located within the Rugby-Coventry Green belt. The site also falls within the HSE gas consultation zone- middle consultation.

3.0 Description of the Building

- 3.1- The building is a steel framed duo-pitched structure with an adjoining leanto steelwork structure built on the west elevation. The front of the building (southern elevation) is mainly

open with the exception of the weatherproofed section on the eastern side. The remainder of the building's perimeter comprises an almost mid-height blockwork wall with weatherproofed steel sheeting connecting the blockwork to the eaves of the structure.

- 3.2- Steel columns and rafters form the duo-pitched building, in which there is a centrally hung timber ceiling. A portion of the duo-pitched structure contains a timber-built mezzanine floor. The barn structure sits upon a relatively natural base, with no evidence of a concrete slab or implemented flooring in-situ.
- 3.3- A structural survey was carried out May 2022 by SSd Structural engineering consultants. The inspection was visual only and concluded that the structural integrity of the building allows it to be re-used in a residential use without the need for 'complete rebuilding'. However, the report noted that internal and external improvement work is required in order for this building to ever function in this use.

Roof

- 3.4- The central duo-pitched structure is finished with fibreboard sheeting which is supported on timber purlins. For approximately two thirds of the duo-pitched structure, a timber ceiling has been installed. This ceiling spans between the timber edge beams and a central steelwork beam which is welded by hangers to the apex of the portal structure. The roof appears to be in good working order and weathertight.
- 3.5- The report concluded that the steel frame will provide a stable form of construction with the introduction of minor strengthening and replacement of some timber beams. The observations of the internal floor and building structure suggest that the foundations are functioning effectively in their current state and any required strengthening for the conversion would be considered as minor works. New insulated concrete flooring will be required internally within the building to comply with residential standard in addition to suitable damp proofing.

4.0 Description of proposals

- 4.1- Conversion of existing agricultural barn into one three-bedroom dwelling. The structure will be retained and will not be enlarged from its current form. However, additions are proposed to the south and west elevation in order to provide an enclosed structure. Fenestration and pedestrian openings are proposed throughout.
- 4.2- The internal layout of the building will include a kitchen diner area in the existing lean-to section of the building. The main barn area will provide a living/ dining area, playroom and study at ground floor with x3 bedrooms at first-floor level on the proposed mezzanine.
- 4.3- The proposed red-line residential curtilage will be a total of 0.4ha. The existing structure provides 0.2ha with the proposed curtilage providing a further 0.2ha in area to the front of the barn. This area will include car park provision. The proposal submission has given no indication of any hardstanding, fencing or amenity areas surrounding the residential curtilage. However, the rear of the building sits on the site boundary and the front of the barn is in close proximity to other farm practices and an associated farm track which runs adjacent.

5.0 Planning History

R08/1815/HOUS-Erection of ground floor and first floor extensions- **Refusal**- 21/01/2009
21/01/2009

R09/0220/HOUS- Erection of a single storey front extension, two storey and single storey rear extension, two storey and single storey side extension with balcony- **Approval**- 29/04/2009

R09/0238/PLN- Erection of 4no. stables with tack room and store, **Approval**
29/04/2009

R10/0369- Proposed extension to raise the eaves and ridge- **Approval**- 14/05/2010

R21/0296- Agricultural Prior Approval for the erection of an barn- **Not Required**- 23/03/2021

R22/0651- Prior approval change of use of agricultural building to 1 no. dwellinghouse (Class Q)-
Withdrawn by Applicant/Agent- 09/09/2022

6.0 Technical consultation responses

Rugby BC Environmental Health- No objection subject to conditions

Warwickshire CC Ecology dept- No objection subject to conditions

Warwickshire CC Highways dept- No Objection subject to conditions

Work Services- No objection

7.0 Third party comments

Cllr Belinda Garcia- Called the application into be determined by the planning committee. In order to ensure the continued viability of the agricultural practice.

One neighbour letter of objection was received, this stated the following points;

- There is already a mobile home next to the agricultural barn which is permanently used as a residential home. Will this be removed if granted.

8.0 Development Plan and Material Considerations

8.1- As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development plan unless material considerations indicate otherwise. The statutory development plan for the area relevant to this application site comprises of the Rugby borough Local Plan 2011-2031. The relevant policies are outlined below.

8.2- Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

HS1: Health, Safe and Inclusive Communities
HS5: Traffic Generation and Air Quality
NE1: Protecting Designated Biodiversity and Geodiversity Assets
NE3: Landscape protection and enhancement
SDC1: Sustainable Design
SDC4: Sustainable Buildings
SDC9: Broadband and Mobile Internet
D1: Transport
D2: Parking Facilities

8.3- National Planning Policy Framework, 2023 (NPPF)

8.4- Supplementary Planning guidance

- Climate Change and Sustainable Design and Construction SPD (2023)

9.0 Assessment of proposals

- The main considerations in respect of this application are

- Section 10 Principle of Development
- Section 11 Character, Design and layout
- Section 12 Impact on neighbouring Amenity
- Section 13 Highways considerations
- Section 14 Biodiversity
- Section 15 Other Considerations
- Section 16 Planning Balance and Sustainability of Development
- Section 17 Conclusion

For context; Application R22/0651 at the site was for a prior approval change of use through Class Q of the General Permitted Development Order. This was withdrawn by the applicant due to issues with its location within a health and safety hazard zone which goes against legislation in this aspect of the order. As a result of this, the scheme has now been submitted as a full application for planning permission. Accompanying this submission is a letter from National Grid stating that they believe the pipeline to not cause an issue to the building, this has been received by the Local authority in good faith. Whilst location and sustainability is not a consideration for applications under Part 3 Class Q of the General Permitted Development Order 2015 (as amended), it is applicable when assessing schemes against Local plan policies. The principle for development and sustainability for residential proposals is assessed in detail in section 10 of this report.

10.0 Principle of Development

10.1- The NPPF (Jul '23) is clear in paragraph 11 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 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’.

- 10.2- 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.
- 10.3- The existing Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing land. The AMR, published in October 2021, confirmed this position. In addition to this, 5 Year Housing Land Supply Position Statement 2022-2027 provided an update on this deliverability. The local planning authority can demonstrate a five-year supply of deliverable housing (5.6 years for the period between 2022/23 – 2026/27), along with an up-to-date Local plan. As such, the housing needs of the borough are expected to be met in sequentially preferable sites and more sustainable locations. In reference to this application, located in the green belt, it is sequentially not considered sustainable in the settlement hierarchy nor necessary to meet the 5-year housing supply quota. Whilst the LPA recognises the important contribution small sites can make to meeting the housing requirements, the provision of one additional dwelling would have a limited impact in relation to boosting the supply of housing.
- 10.4- Policy GP1 of the local plan outlines when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in section 2 paragraph 7 of the NPPF. This can be assessed through three over-arching objectives, a social progress, economic wellbeing and environmental protection.
- 10.5- Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. For decision making, this means approving development that accords with an up-to-date development plan without delay. As the authority has been able to demonstrate a 5-year supply of housing land, the housing needs of the Borough have been met in the preferable and sustainable locations.
- 10.6- Applying the three overarching objectives to this proposal:

Economic Objective

- 10.7- If the application were to be approved, it would result in the creation of a small number of short-term construction jobs. In the long-term, the dwelling would make Council tax payments. However, given the proposal is for one dwelling, it would have a minimal positive impact. The future occupants use of local services and facilities would result in somewhat minimal benefits.

Social Objective

- 10.8- The proposal would provide a three-bedroom dwelling which helps towards providing a sufficient number and range of homes for the present and future generations. The dwelling however would be in a highly unsustainable location with inadequate access to local services which is considered to not add to the social benefits nor vitality of the local area (further assessment later in this section).

Environmental Objective

- 10.9- The application is for the conversion of existing barn structure. The associated development linked with the conversion would have a negligible impact on the natural environment. By virtue of the location of the dwelling, any occupiers would rely almost solely on the private car and the LPA cannot condition that the occupants must only use electric/hybrid vehicles. Therefore if approved this dwelling would not help mitigate the councils commitments to climate change and help meet the national aim of a net zero economy by 2050.
- 10.10- The Council has declared a 'Climate Emergency' pledging to take local action to contribute to national carbon neutrality targets; including recognizing steps to reduce its causes and make plans to respond to its effects at a local level. Paragraph 8 of the NPPF concurs with the latest pledge by the council and states that an environmental objective is to minimise waste pollution, mitigate and adapt to climate change through moving to a low carbon economy.
- 10.11- The site is located in a rural setting approximately 0.6 miles west of the village of Harborough Magna and 0.3 miles to the south of Easenhall. There is minimal (if any) footpath infrastructure or street lighting between the site and the edge of the two neighboring settlements. Therefore, the introduction of a dwelling to this area will create additional vehicle movements in order to carry out the day-to-day activities of the occupiers whereby a reliance on the private motorcar will be apparent. Any future occupiers of the proposed development would be unlikely to offer any meaningful day-to-day support to the facilities and services at main settlements without the reliance of the motor vehicle in order to do so.
- 10.12- On balance, it is considered that the limited socio-economic benefits of the scheme do not outweigh the drawbacks of the unsustainable location (a detailed assessment on this is made below) and the proposal fails to meet all three overarching objectives. The application is therefore judged to be contrary to Policy GP1 of the local plan and section 2 of the NPPF.
- 10.13- Policy GP2 of the local plan states that development will be allocated and supported in accordance with the settlement hierarchy. The application site is located upon green belt land; as such new development will be resisted; only where national policy will development be permitted. Green belt locations are ranked 5 out of 5 (lowest score) in the sequential test outlined in the policy. Development away from the defined settlements of the borough is unlikely to meet all of the elements of sustainable development, particularly the access to a range of facilities.

Services and Facilities

- 10.14- Policy HS1 states that support will be given to proposals which provide good access to local shops, employment opportunities, services, schools and community facilities. The occupants of the new dwelling are highly unlikely to rely solely on the services and facilities in Easenhall and Harborough Magna given the lack of choice and/or appropriateness. Even if the nearby services are utilised, footpath infrastructure is limited and unsafe in areas due to the speed limit of Easenhall road. To be able to satisfy the occupants, the range of services and facilities potentially required are located in larger settlements or in

town centres such as Rugby (circa 3 miles to town centre), Coventry (circa 7 miles), or a combination of larger rural settlements. As the site is not within the defined settlement boundaries of the neighbouring settlements, their services or transport cannot be fully utilised by foot which further increases the reliance on the private car.

- 10.15- Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 10.16- Section 9 of the NPPF states appropriate opportunities to promote sustainable transport modes can be taken up given the type and location of the development ensuring that safe and suitable access to the site can be achieved for all users.
- 10.17- The Government introduced advice on walking distances in the 2001 revision to Planning Policy Guidance 13: Transport (PPG13) which advised that, "Walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly those under two kilometres". This advice was retained in the 2011 revision of the Planning Practice Guidance. Paragraph 6.3.1 of the Department for Transport (DfT) document 'Manual for Streets' (2007) identifies that a 20-minute walk time (equivalent to a 1.6km walk distance) is acceptable subject to an attractive walking environment. The assessment as to whether the walking environment is safe, is a key aspect of the determination of this scheme.
- 10.18- The site would be in the catchment area for the 85 and 85B service connect to several settlements such as Coventry and Rugby. This is a regular service starting around 7 am and continues until 9 pm.
- 85- <https://bustimes.org/stops/4200F026100>
 - 85B- <https://bustimes.org/stops/4200F020901>
- 10.19- There is a bus stop is located approximately 440m from the site entrance towards Harborough Magna and a stop circa 0.3m away within the centre of Easenhall. However, as mentioned throughout this report, the existing infrastructure between the site and the two neighbouring villages cannot be considered to comply with an attractive or safe walking environment. As a result of the distance and safety of the walk, it is considered to constitute sustainable service provision.
- 10.20- The absence of a direct pedestrian route to both the neighbouring settlements and other surrounding villages; lack of street lighting; distance; speed/safety of the roads; means there is a remote chance that the occupants of the dwelling would walk or use public transport to travel to services and facilities. The occupiers of the proposed dwelling would be unduly reliant on the private car to access a wide range of services and facilities due to the lack of realistic alternatives. It is noted that accessibility of services and facilities is the same for the existing residential properties in the vicinity however this does not make the scheme acceptable in light of the concerns raised. The application must be assessed on its own merits and in accordance with the current local plan and the sustainability aims within.

Green Belt assessment

- 10.21- Local plan policy GP2 states that new development within the green belt will be resisted. The five purposes of the green belt are listed under section 13, paragraph 138 of the NPPF. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Whether green belt development is inappropriate can be defined by various elements, its size/ massing and its proposed use being main considerations of this. However, section 13, paragraph 149 and 150 outlines a list of exceptions where green belt development can be considered acceptable.
- 10.22- It is important to determine what factors can be taken into account when considering the potential impact of development on the openness of the green belt. National planning practice guidance states that openness is capable of having both spatial and visual dimensions. The application is not proposing any changes to the overall footprint and scale of the building. As the building is already present and the external alterations proposed would not significantly affect the size & appearance of the building, the proposal would therefore not have a detrimental impact on the openness of the vicinity. For similar reasons, the proposal would not conflict with the purposes of including the land within the green belt. However, future residential uses could do so.
- 10.23- Paragraph 150 (d) of the NPPF provides an exception whereby the re-use of buildings within the green belt is acceptable. However, such building shall be of permanent and substantial construction. A structural report was submitted to the local authority as part of the initial application submission. This concluded that the current structure would be suitable for residential conversion, however the change would not be a direct change of use and elements of further construction work would still be required in order to make the building adequate for the proposed.
- 10.24- The re-use of existing buildings are assessed under local plan policy GP3 subject to the building being considered to be of permanent and substantial construction. However, policy GP3 applies to previously developed land (PDL) only, and as this building is of agricultural use it is not defined as PDL and the scheme cannot be supported by this policy. This further strengthens the justification as to why the principle of the development is unfounded.
- 10.25- Overall, the application site is located in an unsustainable location, with inadequate connections to public transport; unsuitable walking and cycling links; and in an area with a limited range of direct services and facilities. The occupiers of the dwelling would be compelled to use the private car to access day-to-day services and facilities which fails to support moving towards a low carbon economy. The social, economic and mitigation benefits are considered to not outweigh the drawbacks of the unsustainable location and related environmental consequences. The proposal is therefore considered to be contrary to Policy GP1, GP2 and HS1 of the local plan and section 2, 5 and 9 of the NPPF. It is therefore an unsustainable location for new residential development.
- 10.26- There are a number of appeal decisions (informed by the inspectorate) which support the stance of the LPA on this application. However, it is still expressed that each case is assessed on its own merits, however the principle can be seen from these examples:

- I. Land west of Stockton Road – APP/E3715/W/19/3226761 (this was for outline permission for the construction of one dwelling in the countryside, although this application is for a conversion of an existing building, the sustainability issue can be applied in this case) Date of decision 03/09/2019
- *The inspector stated “lack of isolation in the above sense does not necessarily mean that a site will be reasonably accessible to services when considered in the context of other requirements of the Framework. The nearest settlements to the site are Birdingbury and Leamington Hastings, which are around 1km away. Given the limited extent of services and facilities in those settlements, future occupants of the proposed dwelling would need to travel further afield to the larger settlements of Dunchurch and Southam, around 6km away, to access facilities such as shops, medical services and schools.”*
 - *“A substantial unlit stretch of Stockton Road, without a pavement, links the appeal site to the edge of Birdingbury. This makes for lack of safe pedestrian access to the village and the nearest bus stop. Moreover, bus services from Birdingbury are of limited frequency. The above factors, together, would limit the appeal of public transport, and make reliance on the private car likely, for occupants of the proposed development.”*
- ii. The Old Pastures, Willoughby – APP/E3715/W/20/3250957 (this again was for the construction of one dwelling in the countryside, however the sustainability issue can be applied in this case) Date of decision 20/11/2020
- *The inspector commented that “As the services and facilities in the village are limited any future occupants would also be reliant upon other nearby settlements, the nearest being Braunston, for their day to day needs. Although there is a footpath from the village to Braunston it is some distance away, and the route is along the A45 London Road, which I saw on my site visit is a busy unlit road, subject to the national speed limit in places, and therefore does not provide for a particularly inviting route for either pedestrians or cyclists.”*
 - *“There is a bus service to larger centres such as Dunchurch and Rugby, though this is an infrequent service. The appellant has also stated that there is a local community transport scheme operating in the area. There is however limited detail provided as to how these services operate and whether there are any eligibility criteria that needs to be met to benefit from these services.”*
 - *“Whilst recognising that the access to services and facilities would be the same for existing residents of the village, and even considering that transport solutions will vary from urban to rural areas, considering the infrequency of the services and that nearby centres are closer and more easily accessible by car, the appeal of public transport for future occupants may well be limited, and they would be more reliant on the private car for access to services and facilities.”*
- iii. New Barn Stables, Burnthurst Lane, Princethorpe, Warwickshire CV23 9QA_Appeal Ref: APP/E3715/W/23/3319783. Date of decision 23/09/2023
- *The inspector stated ‘The site is in designated Green Belt. It is common ground between the parties that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of Green Belt policy. I find no reason to disagree with this consensus. Accordingly, the proposal would not be inappropriate development in the Green Belt under the terms of paragraph 150(d)*

of the Framework. Acceptability in these regards is a neutral factor rather than a benefit that attracts positive weight in my assessment.

- The proposal would also represent the development of an under-utilised building and so it is promoted under paragraph 120(d) of the Framework. However, there is no evidence the scheme would meet a local housing need and the Council is able to demonstrate a supply in excess of 5 years' worth of housing land as required under the Framework. As such, the benefit of reusing the building as proposed attracts only moderate weight in my assessment.*
- Notwithstanding the housing land supply position, the development would add to the housing stock. However, this would be a limited contribution as only a single new dwelling is proposed. The benefits and other circumstances would not outweigh the harm caused by the conflict with development plan policies on the location of housing development. The scheme would not accord with LP policies when read as a whole and other considerations do not justify granting planning permission contrary to the development plan.*

11.0 Character, Design & Layout

- 11.1- Local Plan Policy SDC1 states that development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated.
- 11.2- Section 12 of the NPPF states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve. Furthermore, paragraph 130 (a) states that buildings will add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 130 (b) states that buildings are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 11.3- With reference to the Sustainable Design & Construction SPD (2023), it states that the council will consider the effect of the proposal on the scale and character of the existing building and the surrounding area and the impact of the design on the amenity of existing and future occupiers.
- 11.4- The buildings footprint and scale would not change as a result of this application. The main external alteration proposed is the installation of fenestration and doors throughout, with infill elements proposed to the exterior of the building. The proposed residential curtilage has been provided on site plan form; however no details have been provided on any natural or man-made boundary treatments. Should an approval be forthcoming, then a suitably worded condition will be included which will remove permitted development rights for walls, fences and gates and will ensure that should the applicant wish to erect boundary treatments then they will require formal confirmation from the local authority.
- 11.5- With reference to Drawing number 484 D 02 the external appearance of the building will contain minimal alterations to the existing nature of the structure with the exception of windows and doors implemented. On balance the unit will not have an impact on the wider setting to a level which warrants a refusal on this aspect alone. The unit proposes circa 153 sqm of ground floor space with circa 80 sqm at first floor mezzanine level. This

providing circa 233 sqm of residential floor space in the unit. On balance, the floor space proposed is a suitable size for a 3-bedroom unit.

- 11.6- Para 2.2 of the Climate Change Sustainable Design and Construction SPD states that new dwellings should provide an adequate amount of garden space that is in keeping with the character of the area. As a guide, a garden should be at least the size of the ground floor footprint of the dwelling. The proposed curtilage provides no area of rear amenity space for the dwelling hereby proposed, this is due to the location of the existing structure on the boundary of the site. The unit provides no private garden or amenity space for the unit proposed and therefore is at conflict with this aspect of local plan policy SDC1 and therefore is of detriment to the amenity of any potential occupiers.
- 11.7- The Council has declared a 'Climate Emergency' pledging to take local action to contribute to national carbon neutrality targets; including recognising steps to reduce its causes and make plans to respond to its effects at a local level.
- 11.8- Local Plan Policy SDC4 read in conjunction with the Climate Change and Sustainable Design and Construction SPD, which sets out further guidance on how the development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.
- 11.9- It is considered that the applicant has not demonstrated at this stage how energy efficiency and sustainability has been incorporated within the development (through the use of Solar panels or EV charging points etc) therefore the development does not comply with this aspect of Policy SDC4.
- 11.10- Waste and cycle storage have not been provided on plan form at this stage. However, should an approval be forthcoming then a suitably worded condition will be included in order to ensure that details of which are provided to the local authority prior to occupation.
- 11.11- On balance, this proposal will not have a detrimental visual impact on the surrounding area. The proposal also aims to use suitable materials throughout and will provide no material harm to the existing nature of the building. This application is therefore considered to be in accordance with elements of SDC1 local plan and section 12 of the NPPF. However, the lack of garden and amenity space for the future occupiers does contradict the guidance as set in the Climate Change and Sustainable Design and Construction SPD (2023) and weight is given to this fact.

12.0 Impact on neighbouring amenity

- 12.1- 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.
- 12.2- Section 12, paragraph 130 (f) of the NPPF states decisions should ensure developments provide a high standard of amenity for existing and future users.
- 12.3- The building is already present (albeit in partial form to that proposed). The conversion hereby proposed and the required alterations necessary for the change of use, would not

cause any additional loss of light, overbearing impact or privacy implications to the main farmhouse on site or neighboring properties in the area to that already existing. The position of the windows also mean they would not directly overlook the main house.

- 12.4- It is considered that this aspect of the application is in accordance with policy SDC1 of the local plan and section 12 of the NPPF.

13.0 Highways considerations

- 13.1- Local plan policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Local plan policy D2 also states that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the planning obligations SPD and appendix 5 of the local plan.
- 13.2- Section 9 paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to a site can be achieved for all users. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 13.3- With reference to the local plan and its corresponding parking standards, a 3-bedroom dwelling in a low accessible area of the borough shall provide 2 off-road parking spaces. With reference to the submitted documentation, two spaces are proposed on the existing area of hard standing adjacent to the front of the existing barn. Therefore, the required number of offroad parking provision is complied with.
- 13.4- Warwickshire CC Highways were consulted with respect of this scheme and a stance of no objection was provided. However the following observations were made;

The site will be accessed using the existing private drive which connects to the C129 Easenhall Road. The private drive already provides access to the farm and other residential dwellings at this location.

The Highway Authority consider that the proposed development will lead to an intensification in use of the existing access with the public highway and observations suggest that visibility looking right is constrained by the brow of a hill and is likely to be less than the stopping sight distance advised in Design Manual for Roads and Bridges for a road with a 50 miles/hr speed limit.

However, given that the proposed development consists of a single 3 bedroom dwelling the intensification in use of the access is unlikely to be significant. In addition, the Highway Authority notes that incidence of personal injury accidents involving the use of the existing access is not apparent from records since 1990.

On balance it is concluded that the proposal would not intensify the use of the access such that would lead to unacceptable detriment to highway safety. However, any additional or cumulative development in future may require changes to the vehicular access for the site.

- 13.5- The Highways authority therefore have no objection to the scheme as sufficient parking is provided therefore it is considered that the conversion would not have a significant impact on the safety and operation of the highway.

14.0 Biodiversity

- 14.1- Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The NPPF at section 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.
- 14.2- Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) making them a European Protected Species. It is a criminal offence to disturb, obstruct or destroy a bat 'roost', even if the roost is only occasionally used.
- 14.3- Policy NE1 of the Local Plan relates to the protection of designated biodiversity and geodiversity assets. Policy NE3 states that new development which positively contributes to landscape character will be permitted.
- 14.4- Initial consultation with Warwickshire CC Ecology provided information to the case officer that the proposal will impact an existing purpose bat-loft which was built in connection with planning application R09/0220 and R09/0774 but, according to the bat survey report Cotswold Wildlife Surveys, 9th February 2022 (submitted as part of this scheme), has never been suitable for bats and contains no evidence of use. From the reports attached to the 2009 planning applications, the loft was designed to replace a summer non-maternity roost used by small numbers of brown long-eared bats. This replacement roost has evidently been unsuccessful, and the ecologist stated that a replacement roost in the main house may be more suitable.
- 14.5- Further information was then provided with respect to the matter which confirmed that the main house on the site was not being used by bats at the time of inspection. The proposals include a replacement loft in the gabled area above the south single storey extension to provide mitigation for that lost in the proposal building. Subject to an approved scheme, these mitigation measures will be secured by way of an appropriately worded condition put forward by WCC Ecology.
- 14.6- This application is therefore in accordance with Local plan policy NE1 & NE3 along with Section 15 of 'The Framework'.

15.0 Other Considerations

- 15.1- 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.
- 15.2- Local Plan Policy HS5 states that proposals should take full account of the cumulative impact of all development including that proposed in this Local Plan on traffic generation, air quality, noise and vibration. Development proposals should complement the Air Quality action Plan. Development proposals should also promote a shift to the use of sustainable transport modes and low emission vehicles in order to minimise the impact on air quality, noise and vibration caused by traffic generation. Environmental Health have assessed the application and have no objections subject to conditions with their assessment detailed below;

Land Contamination;

- 15.3- The proposed change of land use introduces new, more sensitive receptors to the development. Having regard to the current/historic uses as an agricultural building with storage of machinery, feed, livestock etc there is the potential for the land to be subject to contamination including hazardous ground gases. The guidance within the NPPF, 20 July 2021 was considered, in particular paragraphs 174, 183 and 184 in addition to Land Contamination: Risk Management 5th June 2019 updated 23rd December 2019. It is therefore appropriate to recommend a contaminated land assessment be undertaken, comprising a minimum of desktop study and site reconnaissance, in order to determine whether a remediation strategy is required.
- 15.4- It is also unclear as to the age of the building so it was difficult to assess whether the corrugated sheeting may incorporate asbestos or not. The applicant would be reminded about this by way of an informative note on the matter.

Noise;

- 15.5- The application building will be affected by normal agricultural activity it is also shown to be in an area which is predicted to be affected by noise from the railway nearby. As a result, should an approval be granted then a noise assessment will be carried out prior to occupation of the dwellinghouse.

Air Quality;

- 15.6- Policy HS5 states that development of more than 1,000 sqm of floorspace or any development within the Air Quality Management Area (AQMA) 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.
- 15.7- The application site is not within the AQMA but the proposal would generate new floorspace (of an alternative use) and the proposal would require its own heating system. The proposal therefore would increase emissions compared with the existing use of the

barn but this would not impact the AQMA or meet the threshold for the mitigation under Policy HS5.

- 15.8- Policy SDC4 of the Local Plan states that all new dwellings shall meet the Building Regulations requirement of 110 litres of water/person/day unless it can be demonstrated that it is financially unviable. A relevant condition can secure that this is implemented.
- 15.9- Policy SDC9 of the Local Plan advises that all developers are expected to facilitate and contribute towards the provision of broadband infrastructure suitable to enable the delivery of broadband services across Rugby Borough. This is to ensure that the appropriate service is available to those who need it. Given that there are residential properties nearby, such services are likely to obtainable and accessible. Nevertheless, a relevant condition can secure that these provisions are put in place for future occupiers.

16.0 Planning Balance and Conclusion

- 16.1- 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. As mentioned, 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 up-to-date evidence base.
- 16.2- The applicant has stated that national and local planning policies seek to support farming communities. It has been stated that this proposal will allow for family members of the current occupiers of the farm to remain on site. It has also been stated that there is the potential for the conversion of an underused barn to release capital to be reinvested and reinvigorate the farming enterprise to continue its viability in the future should it be sold in the future. However, no financial details or justification has been presented to the case officer which confirms this stance and the need for this conversion to allow for the farm to remain financially viable in the future. Therefore, it holds minimal weight in the planning balance.
- 16.3- The structure can also not be defined as previously developed land due to its agricultural use class and therefore Policy GP3 is not relevant in this instance. It is however, acknowledged that due to the scheme being a conversion of an existing structure, there will be no impact on the openness of the Green Belt and should any approval be forthcoming then permitted development rights would be removed from the property by way of an appropriately worded condition in order to maintain this.
- 16.4- Due to the nature of the residential curtilage hereby proposed and the location of the existing building within the farmstead, the proposed red-line would encroach onto adjacent courtyard and farm track. No private amenity areas are proposed for the occupiers which is at conflict with policy SDC1 and the Climate Change Sustainable Design and construction SPD (2023).

- 16.5- In terms of the planning balance, the Local Planning Authority benefits from an up to date adopted Local Plan along with a five-year supply of land and therefore the tilted balance in this instance is not engaged. The NPPF is, however, a document which should be considered as a whole and does state that in achieving sustainable development the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. As outlined in Section 10 of this report, the limited socio-economic benefits do not outweigh the environmental impact which this scheme will provide.
- 16.6- The site is located outside of any defined settlement boundary, within the Green Belt. The application site is located in an unsustainable location, with inadequate public transport connections; unsuitable walking and cycling links; and in an area with a limited range of services and facilities. The occupiers of the dwelling would be compelled to use the private car to access day-to-day services and facilities which fails to support moving towards a low carbon economy. The social, economic and mitigation benefits are considered not to outweigh the drawbacks of the unsustainable location and related environmental consequences. Great emphasis is made to the local authority's commitment to combat climate change following the declaration of a 'Climate Emergency' and pledging to contribute to national carbon neutrality targets. The reliance on the private car which this scheme would provide if approved would not positively contribute to this commitment.
- 16.7- In conclusion, the applicant has stated that the need for the dwelling hereby proposed is in order for the financial viability of the farm to continue to function, however no evidence has been presented to the case officer to substantiate this claim, therefore no special circumstances alleged can not be weighed against the numerous conflicts with local plan policies and the environmental impact which the scheme would have in the long run. The applicant considers the previous application for Prior approval through Class Q part 3 of the GPDO to be a material consideration in favour of this scheme. However, each individual application is assessed on its own merits and as this proposal is seeking full planning permission for the conversion of the existing barn to a residential dwellinghouse (Use Class C3), relevant Local plan policies are relevant when an assessment is made.
- 16.8- The application is therefore assessed to be contrary to Policy GP1, GP2 and HS1 of the Rugby Borough Council Local Plan 2011-2031.

17.0 Recommendation

- Planning application R23/0211 be refused due to the Unsustainable location of the development contrary to Policy GP1 and GP2. This is subject to:
- The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:

R23/0211

DATE APPLICATION VALID:

14-Feb-2023

APPLICANT:

MR J Tailby

AGENT:

MR J de Vries, The Rural Planning Co

ADDRESS OF DEVELOPMENT:

AUTUMN FARM,
EASENHALL ROAD,
HARBOROUGH MAGNA,
RUGBY,
CV23 0HX

APPLICATION DESCRIPTION:

Conversion of existing agricultural barn into one dwelling.

REASON FOR REFUSAL & RELEVANT DEVELOPMENT PLAN POLICIES:**REASON FOR REASON:**

The conversion of the agricultural barn to a single residential dwelling is located outside of any defined settlement boundary, within the Green Belt. The application site is located in an unsustainable location, with inadequate connections to public transport; unsuitable walking and cycling links; and in an area with a limited range of services and facilities. The occupiers of the dwelling would be compelled to use the private car to access day-to-day services and facilities which fails to support moving towards a low carbon economy and it is considered that it would not enhance or maintain the vitality of the community in a sustainable manner. The limited socio-economic benefits are not considered to outweigh the drawbacks of the unsustainable location and related environmental consequences. As such the proposal does not fulfil the social or environmental objectives of sustainable development. The application is therefore assessed to be contrary to Policy GP1 & GP2 of the Rugby Borough Council Local Plan 2011-2031 (June 2019) and Section 2, 5 & 9 of the NPPF (2023).

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

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy HS1: Healthy, Safe and Inclusive Communities

National Planning Policy Framework (2023):

Section 2: Achieving sustainable development

Section 5: Delivering a Sufficient Supply of homes

Section 9: Promoting sustainable transport

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

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Reference: R23/0560

Site Address: 16-26a Dunchurch Road, Lawrence Sheriff Almshouses, Dunchurch Road, Rugby, CV22 6AA

Description: New one and a half height building to eastern end of courtyard to provide 4 no. 1 bed almshouses. Alterations to existing alms-houses to include reconfiguration and replacement of windows and doors; removal of chimneys; insulated render applied to all elevations; installation of solar array; new wall and railings to east boundary.

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/38270>

Recommendation

1. Planning application R23/0560 be approved subject to:

the conditions and informatives set out in the draft decision notice appended to 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.

1.0 Introduction

1.1 This application is being reported to Planning Committee for determination because the application has been submitted by or on behalf of a Current Councillor.

2.0 Description of site

2.1 The application site is located close to the Rugby town centre boundary, which is less than 100 metres from the site, on the east side of Dunchurch Road and inside the gyratory one way system. Although not in a conservation area, it is enclosed by conservation areas to the west, northwest and east. A number of listed buildings are also within close proximity of the application site, the most notable of which are to the east where the famous Rugby School is located.

2.2 The Alms houses were originally located in Church Street opposite to St Andrews Parish Church however, they were demolished in the 1960's to make way for town centre development and were relocated to the current site.

2.3 The existing accommodation is set in a courtyard arrangement to three sides on the north, south and west of the site. The eastern side is open facing towards Dunchurch Road and Rugby School, with only a low brick wall along the boundary with mature trees and planting. The units are single storey with the exception of the western element which has a second floor; this element is set back within the site away from Dunchurch Road.

2.4 There are 4no. garages on site with parking spaces in front of the garages and a shared outside communal area that is laid to lawn in the centre of the courtyard arrangement. The eastern side is open facing towards Dunchurch Road and Rugby School, with only a low brick wall along the boundary with mature trees and planting.

3.0 Description of proposals

3.1 The application seeks consent to construct a new one and half height building to the eastern end of the site, providing 4 no. additional 1 bedroomed alms-house accommodations. In addition the existing units would be refurbished with some reconfiguration and replacement of windows and doors. The chimneys are to be removed and an insulated render applied to all external elevations. Solar array panels are also to be installed and there would be a new wall and railings to the east boundary.

Planning History

There is no relevant planning history concerning this property.

Relevant Planning Policies

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 Local Plan 2011-2031. The relevant policies are outlined below.

Rugby Borough Local Plan 2011-2031, June 2019

Policy GP1: Securing Sustainable Development
Policy GP2: Settlement Hierarchy
Policy SDC1: Sustainable Design
Policy SDC3: Protecting and Enhancing the Historic Environment
Policy SDC4: Sustainable Buildings
Policy SDC5: Flood Risk Management.
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 D2: Parking Facilities.

Supplementary Planning Documents

RBC Climate Change & Sustainable Design and Construction SPD January 2023; including Residential Design Guide
Air Quality SPD, 2021
National Design Guide 2019.
Rugby Town Centre Conservation Area Appraisal
Rugby School Conservation Area Appraisal
Bilton Road Conservation Area Appraisal
Rugby Borough Council Housing Needs Supplementary Planning Document

National Planning Policy Framework, 2021 (NPPF)

Technical consultation responses

WCC Ecology – Comments received. Conditions added to secure final surveys.
WCC Archaeology – no comments to make.

WCC Fire & Rescue – Informative for the development to comply with Approved Document B, Volume 1, Section B5 – Access and Facilities for the Fire Service.

WCC Highways – no objection

WCC Local Lead Flood Authority – update to be provided at committee.

RBC Housing Michelle Dickenson – no comments received.

RBC Parks and Cemeteries – no comments received.

RBC Works Unit – no objection.

RBC Tree Officer – no objection subject to a condition.

RBC Environmental Health – no objection subject to conditions and informatives.

Third party comments

Ward councillors notified and no comments were received.

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

4.0 Assessment of proposals

4.1 The key issues to assess in the determination of this application are:

5. Principle of Development.
6. Character and Design.
7. Impact upon the Heritage setting.
8. Impact on neighbouring properties.
9. Drainage and Flooding.
10. Air Quality.
11. Highways and Parking.
12. Climate Change and Sustainable Design.
13. Ecology and Biodiversity.

5.0 Principle of Development

5.1 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.

5.2 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.

5.3 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’.

5.4 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.

5.5 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy with Rugby town being the main priority of development within the borough.

5.6 The application site is located within the Rugby Town as defined in Policy GP2 of the Local Plan as such there is a principle in favour of development within existing boundaries and as part of allocated sustainable urban extensions. This application is therefore considered to comply with Policy GP2 of the Local Plan.

5.7 Subject to detailed consideration being given to the impact of the proposed scheme, on the key issues, and ensuring it complies with national and local policies detailed above, the principle of development is considered acceptable.

6.0 Character and Design.

6.1 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 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.

6.2 The existing courtyard layout is to be retained and there would be a new one and half height extension infilling across the east boundary fronting onto Dunchurch Road and Rugby School. The new extension will provide an additional 4 no. residential units, with the two ground floor units being fully accessible for wheelchair users. The refurbishment of the existing units will also result in 2 more units being upgraded to have full disabled wheelchair accessibility.

6.3 The new building would be set back from the two existing Gables facing Dunchurch Road. It would have an eaves height of 2.5m on the east facing elevation, whilst the courtyard facing west elevation would have an eaves height of 4.3m, whilst the ridge height for the new building would be 7.2m. The design has been done in order to achieve a second floor, whilst reflecting the eaves height of the existing single storey units where the development fronts onto Dunchurch Road and is visible from within the public realm. The courtyard facing elevation reflects the existing built form to the west of the site which is higher and backs onto Union Street.

6.4 The new extension brickwork would match the existing brickwork as would the roof tiles. Insulated render is proposed to be applied to the existing bungalows, except those facing Dunchurch Road. Windows and doors are to be uPVC which will replace the old timber frames on the existing dwellings and improve thermal performance. The roofs are also to incorporate solar panel arrays. Chimneys which are no longer in use, would be removed. The existing brick gables with stone motifs facing Dunchurch Road would be retained.

6.5 The design of the submitted scheme would suitably reflect the existing built form of the site would not be unduly large or bulky in visual terms. The proposed works are not seen to detract from the visual amenity of the immediate or wider surroundings, which contain a variety of building types and designs. **Condition 3** will be applied to secure the finished materials for the scheme.

6.6 The proposal also accords with 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 and is of good design.

7.0 Impact upon the Heritage setting.

7.1 Policy 16 of the National Planning Policy Framework supports development which makes a positive contribution to the Conservation Area and its setting (paragraph 206)

7.2 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.

7.3 Although not sited within a conservation area the application site is bordered on three sides, situating it within a heritage setting which needs to be considered. The Bilton Road Conservation Area sits on the north boundary of the site, which in turn abuts with the Rugby Town Centre Conservation Area boundary where it ends along the A426 Hillmorton Road. In addition, to the east of the site and abutting both the two aforementioned conservation areas, is the Rugby School Conservation Area. As such the site is enclosed by these heritage assets on three sides.

7.4 In addition, the site is in close proximity to a number of listed buildings, with Grade II listed houses to the west and northwest along Bilton Road, Warwick Street and Addison Place, which form a grouping of properties within this location. To the North is the Church of St Matthew in Warwick Street and the most notable listed buildings are to the east where the Rugby School is located. This has a number of designated Grade II* listed buildings and the Grade I listed Chapel.

7.5 The quality of the Rugby School Conservation Area is high and a crucial part of the town. It borders the Town Centre, Bilton Road and Hillmorton/Whitehall and Clifton Road Conservation Areas, and it occupies a prominent location acting as a transition between the commercial, education and residential areas on the southern edge of the town centre.

7.6 Such is the scale and prominence of the school building that it dominates the approach along Dunchurch Road. Set within an undeveloped but well landscaped foreground the school acts as a focal point. Development within this area needs to respect the heritage assets and their settings and the important contribution they make to this part of the town.

7.7 The new extension has been designed to provide a subordinate addition to the street scene along Dunchurch Road facing east and would be subservient to the nearby listed buildings and prominent Rugby School. The photovoltaic cells will be black and placed on the south slopes of the north and south blocks which are away from views of the conservation areas.

7.8 Therefore it is considered that any potential impact on the surrounding conservation areas has been considered and the design complements the surrounding historic environment in which the application site is located. It is therefore in accordance with Policy SDC3 of the Local Plan.

8.0 Impact on neighbouring properties.

8.1 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.

8.2 The application property is located on a corner within the Rugby gyratory road system. As described the Rugby School sits to the east and there is a community and church building to the south. An area of open green amenity space is adjacent to the north with the town centre beyond.

8.3 Residential accommodations are located to the west of the site, however the proposed scheme is not considered to have any residential amenity impacts towards these neighbours, being set well back towards Dunchurch Road and there are no material impacts from the refurbishment of the existing dwellings that would cause residential harm, given the separation by the adjacent roads.

8.4 It is considered that the proposed scheme is in accordance with Policy SDC1 of the Rugby Local Plan in that the new development appropriately safeguards the amenities of neighbouring occupants.

9.0 Drainage and Flooding.

9.1 Policy SDC5 of the Local Plan required the LPA to undertake a sequential approach to the location of development, based on the Environment Agencies flood zones. Applications are required to demonstrate compliance with this policy.

9.2 The application site is located within flood zone 1 but is also an area with critical drainage problems as notified by the Environment Agency. WCC Local Lead Flood Authority (LLFA) initially objected to the proposals and requested further information to resolve their objection.

9.3 It is noted that the application falls within the definition of 'non-major development' and whilst drainage information is required, it is only required to be:

- appropriate to the scale, nature and location of the development
- proportionate to the degree of flood risk.

9.4 Further information has been submitted and at the time of writing this report this is out for re-consultation with the LLFA. Subject to the LLFA concerns being addressed to their satisfaction, an update will be provided on the night, to the planning committee.

10. Air Quality.

10.1 Policy HS5 of the Local Plan requires that development within the Air Quality Management Area as defined in Appendix 8 of the Local Plan that would generate any new floorspace must achieve or exceed air quality neutral standards. It is recognised that the current proposal increases floorspace within the Air Quality Management Area and as such policy HS5 is relevant.

10.2 RBC Environmental Health have been consulted and have not objected to the scheme. An air quality assessment is not required because although within the air quality management area, the scheme does not meet the minimum criteria for carrying one out. **Conditions 4 and 5** and informatives have been requested and these will be applied to any consent given.

10.3 Subject to this the application is considered to be in accordance with Policy HS5 of the Local Plan.

11.0 Highways and Parking.

11.1 Policy D2 of the Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities. WCC Highways have been consulted and have not objected.

11.2 The application site is within a highly sustainable location being located just 100 metres from the town centre. As well as the location, the site also has acceptable parking levels. Parking for the part-time warden is in one garage and visitors will park in front of the garages, it is

recognised that this is low residential vehicle usage. There is no change to the access off Union Street.

11.3 It is therefore considered that there is sufficient parking provision.

12.0 Climate Change and Sustainable Design

12.1 The Council has declared a 'Climate Emergency' pledging to take local action to contribute to national carbon neutrality targets; including recognising steps to reduce its causes and make plans to respond to its effects at a local level.

12.2 Local Plan Policy SDC4 read in conjunction with the Climate Change and Sustainable Design and Construction SPD, which sets out further guidance on how the development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.

12.3 The application is accompanied by sustainability checklist which along with the plans and documents, provides details of how the development proposes to incorporate solar panels and insulated render. It is also intended to provide water-use efficiency within the development.

12.4 It is considered that the applicant has demonstrated how energy efficiency and sustainability has been incorporated within the development and therefore the development complies with Policy SDC4.

13.0 Ecology and Biodiversity.

13.1 Policy NE1 looks at delivering a net gain in biodiversity. WCC Ecology have considered the proposals and the Preliminary Roost Assessment provided with the application.

13.2 The survey report was initially written in association with Revision A of drawing number 2042-PL07 Proposed Site Plan and Roof Plan. However, the report identified moderate roosting potential for unit B3 and recommended that B3 should undergo two further surveys prior to any work being carried out; this was with the possible exception of remedial work only.

13.3 Following the results of the survey the decision was taken to remove the solar array from unit B3 to the west of the site and a new drawing number 2042-PL07 Revision D Proposed Site Plan and Roof Plan, was submitted and amended and labelled 'OMIT WORK TO ROOFS TO UNITS 20a 22 and 22a'. WCC Ecology were re-consulted, and the response acknowledged that works to repair the roof and replace the internal damaged ceiling were likely to be required, and that this work can be carried out under permitted development. However concerns remained regarding potential bat activity and as such it has been recommended that ecologist supervision should be undertaken as recommended in the report for this building only, in order to allow the repair works to be carried out. This undertaking has been agreed in an email from the agent, Jeff Scoffham received on 23/09/2023 at 16:47.

13.4 The Preliminary Roost Assessment by Midland Ecology (PRA) concluded that no further surveys were required for buildings B1 and B2. WCC Ecology have retained their concerns that a further activity survey should be carried out for these buildings. The funding for the works to the alms-houses to be carried out is reliant upon a timely planning approval and it therefore resides with the LPA to weigh the planning balance in regard to the ecological concerns.

13.5 It is noted from the report that while green spaces and potential bat commuting routes are present nearby, intensive lighting along the adjacent one-way system means that the site is largely disconnected from these. The site therefore shows no clear role in connecting blocks of woodland to the wider hedgerow network, or otherwise providing suitable habitat corridors for bats.

13.6 The PRA also states:

‘The two single-storey buildings (B1 & B2) show very low suitability for use by roosting bats. Works to these two buildings is therefore unlikely to result in disturbance and/or harm to bats, however, the likely absence of roosting bats from these buildings cannot be firmly established. No further surveys of B1 or B2 are recommended, but supervision by a suitably qualified ecologist will be required for works to the existing roof.’

13.7 In weighing the reports findings and ecological concerns **Condition 8** has been applied to secure the presence of a qualified bat worker for the supervision of the works to the roof and soffits for the renovation and repairs of buildings B1, B2 and B3, and a report to be submitted. Should any concerns arise, the works will cease immediately while Natural England and WCC Ecology Unit will be consulted for further advice. This approach will enable the development to go ahead and secure the funding for the project whilst preventing harm to protected species.

13.8 The construction of the new building is not anticipated to begin for a further 2 years. There is therefore a time lapse and any surveys carried out now would need to be repeated, given that the new building would interrupt the roof and soffits at the eastern end of B1 and B2 where the built form is to connect. Therefore in the interests of working positively and proactively, **Condition 6** has been applied to secure a new Bat Roost Activity Survey to be carried out prior to this phase of the works commencing.

13.7 There is also potential for bat roosting within the trees to the east of the site. These will eventually be removed and replaced and as such a **Condition 7** has been applied for the trees to be checked prior to their removal.

13.8 Subject to the conditions applied and adhered to, the proposal complies with Policy NE1 of the Rugby Borough Council Local Plan 2011-2031 and Section 15 of the National Planning Policy Framework.

14.0 Planning Balance and Conclusion

14.1 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.

14.2 Paragraph 5.3 of the Rugby Local Plan states that housing provision needs to take account of the affects of an ageing population and a need for housing provision to respond to this. This is also backed up by the NPPF which acknowledges this trend. The additional Alms-house accommodation will provide a small but important additional contribution to meet housing needs for this demographic.

14.3 The social objective within the NPPF refers to the need to provide homes and the proposal would contribute towards housing supply.

14.4 The location is highly sustainable and meets the environmental objects of the NPPF and local plan being within walking distance of the town centre and local facilities.

14.5 Although the development will see the removal of the tree planting to the front of the site, the replacement planting has been secured by condition and will ensure the verdant quality of the area is maintained in the longer term.

14.6 The protected species and ecological concerns have been weighed against the findings of the report and site constraints. The imposition of conditions in the planning balance is considered suitable mitigation to enable the development to proceed.

14.6 The impact upon the location within the setting of the surrounding conservation areas and heritage assets has been fully considered and appropriate amendments sought and provided.

15.0 Recommendation

1. Planning application R23/0560 be approved subject to the conditions and informatives set out in the draft decision notice appended to 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.

DRAFT DECISION

REFERENCE NO:
R23/0560

DATE APPLICATION VALID:
31-Jul-2023

APPLICANT:

Councillor Jerry Roodhouse, Jerry Lawrence Sheriff Almshouses, 16-24a Lawrence Sheriff Almshouses Dunchurch Road, Rugby, CV22 6AA

AGENT:

Mr Jeff Scoffham J S Architects, 50 butt lane, Hinckley, LE10 1LD

ADDRESS OF DEVELOPMENT:

16-26a Dunchurch Road, Lawrence Sheriff Alms-houses, Dunchurch Road, Rugby, CV22 6AA

APPLICATION DESCRIPTION:

New one and a half height building to eastern end of courtyard to provide 4 no. 1 bed almshouses. Alterations to existing alms-houses to include reconfiguration and replacement of windows and doors; removal of chimneys; insulated render applied to all elevations; installation of solar array; new wall and railings to east boundary.

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:

The development shall not be carried out other than in accordance with the plans and documents detailed below:

Application Form received on 31/07/2023.

2042-DOC-02 Rev B Heritage Statement by JS Architects received on 09/08/2023.

2042-DOC-03 Rev A Planning Statement by JS Architects received on 31/07/2023.

Environment Agency flood map for planning received on 31/07/2023.

Preliminary Bat Roost Assessment by Midlands Ecology received on 31/07/2023.

Solar installation guide from Marley received on 31/07/2023.

Drawing number 2042-PL01 Site Location and Block Plan received on 19/05/2023.

Drawing number 2042-PL02 Existing Site Plan and Roof Plan received on 19/05/2023.

Drawing number 2042-PL03 Existing Ground Floor Plan received on 19/05/2023.

Drawing number 2042-PL04 Existing First Floor Plan received on 19/05/2023.

Drawing number 2042-PL05 Existing Elevations-Sheet 01 of 02 received on 19/05/2023.

Drawing number 2042-PL06 Existing Elevations-Sheet 02 of 02 received on 19/05/2023.

Drawing number 2042-PL07 Rev D Proposed Site Plan and Roof Plan received on 31/07/2023.

Drawing number 2042-PL08 Rev C Proposed Ground Floor Plan received on 31/07/2023.

Drawing number 2042-PL09 Rev D Proposed First Floor Plan received on 31/07/2023.

Drawing number 2042-PL10 Rev B Proposed Elevations-Sheet 01 of 02 received on 31/07/2023.

Drawing number 2042-PL11 Rev C Proposed Elevations-Sheet 02 of 02 received on 31/07/2023.

Drawing number 2042-PL13 Rev A Proposed Wall and Fence Elevations received on 31/07/2023.

Drawing number 2042 PL15 Proposed Surface Water Drainage Site Plan received on 19/09/2023.

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

CONDITION 3:

The facing materials to be used on the external walls and roof shall be as specified on the application form, received by the Council on 31/07/2023 and on plan numbers 2042-PL10 Rev B Proposed Elevations-Sheet 01 of 02 and 2042-PL11 Rev C Proposed Elevations-Sheet 02 of 02 received by the Council on 31/07/2023

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

CONDITION 4:

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 5:

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:

- 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;
- the control of dust including arrangements to monitor dust emissions from the development site during the construction phase;
- measures to reduce mud deposition offsite from vehicles leaving the site;
- a piling risk assessment if such works are to take place;

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 6:

Prior to the commencement of the construction of the new building a Bat Roost Activity Survey must be carried out of the north and south single storey buildings (identified as B1 and B2 in the Preliminary Bat Roost Assessment by Midlands Ecology received by the Council on 31/07/2023). The results of the survey must be submitted and approved in writing by the Local Planning Authority and any recommended mitigation carried out in accordance with the recommendations of the survey.

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

CONDITION 7:

Prior to the removal of the tree planting along the eastern boundary of the site fronting onto Dunchurch Road, a survey must be carried out to establish if there is any bat roosts or activity in the trees. This should be carried out from May to September. If evidence of bats is found, work should stop immediately, and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

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

CONDITION 8:

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

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

CONDITION 9:

Prior to occupation of the new building, a final specification of all proposed tree planting must be submitted and approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition, all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 5 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedge of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON: In the interests of biodiversity, visual amenity and environmental site enhancement.

CONDITION 10:

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

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

CONDITION 11:

The new 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 12:

Other than those shown on the approved plans no new windows or rooflights shall be formed in any elevation or roofslope of the proposed development, unless non-material variations are agreed in writing with the Local Planning Authority.

REASON: In the interest of residential amenity.

INFORMATIVE 1:

This planning permission is subject to pre-commencement conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these pre-commencement conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

INFORMATIVE 2:

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 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 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 may be sought from Housing Enforcement on (01788) 533857 prior to any work commencing. All fire precautions should be considered to ensure an effective means of escape from the property.

INFORMATIVE 5:

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

INFORMATIVE 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.

DRAFT

Reference: R23/0727

Site Address: Plot 8, Ansty Aerodrome, Combe Fields Road, Combe Fields, Coventry, CV7 9JR

Description: Erection of one commercial unit within Use Class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) including ancillary office space and associated development including access, plant, car parking, service yard, security fencing and landscaping

Weblink: <https://planning.agileapplications.co.uk/rugby/application-details/38445>

Recommendation:

1. Planning application R23/0727 be approved subject to:
 - a) The conditions and informatives set out in the draft decision notice appended to this report; and
 - b) Referral to the Government's Department for Levelling Up, Housing and Communities Planning Casework Unit.
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.

1. Introduction

- 1.1 This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major development which is required to be referred to the Government's Department for Levelling Up, Housing and Communities Planning Casework Unit.
- 1.2 The application site is on land for which outline permission has been granted for a new employment development (known as Prospero Ansty) in 2021 (ref: R19/1540). Employment uses permitted by the outline permission were restricted to B1 (Offices, Light Industrial and Research and Development of Products or Processes) and B2 (General Industrial) Uses. The principle of built development being provided on the application site has therefore already been established within specified parameters.
- 1.3 This application is for the erection of one commercial unit within Use Class B8 (Storage and Distribution). The outline permission was not for B8 Uses meaning that it is not possible to bring this proposed development forward as a Reserved Matters Application pursuant to the outline permission. A full planning application has therefore been submitted for Planning Committee to consider.

2. Proposal

- 2.1. This is a full planning application for the redevelopment of part of the Rolls-Royce site in Ansty (now known as Prospero Ansty). The application site includes existing private highways and land required for essential infrastructure. The main elements of new built development would be provided on 1.06 hectares of this land.

- 2.2. The proposal has been submitted by Rolls-Royce and relates to the proposed re-location of their existing document storage facility. This existing facility is currently located in a building located approximately 130 metres to the southwest of the application site. The proposed replacement building would be smaller in size and scale than the existing facility. It would provide bespoke facilities to serve Rolls-Royce's ongoing needs for the preservation and long-term secure and safe storage of business-critical Rolls-Royce documents. It is required because records must be retained for the operational lifetime of each engine manufactured. The collection and secure storage of this material is therefore of great importance, in addition to comprising an international heritage archive. Furthermore, the Rolls-Royce Heritage trust utilise their archives providing community benefits to interested parties and heritage groups.
- 2.3. The building itself would principally be comprised of drawing rooms and microfilm rooms together with an office and staff welfare facilities. It would provide a total employment floorspace of 3,103 sq. m (GIA) / 3,234 sq. m (GEA). The use of this building for storage purposes means that it would be classified as a B8 Use (Storage and Distribution). The building would be 7.20 metres high above a finished floor level of 83.00m AOD giving a ridge height of 90.20m AOD.
- 2.4. A total of 36 car parking spaces would be provided of which 4 would have access to electric vehicle charging points. There would be 8 covered cycle spaces. There would be no HGV parking spaces. This is because Rolls-Royce has advised that the bespoke arrangements in place for the storage facility (as is the case for their existing facility) only necessitate deliveries/servicing via vans. The service yard has also been designed such that a 7.5 tonne rigid vehicle can access and egress the site in a safe manor.
- 2.5. The site would be accessed and serviced directly from the existing Pilot Way central spine road via a new stub road 'T' junction access. Access to the wider road network would be secured via existing access roads in Ansty Business Park and Prospero Ansty. These roads ultimately connect to the primary access link to the A46, M6 J2 and M69 in addition to two secondary access points onto Combe Fields Road. A new signalised junction is in the process of being provided on Combe Fields Road. Once complete the use of this junction would be restricted to cars and smaller vehicles only. Any HGV traffic would continue to be directed to the strategic road network through Ansty Business Park rather than using local routes such as via Ansty Village.
- 2.6. To create a large single level platform for the proposed buildings it would be necessary to undertake cut and fill earthworks across the site. The existing site gradually slopes up from the east to west by approximately 2 metres from around 82.5m AOD to 80.5m AOD. There are several isolated bunds within the plot. The proposed earthworks would result in a finished floor level of 83.00m AOD. As a result, the ridge height of the proposed units would be 90.20m AOD. This compares to 98.50m AOD for the Meggitt building, 102.50m AOD for the Cadent building, 99m AOD for Plot 1B, 105m AOD for the MTC buildings and 105.70m AOD for the Rolls-Royce fan case manufacturing facility (8 shop). The ridge heights of other approved buildings in Prospero Ansty also stand at 106.10m AOD on Plot 5, 98.60m AOD on Plot 3, 105.40m AOD on Plot 6 and 102.15m AOD on Plot 7.
- 2.7. The proposed drainage system would comprise of a dry basin, permeable paving and below ground geocellular tank. This would provide 300m³ attenuation and would cater for 1 in 100 year storm events plus a 40% allowance for climate change. Surface water runoff from the site would be restricted to the greenfield runoff rate of 4.86 l/s and discharged to a gravity connection manhole in Pilot Way. Foul water would be discharged via gravity to an existing stub connection manhole in Pilot Way.
- 2.8. Thicket woodland edge planting would be provided between the northern elevation of the building and northern site boundary. Strategic landscape planting is proposed around the

remaining perimeter of the site. This would include the provision of formal and mixed species native hedgerows together with ornamental shrub planting and extra heavy standard trees.

- 2.9. In economic terms the proposal represents a major investment which would provide a base for up to 46 full-time equivalent employees and would have a positive impact on the local economy and prosperity of the Borough.

3. Site Description

- 3.1. The main elements of proposed built development would be provided on 1.06 hectares of land which falls within the enclosed 75 hectare Rolls-Royce site at Ansty (now known as Prospero Ansty). The site itself and wider 75 hectare site falls within land which was granted outline planning permission for redevelopment as a new employment area in 2021 (ref: R19/1540). The application site includes existing private highways and land required for essential infrastructure.
- 3.2. The main elements of proposed built development would be carried out on a part of the site comprised of grassland, dense and scattered scrub, areas of ruderal growth, hardstanding and trees.
- 3.3. The topography of the site is such that it gradually slopes up from the east to west by approximately 2 metres from around 82.5m AOD to 80.5m AOD. There are several isolated bunds within the plot.
- 3.4. The site has historically formed part of Rolls-Royce Ansty's site and manufacturing operations. Many of the buildings associated with this use have been demolished ahead of the proposed redevelopment of the site. Three buildings used by Rolls-Royce for manufacturing and document storage remain and are located to the southeast, south and southwest of the site. A further building is located at a greater distance to the south of the site and is used by RWG as an engine test facility.
- 3.5. To the southeast of the site is a large manufacturing facility and headquarters operated by Meggitt. This facility was the first building to come forward as part of the redevelopment plans. It provides 45,844sq.m of gross internal B2 Use Class floorspace in a building which is 13.70 metres high. Significant strategic landscape planting has been provided on land to the east and south of Meggitt's building. Two attenuation ponds have also been provided to the southeast of the Meggitt building to contain surface water runoff arising from this.
- 3.6. A large office facility occupied by Cadent is also located to the east of the site. This was the second building to come forward as part of the redevelopment plans. This building has a gross external floor area of 11,124 sq.m and is 19 metres high. A separate multi-storey car park associated with these offices has also been constructed. This building has a total gross external floor area of 9,113 sq.m and is 14 metres high. Further strategic landscape planting and an attenuation pond will be provided on land to the north and east of this building.
- 3.7. Three commercial units for flexible use under use classes B2 and B8 has been constructed on land to the east of the site adjacent to Combe Fields Road. These units came forward as the third phase of the redevelopment plans. They have a combined gross external floor area of 23,239 sq.m and maximum height of 16.5 metres. Strategic landscape planting and an attenuation pond has been provided on land to the north and east of this building.
- 3.8. Planning permission has been granted for the erection of four further units on land to the south and southwest of the site. These are known as plots 3, 5, 6 and 7. Work to implement these permissions has commenced and when finished will provide: 16,418m² (GEA) of floorspace for flexible use under use classes B2 and B8 with a height of 14.60m and ridge height of

98.60m AOD on plot 3; 28,361m² (GEA) of floorspace for a B8 use with a height of 17.10m and ridge height of 106.10m AOD on plot 5; 25,578 m² (GEA) of floorspace for flexible use under use classes B2 and B8 with a height of 17.10m and ridge height 105.40m on plot 6; and 11,224 m² (GEA) of floorspace for flexible use under use classes B2 and B8 with a height of 15.50m and ridge height of 102.15m AOD on plot 7. Strategic landscape planting will also be provided in connection with these units.

- 3.9. At a broader level the site is seen within the context of Ansty Business Park to the north which benefited from outline planning permission for 124,484 square metres of B1 floorspace for use as a High Technology Park. A substantial part of this land has now been developed and occupied with a limited number of plots remaining. Buildings present on the site include the Manufacturing Technology Centre (19m high), LEVC (17.60m high), FANUC (14.35m high), Sainsbury's (13m high), AVL (9.10m high), Ericsson (6.10m high), High Temperature Research Centre (14.50m high) and Aerospace Research Centre (15.20m high). The primary access to this area is afforded off the A46 and M6 J2 with a secondary access off Combe Fields Road. A dual lane spine road called Central Boulevard runs through the centre of the Park providing direct access to each building. Areas of strategic landscaping have been incorporated around the perimeter of the site with further ornamental landscaping throughout the Park.
- 3.10. The LEVC site is located to the immediate north of the application site. The LEVC building totals 25,109 sq.m (GEA) of floorspace for use within Class B2 (General Industrial). It is used for the assembly of vehicles together with ancillary offices and research and development facilities. The building is predominantly 14m in height to the top of the parapet with a ridge height of 15m over the assembly hall to accommodate specialist high-tech assembly equipment and modern storage racking systems. The highest point of the building is the tip of the feature corner roof at 17.6m. Externally there is yard area with associated access to the rear and side of the building and adjoining the application site. Within this location there is also an area for the open storage/parking of completed vehicles in addition to a servicing area and test track facility.
- 3.11. The Rolls-Royce site and Ansty Business Park are surrounded by open countryside which is used for agriculture. The closest residential property is located approximately 630 metres from the site to the northeast at Sparrow Hall Cottages on Combe Fields Road. The property of Fair View on Peter Hall Lane is located approximately 800 metres away to the southeast. Hill Fields Farm and Walsgrave Hill Farm are also located approximately 850 metres and 1,110 metres away to the southwest.
- 3.12. Public bridleways R75b and R75x and public footpath R75y are located to the south and public footpath R73c and R74 are located to the east of the wider Rolls-Royce site. Coombe Abbey Conservation Area, incorporating the Grade II* registered park of Coombe Country Park, is located approximately 1km to the south of the application site. A number of listed buildings are located in this area with the most notable being the Grade I listed Coombe Abbey. Aside from this it is noteworthy that the A46 Coventry Eastern Bypass and urban area of Coventry is located approximately 1.20km to the west. The M6 motorway is also located approximately 0.80km to the north.

4. Relevant Planning History

- 4.1 R22/0491: Erection of two commercial units for flexible use within Use Classes B2 (General Industrial) and B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and associated development including drainage, earthworks, highways, car parking, HGV parking, service yard and landscaping. Approved 30/09/2022.

- 4.2 R22/0485: Erection of one commercial unit for flexible use within Use Classes B2 (General Industrial) and B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and associated development including drainage, earthworks, highways, car parking, HGV parking, service yard and landscaping. Approved 21/09/2022.
- 4.3 R21/1165: Erection of three commercial units for flexible use within Use Classes B2 (General Industrial) and B8 (Storage and Distribution) with ancillary uses, and associated works, including supporting infrastructure, landscaping and re-profiling works for the remainder of Plot 1. Approved 05/04/2022.
- 4.4 R21/0784: Erection of three commercial units (Use Class B2) and associated works, including supporting infrastructure, landscaping and re-profiling works for the remainder of Plot 1 (application for approval of reserved matters relating to access, appearance, landscaping, layout and scale against outline planning permission R19/1540 dated 15th June 2021). Approved 29/10/2021.
- 4.5 R21/0525: Erection of building and use for Class B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) with PV roof panels, including ancillary offices. Primary vehicular access from Pilot Way (Ansty Park), secondary vehicular access from Combe Fields Road, access road, car parking, cycle parking, lorry parking, service areas, drainage, landscaping, demolition of existing buildings, ground remodelling, associated works and temporary use of land for deposition of soil arisings. Approved 31/08/2021.
- 4.6 R21/0501: Change of use from open pasture agricultural land to land for biodiversity enhancement together with habitat creation and associated works. Approved 18/08/2021
- 4.7 R19/1540: Outline planning application for a new employment area (Prospero Ansty) including the redundant/surplus parts of the Rolls-Royce Ansty manufacturing and testing site, comprising B1a, B1b, B1c & B2 floorspace (up to 160,000 m², of which no more than 20,000 m² is for B1a and/or B1b), hotel (C1) (up to 4,500 m²), retail (A1/A3) (up to 250 m²); including car & cycle parking, structural landscaping, new access roads, any necessary demolition (including demolition of "4 shop"), ground remodelling, drainage infrastructure, provision & replacement of utilities & service infrastructure and other associated works. Approved 15/06/2021.
- 4.8 R19/1512: Erection of building and use for purposes within Class B1(a) (Offices) of the Town and Country Planning (Use Classes) Order 1987 (as amended), together with ancillary research and development facilities (Use Class B1(b)), staff gym and studio, associated surface and multi-storey car park, cycle parking, access road, service areas, external plant and machinery, drainage, attenuation ponds, landscaping, demolition of existing buildings, ground remodelling and associated works. Approved 03/07/2020.
- 4.9 R20/0094: A new commercial headquarters building providing B1(a) office, B1(b) research and development, B1(c), light industrial, B2 and sui generis space, associated car parking, lorry parking, cycle parking, service areas, external plant and machinery, structural landscaping, drainage, SUDs, and other supporting infrastructure including new access roads, together with any necessary demolition and ground remodelling. Approved 14/08/2020.
- 4.10 R17/1829: Erection of building and use for purposes within Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended), including ancillary offices and storage space, primary vehicular access from Pilot Way (Ansty Park), secondary vehicular access from Combe Fields Road, car and cycle parking, service areas, reserve expansion land, external storage units, gatehouse, drainage, attenuation ponds, substation,

foul pumping station, demolition of existing buildings, ground remodelling and associated works. Approved 20/04/2018.

- 4.11 R18/0008: Prior notification of proposed demolition. Prior approval not required 02/02/2018.
- 4.12 R16/1923: Demolition of existing gatehouse to southern entrance and erection of replacement gatehouse to northern entrance and associated works to include alterations to access. Approved 09/01/2017.
- 4.13 R16/1250: Prior notification of proposed demolition. Prior approval not required 27/06/2016.
- 4.14 R14/1900: Prior notification of proposed demolition. Prior approval not required 28/10/2014.
- 4.15 R14/1114: Prior notification of proposed demolition. Prior approval not required 12/08/2014.
- 4.16 R12/0739: Prior notification of proposed demolition. Prior approval not required 10/05/2012.

5. Technical Consultation Responses

Cadent Gas	No objection
Coventry Airport	No response
Coventry City Council	No comment
Environment Agency	No response
Forestry Commission	Comments
Health and Safety Executive	No objection
National Air Traffic Services	No objection
National Grid (Cadent Gas)	No response
National Highways	No objection subject to conditions
Natural England	No objection
RBC Environmental Health	No objection subject to conditions and informatives
RBC Trees and Landscaping	No Objection.
RBC Works Services Unit	No objection with comment
Severn Trent Water	No response
Stagecoach	No comment
The Woodland Trust	No response
Warwickshire Fire and Rescue	No objection subject to informatives.
Warwickshire Police	No objection with comment
Warwickshire Wildlife Trust	No response
WCC Archaeology	No objection
WCC Ecology	No objection.
WCC Flood Risk Management	No objection subject to conditions and informatives
WCC Highways	No objection subject to informatives
WCC Strategic Growth and Infrastructure	No objection with comments and subject to developer contribution
Western Power	No response

6. Third Party Consultation Responses

Combe Fields Parish Council	Comment
-	No particular objection.
-	Any external lighting should be kept to an absolute minimum.
-	Steps shall be taken to ensure that external lighting and any lighting from the building facing East, towards Combe Fields residencies, is shielded / installed / positioned, so as not to add to the increasing "Christmas Tree Light" effect of Prospero / Ansty Park.
-	No construction traffic shall use Smeaton Lane (C171) and Peter Hall Lane (D2046)

LEVC	Comment
-	No objection.
-	Assurances sought that proposed construction works would not have any adverse impact on the operation of day-to-day business activities of LEVC.
-	LEVC manufacture automotive and electric vehicles.
-	Construction works would be in close proximity to where completed vehicles are stored outside of factory facility until they are transported to customers.
-	Request confirmation of measures to be put in place to mitigate and/or prevent the spread of dust particles and any other airborne substances that may emanate from the construction site to ensure that no damage is caused to LEVC products that are stored outside.

7. Assessment of Proposal:

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

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

7.3 Rugby Borough Council Local Plan 2019

GP1	Securing Sustainable Development	Complies
GP2	Settlement Hierarchy	Complies
GP3	Previously Developed Land and Conversions	Complies
GP4	Safeguarding Development Potential	Complies
DS1	Overall Development Needs	Complies
ED1	Protection of Rugby's Employment Land	Complies
ED2	Employment Development Within Rugby Urban Area	Complies
ED3	Employment Development Outside Rugby Urban Area	Complies
HS1	Healthy, Safe and Inclusive Communities	Complies
HS2	Health Impact Assessments	Complies
HS5	Traffic Generation, Air Quality, Noise and Vibration	Complies
NE1	Protecting Designated Biodiversity and Geodiversity Assets	Complies
NE2	Strategic Green and Blue Infrastructure	Complies
NE3	Landscape Protection and Enhancement	Complies
SDC1	Sustainable Design	Complies
SDC2	Landscaping	Complies
SDC3	Protecting and Enhancing the Historic Environment	Complies
SDC4	Sustainable Buildings	Complies
SDC5	Flood Risk Management	Complies
SDC6	Sustainable Drainage	Complies
SDC7	Protection of the Water Environment and Water Supply	Complies
SDC9	Broadband and Mobile Internet	Complies
D1	Transport	Complies
D2	Parking Facilities	Complies
D3	Infrastructure and Implementation	Complies
D5	Airport Flightpath Safeguarding	Complies

7.4 Supplementary Planning Documents (SPDs)

Air Quality SPD (2021)

Climate Change and Sustainable Design and Construction SPD (2023)

7.5 Material Considerations

National Planning Policy Framework (NPPF or “the Framework”) (2023)
National Planning Practice Guidance (NPPG)
National Model Design Code - Part 1 - Coding Process (2021)
National Model Design Code - Part 2 - Guidance Notes (2021)
Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

7.6 Key Issues

Section 8 Settlement Hierarchy and Green Belt
Section 9 General Principle of Development
Section 10 Principle of Employment Development
Section 11 Economic Growth
Section 12 Landscape and Visual Impact
Section 13 Trees and Hedgerows
Section 14 Ecology
Section 15 Traffic Flows and Highway Safety
Section 16 Flood Risk and Drainage
Section 17 Heritage and Archaeology
Section 18 Air Quality
Section 19 Noise
Section 20 Contamination
Section 21 Light
Section 22 Residential Amenity (Light, Aspect and Privacy)
Section 23 Carbon Emissions, Sustainable Design and Construction
Section 24 Health
Section 25 Broadband
Section 26 Other Matters
Section 27 Planning Balance and Sustainability of Development

8. **Settlement Hierarchy and Green Belt**

Settlement Hierarchy

8.1 Policy GP2 of the Local Plan outlines a sequential settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within the West Midlands Green Belt which is classified as being the least sequentially preferable location for development. The policy consequently sets out that development will be resisted in such areas unless permitted by national policy on Green Belts.

National Policy on Green Belts

8.2 National policy on Green Belts is set out within the Framework at section 13. Paragraph 147 is particularly relevant and stipulates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Inappropriate development includes the construction of new buildings other than those listed as exceptions in paragraph 149 of the Framework.

8.3 The exception listed at paragraph 149g of the Framework allows for the “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 reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

8.4 In order for the scheme to benefit from this exemption, it must first be demonstrated that it is previously developed land. This is defined in Annex 2 of the Framework as being: “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.” The exclusions to this definition are then listed with one of these being “land that was previously developed but where the remains of the permanent structure have blended into the landscape”.

8.5 ‘Curtilage’ is not a term defined in legislation or the Framework. The Courts have consistently held that the extent of a curtilage will be a matter of fact and degree and will depend on the particular circumstances of a case.

8.6 Regarding this application, it is noted that the application site can broadly be broken down into four distinct areas which are comprised of the following:

- Area 1: Existing highway infrastructure including Pilot Way and Central Boulevard.
- Area 2: Former airfield. This dates back to 1938 when Ansty Airfield was established. It comprised on a runway with taxiways together with associated buildings. A small area of the runway and taxiway fall within the application site. The land immediately adjoining this was undeveloped and remained as grazed grassland falling within the curtilage of the airfield. This area of land was eventually fenced off outside of the Rolls-Royce site.
- Area 3: Rolls-Royce curtilage. This area falls within the fenced perimeter of the wider Rolls-Royce site. Although no buildings or handstanding were located within this area it was clearly viewed and understood to form part of the curtilage of the Rolls-Royce site.

8.7 It is considered that areas these areas should be classified as previously developed land. They comprise of land which is or was occupied by a permanent structure, including the curtilage of the developed land. To determine whether development in these areas would be inappropriate development in the Green Belt, it is necessary to ascertain whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development. This is considered below.

Impact on Openness

8.8 In regard to openness, paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to keep land permanently open with the essential characteristics being its permanence and openness. It is important to note that openness in terms of the Green Belt has a spatial aspect as well as a visual aspect and is not therefore limited to volumetric comparisons.

8.9 In this case the application site is currently free from any permanent structures. The proposed construction of buildings and associated infrastructure on this land would clearly result in a permanent loss of that openness. Furthermore, the cumulative impact arising from the size and scale of this development, and the approved Prospero Ansty outline development (R19/1540), Meggitt development (R17/1829), Cadent development (R19/1512), Plot 3 development (R22/0485), Plot 5 development (R21/0525), Plots 6 and 7 development (R22/0491), Plot 1B development (R21/0784 and R21/1165) and Rolls-Royce consolidation development (R18/2218), is such that the spatial impact would be significantly greater than

the combined floorspace, height and volume of the now demolished buildings which were located on the wider Rolls-Royce site.

- 8.10 From a visual perspective the presence of the proposed building and development in this part of the site would not be readily visible from public vantage points outside of the wider Prospero Ansty site. Views would rather be from adjoining businesses and Pilot Way (which is a private unadopted road used only to facilitate access to businesses within Prospero Ansty and Ansty Business Park).
- 8.11 The position of the application site is such that it is surrounded by buildings. The main proposed building and tallest structure on the site would be 7.20 metres high with a ridge height of 90.20m AOD. This would be significantly lower than all of the surrounding buildings which have been constructed and are currently being constructed on the Prospero Ansty site. For reference, the Meggitt building has the next lowest AOD height at 98.50m AOD followed by Plot 5 at 106.10m AOD.
- 8.12 Any potential views from outside of the site would further be reduced through significant landscape planting which would be provided along the northern and eastern edges of the application site. Strategic landscape planting will also be provided to the boundaries of the Prospero Ansty site in connection with other approved development. When established this would collectively help to screen and soften any views of the building. Furthermore, the presence of this building would not be seen in isolation within open countryside. Instead, it would be seen within the context of existing buildings at Prospero Ansty (including the Meggitt, Cadent, Plot 1B units and retained Rolls-Royce buildings) and Ansty Business Park.
- 8.13 Notwithstanding the above, the visual impact arising from the proposed building and development would be significant compared to the currently open nature of the site. Having regard to the spatial and visual aspects of development, it is considered that the proposal would clearly cause significant and permanent harm to the Green Belt by reducing its openness. This harm must be given substantial weight in accordance with paragraph 148 of the Framework.

Other Harm

- 8.14 Aside from the impact on openness, paragraph 138 of the Framework sets out that the Green Belt serves five purposes: (a) to check the unrestricted sprawl of large built up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns; and (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.15 In this regard, Ansty Business Park and the majority of the Rolls-Royce site are designated as being an Employment Site (Within Green Belt) on the Rural Policies Map. This designation creates a clearly defined area for employment development which is physically disconnected from Coventry and other urban areas.
- 8.16 The area of proposed built development for this application would be contained entirely within this designated area. It is considered that containing development to the boundaries of the designation helps to prevent harm to the five purposes. In particular, it would not diminish the physical separation of the designated area from Coventry or other urban areas.
- 8.17 However, as identified above, the amount of development proposed within this designated area would increase. This would have a spatial and visual impact on the openness of the Green Belt. In turn, this would reduce the amount of open space on the site thus creating a notably denser urban form of development across the extent of the designation. This would

contrast with the limited number of buildings and significantly higher amount of open space on the site previously. As a result, the proposal would give rise to some limited harm to checking the unrestricted sprawl of large built-up areas and some moderate harm to assisting in safeguarding the countryside from encroachment.

- 8.18 Conversely, the contained nature of development to land within the designated area ensures that it would not give rise to harm to prevent neighbouring towns merging into one another, preserving the setting and special character of historic towns, and assisting in urban regeneration.

Other Considerations

- 8.19 It has been established that the proposal would give rise to harm to the Green Belt by reason of inappropriateness, impact on openness and impact on two purposes of including land in the Green Belt. Other potential harm resulting from the proposal are considered and dealt with in the sections below. This harm must be given substantial weight in accordance with paragraph 148 of the Framework. Very special circumstances will not exist unless that harm is clearly outweighed by other considerations. Such considerations are set out in depth below and will be weighed up in the planning balance at the end of this report.

Extant Outline Planning Permission

- 8.20 Outline planning permission (R19/1540) was granted on 15th June 2021 for a new employment area (known as Prospero Ansty) on the Rolls-Royce Ansty site. The permission is specifically for B1a, B1b, B1c and B2 floorspace (up to 160,000m²), a hotel (C1) (up to 4,500m²) and retail units (A1/A3) (up to 250m²). The permission also includes car and cycle parking, structural landscaping, new access roads, any necessary demolition (including demolition of "4 shop"), ground remodelling, drainage infrastructure, provision and replacement of utilities and service infrastructure and other associated works. This permission remains extant and does not expire until 15th June 2031.
- 8.21 Development and landscape parameters plans were approved as part of the outline application which will guide future detailed development on the outline site. These plans show the area where built development would be carried out. Maximum building heights of 18m for much of the site and 14m for the southern part of the site are specified. The location of the main access road is also shown together with areas for formal and structural landscaping. The structural landscaping would be located around the southern and western perimeter of the site. It would predominately be 20m wide with a small 14m wide section on part of the western boundary. Further locations for ecological mitigation works and retained ancient woodland are indicated.
- 8.22 The application site for this full application falls within the boundary of this outline application. The proposed building would be within the development and landscape parameters approved for the outline application. Specifically, it falls within an area identified for development, would not exceed maximum floorspace allowances and has a maximum height no greater than 90.20m AOD (the outline permission allows for buildings with a height up to 101.10m AOD on plot 8).
- 8.23 The outline permission provides a fallback position for the size of buildings which could be constructed in this location. It is therefore reasonable to conclude that the proposal would not have a greater impact on the openness of the Green Belt than what has already been permitted and could be constructed in this location. This is a material consideration which must be considered in the planning balance.

9. General Principle of Development

- 9.1 It is important to recognise that development has been located on this site since 1935 when it was used as an RAF airfield. Rolls-Royce subsequently took over and began further developing the site from 1966 onwards. The status of this land as an employment site has therefore been long established despite its location in the Green Belt. This has been further recognised and protected by virtue of the site's designation in successive development plans which allows for its redevelopment. Such recognition has ultimately allowed for the redevelopment of the northern part of the airfield as a large scale (140,000 square metres) commercial development known as Ansty Business Park. This precedent and the legacy of the site is an important consideration in understanding the high value and regional significance of the site for meeting economic and employment needs at both a local and regional level.
- 9.2 Policy GP3 of the Local Plan further sets out that the Council will support the redevelopment of previously developed land where proposals are compliant with other policies in the Local Plan. It particularly highlights the need to consider the impact on visual amenity, landscape, properties, services, heritage and biodiversity assets. Such considerations are set out in depth below and will be weighed up in the planning balance at the end of this report.
- 9.3 The proposed redevelopment of the application site would be carried out in a sensitive way which would not prejudice the development potential of other land being realised as required by policy GP4 of the Local Plan. In particular, it would not prejudice the development potential of other land through provision of infrastructure including road links and flood risk attenuation features.

10. Principle of Employment Development

- 10.1 Notwithstanding the location of the site in the Green Belt, policy ED1 of the Local Plan and accompanying Rural Policies Map sets out that the whole Rolls-Royce site is an Existing Strategically Significant Employment Site. Such sites are to be retained for B1, B2 and B8 use classes. The policy outlines that "the infilling or the partial or complete redevelopment of existing employment sites will be supported subject to the consideration of potential impacts to their surroundings against the relevant policies in the Local Plan and national policy, in particular those sites located in the Green Belt".
- 10.2 In this case the proposal is for the partial redevelopment of the existing Rolls-Royce site as defined on the Rural Policies Map. It therefore complies with policy ED1 which indicates support in principle for B8 use class employment development in this location. In turn, the proposal also complies with policy ED3 of the Local Plan because it is for employment development outside of the Rugby Urban Area but within a site allocated for employment purposes.
- 10.3 The proposal further complies with policy ED3 of the Local Plan because it is for employment development outside of the Rugby Urban Area but on a site historically and currently used for B use class employment purposes. Equally, the proposal complies with policy ED2 of the Local Plan because the proposed office floorspace would be ancillary to the proposed main B8 use.
- 10.4 Furthermore, the proposal complies with policy DS1 of the Local Plan which sets out the need for 208ha of employment land, including 98ha to contribute to Coventry's unmet needs between 2011 and 2031. Paragraph 4.16 of the supporting text to this policy makes clear that the employment land target would be delivered partly through intensification opportunities at existing sites. The redevelopment and intensification of the Rolls-Royce site would therefore help to ensure this target is met.

11. Economic Growth

- 11.1 Policy GP1 of the Local Plan sets out a goal to secure development that improves the economic conditions of this area. This is consistent with paragraph 81 of the Framework which outlines that “decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.
- 11.2 The proposed development seeks to provide a replacement storage facility for Rolls-Royce which falls under the B8 use class. It would enable Rolls-Royce to meet their ongoing needs for the preservation and long-term storage of business-critical Rolls-Royce documents on a site of historical significance for the manufacturer. At the same time, it would protect existing local jobs within the existing storage facility which would be relocated to this new facility. In total there would be 46 full-time equivalent employees employed at the site.
- 11.3 The proposed development would also represent further investment in the Borough arising from the construction of the unit. Other economic benefits would include: safeguarding of construction jobs; associated in-direct jobs and businesses being supported; potential new construction employment opportunities; and support of businesses and jobs who provide services to the facility.
- 11.4 Overall, the proposal represents a positive investment in the Borough. It would safeguard existing jobs and continue to provide potential new employment opportunities in the future. As a consequence, it would have a significant and positive impact on the local economy. In line with the Framework, these benefits to economic growth and productivity should be given significant weight in favour of the proposed development. As a result, the proposal complies with the Framework and policy GP1.

12. Landscape and Visual Impact

- 12.1 Section 12 of the Framework and policies NE3, SDC1 and SDC2 of the Local Plan set out the importance of good design and landscaping in new developments. They also set out the importance of considering the impact of development on the landscape.
- 12.2 The application site comprises of 1.06 hectares of land. The proposed built development falls within the 75 hectare Rolls-Royce site at Ansty. The site is comprised of a number of habitats including grassland, scrub habitats, ruderal vegetation and recolonising hardstanding.
- 12.3 The majority of original buildings at the Rolls-Royce site have been demolished. Prior to the demolition works there was a wide variety of buildings on the site with the layout, appearance, sizes, heights and materials having clearly evolved over the years. There was consequently no clear and uniform character with the development rather appearing more disjointed. However, in general terms the buildings closest to Combe Fields Road were two storeys in height with incidental green space positioned between the buildings and the road. The larger more industrial looking buildings were located further into the site on higher ground levels thereby being readily visible in the surrounding landscape. A chimney stack just under 30m high also dominated the skyline and was visible from many public vantage points.
- 12.4 A significant amount of the Rolls-Royce site has already been redeveloped. This started with the construction of a large purpose built manufacturing facility and headquarters operated by Meggitt. It provides 45,844 square metres of gross internal B2 Use Class floorspace in a building which is 13.70 metres high. Work has also been completed on the construction of a new office and research development facility for use by Cadent together with associated multi-storey car park. This has resulted in the provision of 20,237 square metres of new floorspace

split between two buildings which are between 14 and 19 metres high. Speculative development of three units on land between the Cadent and Meggitt buildings (known as Plot 1B) has resulted in the provision of 23,239 square metres of new floorspace with a maximum height of 16.5 metres.

- 12.5 Planning permission has also been granted for the erection of four further units on land to the south and southwest of the site. These are known as plots 3, 5, 6 and 7. Work to implement these permissions has commenced and when finished will provide: 16,418m² (GEA) of floorspace for flexible use under use classes B2 and B8 with a height of 14.60m on plot 3; 28,361m² (GEA) of floorspace for a B8 use with a height of 17.10m on plot 5; 25,578 m² (GEA) of floorspace for flexible use under use classes B2 and B8 with a height of 17.10m on plot 6; and 11,224 m² (GEA) of floorspace for flexible use under use classes B2 and B8 with a height of 15.50m on plot 7.
- 12.6 The proposal subject of this application would continue the redevelopment of the Rolls-Royce site. It would result in the construction of one storage building. The building would have a gross external floor area of 3,234 square metres. It would be 7.20m high above a finished floor level of 88.30m AOD giving a ridge height of 90.20m AOD. In respect of appearance, the proposed elevations of the office elements would contain a high level of glazing. The main elevations of the units would be clad in horizontally laid profiled metal cladding, in white and dark grey. The roof would not be visible as there would be a parapet which conceals this.
- 12.7 To create a large single level platform for the proposed building it would be necessary to undertake cut and fill earthworks across the site. The existing site gradually slopes up from the east to west by approximately 2 metres from around 82.5m AOD to 80.5m AOD. There are several isolated bunds within the plot. The proposed earthworks would result in a finished floor level of 83.00m AOD. As a result, the ridge height of the proposed units would be 90.20m AOD. This compares to 98.50m AOD for the Meggitt building, 102.50m AOD for the Cadent building, 99m AOD for Plot 1B, 105m AOD for the MTC buildings and 105.70m AOD for the Rolls-Royce fan case manufacturing facility (8 shop). The ridge heights of other approved buildings in Prospero Ansty also stand at 106.10m AOD on Plot 5, 98.60m AOD on Plot 3, 105.40m AOD on Plot 6 and 102.15m AOD on Plot 7.
- 12.8 In terms of landscape and visual impact, the proposal would result in development in a part of the site where there has previously been no physical built development. The proposed building would be 7.2m high. This compares to the: 19m height of the MTC and Cadent buildings to the east and northeast; 13.70m height of the Meggitt building; 16.5m height of the three units on plot 1B; and 17.10m height of the approved plot 5 building to the east. The position and size of the proposed building are consequently such that it would not be highly visible when viewed from public vantage points including Coombe Country Park, Combe Fields Road, public rights of way R73c, R75b, R75x and R75y, and nearby residential properties.
- 2.10. In order to mitigate against the visual impact, thicket woodland edge planting would be provided between the northern elevation of the building and northern site boundary. Strategic landscape planting is proposed around the remaining perimeter of the site. This would include the provision of formal and mixed species native hedgerows together with ornamental shrub planting and extra heavy standard trees.
- 12.9 The Council's Landscape and Arboricultural Officer has considered all the submitted plans and arboricultural information submitted. They are satisfied that whilst some tree losses are proposed including existing tree cover of moderate quality that proposed tree/hedge/woodland/thicket planting mitigates this and will provide a positive environmental enhancement in the context of the local area.

12.10 It is considered that the proposed development would have an acceptable impact on the landscape and visual amenities of this area. The scale and layout of the proposed development is such that this would have a greater impact than was previously the case. However, in mitigation, the development would be seen within the immediate context of well-established buildings rather than intruding into open countryside. The height of the building would conform to the limitations set within the outline permission (ref. R19/1540). Over time the impact would be lessened as the proposed landscape planting matures and thereby softens and filters views of the development. As a result, the proposal complies with the Framework and policies NE3, SDC1 and SDC2 of the Local Plan.

13. Trees and Hedgerows

13.1 Paragraphs 131 and 174 of the Framework and policies NE3 and SDC2 of the Local Plan set out the importance of incorporating features such as trees and hedgerows into the proposed development.

13.2 A Pre-Development Tree Survey was submitted with the application which identifies a number of existing trees located across the proposed built development area. These trees are categorised as being of moderate and low quality. The nature of the proposed development is such that all of these trees would need to be removed.

13.3 To compensate for this loss, it is proposed to provide tree, hedge, woodland and thicket planting. This would include extra heavy standard trees, woodland mix planting, thicket mix planting, mixed species native; ornamental hedgerow and tall and low ornamental planting and wildflower areas.

13.4 The Council's Arboricultural Officer has raised no objection to the proposed replacement tree planting to compensate for the loss of those formerly located on the site. It is accepted that the extent of tree loss was ultimately necessary to create sufficient space for the proposed building to be laid out. The submitted site layout plan shows that the proposed development could be accommodated on the site without causing significant and detrimental harm to existing retained trees. Overall, it is considered that the impact on trees and hedgerows would be acceptable. Indeed, the proposed tree and landscape planting adequately compensates for the impact of those that have been removed. As a result, the proposal complies with the Framework and policies NE3 and SDC2.

14. Ecology

14.1. Paragraphs 174 and 180 of the Framework and policy NE1 of the Local Plan set out the need to protect and enhance biodiversity including protected habitats and species.

Habitats

14.2. There are no statutory designated sites of nature conservation interest located within or immediately adjacent to the site. The nearest statutory site designated on account of its biodiversity interest is the Coombe Pool Site of Special Scientific Importance (SSSI) located approximately 1.6km to the south of the development site at its closest point. The SSSI is separated from the application site by areas of built form and infrastructure in addition to open areas of arable land, as well the ongoing development of the wider Prosper Anstey site.

14.3. Coombe Pool Site of Special Scientific Interest (SSSI) is fed by the Smite Brook watercourse. The proximity of this brook to the site is such that it may be hydrologically linked to the SSSI. This gives rise to the potential for contaminants in surface water from the site being discharged into the watercourse and reaching the SSSI. The Flood Risk Assessment and Sustainable Drainage Strategy submitted with the application contains details of measures which would

ensure pollutant levels expected in the surface water run-off would be controlled. The implementation of these measures would ensure that there is no adverse impact on the downstream SSSI. It is not envisaged that there would be any potential adverse effects on other statutory and non-statutory sites in the area.

- 14.4. The application site itself supports a number of habitats including areas of poor semi-improved grassland, dense and scattered scrub, ruderal vegetation as well as recolonising hardstanding.
- 14.5. The application site is comprised of a number of habitats of varying ecological value. By way of mitigation, thicket woodland edge planting would be provided between the northern elevation of the building and northern site boundary. Strategic landscape planting is proposed around the remaining perimeter of the site. This would include the provision of formal and mixed species native hedgerows together with ornamental shrub planting and extra heavy standard trees.
- 14.6. The site falls within the wider Prospero Ansty outline site which has received permission to incorporate extensive areas of strategic mitigation, including: extensive grassland enhancement and creation, wetland habitat creation, woodland / scrub planting as well as other measures. The incorporation of these measures would ensure that the impacts arising from any habitat loss on the site would be off-set in full with a realistic gain in the longer term.
- 14.7. WCC Ecology has assessed the impact of the proposed development and has requested that condition 6 is imposed requiring the submission of a Biodiversity Impact Assessment (BIA). This would quantify the value of existing habitats and establish what impact there would be from the loss of those habitats as a result of the proposed development. It would then compare this with the post-development habitat values which would be derived from the proposed retention of existing habitats in addition to proposed habitat creation and enhancement on-site. In the event that this demonstrates that there would be a net biodiversity loss arising from the proposed development there would be a need for off-site biodiversity offsetting. This would ensure a net gain in biodiversity on other land in the area surrounding the application site and would be secured by condition 6. WCC Ecology advise there are still approximately 30 habitat units available to be drawn down upon as part of the pre-agreed strategic mitigation therefore, there are no concerns that this phase won't be able to achieve a biodiversity net gain.

Species

- 14.8. The ecological investigations have drawn on data records and surveys which indicate that the development has the potential to have an impact on bats, nesting birds reptiles, amphibians and other protected or notable species. A variety of measures incorporating a series of precautionary working principles are proposed to offset such potential impacts. WCC Ecology has assessed these and are satisfied that the potential impact to these species would be mitigated and must be set out in a Construction Environmental Management Plan (CEMP). This would be secured through condition 3.

Ecology Conclusions

- 14.9. It has been found that the findings of the ecological investigations are acceptable and form a robust basis for considering the ecological impacts arising from the proposed development. In the first instance it has been established that the proposed development would not give rise to detrimental and adverse impacts at statutory and non-statutory ecological sites. The biodiversity impact arising from this application, and any subsequent biodiversity gain, would be secured through the use of planning conditions. Similarly, the potential impact on species could be mitigated against through the use of planning conditions. It is consequently considered that the proposed development would not have an adverse impact upon habitats

and species whilst ensuring a net biodiversity gain. As a result, the proposal complies with the Framework and policies NE1 and NE2.

15. Highways and Transport

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

Access

- 15.2. Historically vehicular access to the Rolls-Royce site was only available from two access points (known as north and south) directly onto Combe Fields Road. This meant all traffic moving to and from the Rolls-Royce site had to use local roads, including through villages like Ansty, to access the facility. However, this situation changed following the construction of the Meggitt manufacturing facility on part of the Rolls-Royce site. This development resulted in the construction of a new spine road which runs through the centre of the Rolls-Royce site and connects into Pilot Way on Ansty Business Park. This consequently allows users to access the site directly via the primary access point to the A46, A4600, M6 J2 and M69 in addition to a secondary access point on Combe Fields Road.
- 15.3. A second new signalised junction is also in the process of being provided on Combe Fields Road to the south. It is anticipated that this will be completed in November 2023. Once operational the use of this junction would be restricted to cars and smaller vehicles only. Any HGV traffic would continue to be directed to the strategic road network through Ansty Business Park rather than using local routes such as via Ansty Village.
- 15.4. The application site itself would be accessed and serviced directly from the existing Pilot Way central spine road via a new stub road 'T' junction access. WCC Highways has assessed the proposed layout and have raised no objection to it.

Parking Provision

- 15.5. A total of 36 car parking spaces would be provided of which 4 would have access to electric vehicle charging points. There would be 8 covered cycle spaces. There would be no HGV parking spaces. This is because Rolls-Royce has advised that the bespoke arrangements in place for the storage facility (as is the case for their existing facility) only necessitate deliveries/servicing via vans. The service yard has also been designed such that a 7.5 tonne rigid vehicle can access and egress the site in a safe manor.
- 15.6. The Council's car parking standards are set out within Appendix 5 of the Local Plan. This indicates that 54 car parking spaces would normally be required for a B8 use of the size proposed on plot 8. The proposed provision would be 18 spaces short of this.
- 15.7. Nonetheless, the standards within the Local Plan are intended to provide guidance and critically are not minimum standards which must be achieved. In this case the application is not for speculative development and the end user of the building is known. Moreover, the proposal is seeking to provide a new document storage facility to replace Rolls-Royce's existing storage facility located approximately 130 metres to the southwest. The applicant is consequently in a beneficial position of having actual data and knowledge of the number of staff who would work in the new facility. They advise that there would be the equivalent of 46 full-time equivalent employees employed at the site. However, due to remote work patterns (50% home, 50% office) and a car pool from the Derby office, the expected number of employees on the site at any one time is 20. Taking this into account it is considered that the provision of 36 car parking spaces would be acceptable in this instance.

- 15.8. The proposed use of the unit for B8 storage and distribution purposes would usually generate HGV movements to and from the site. However, Appendix 5 of the Local Plan sets out that the car parking standards “do not take into account commercial vehicle parking standards, which will be considered on the basis of individual planning applications”. As set out above, the applicant has advised that in this case no HGV parking is required because the bespoke arrangements in place for the storage facility (as is the case for their existing facility) only necessitate deliveries/servicing via vans. There would consequently be two parking spaces for vans adjacent to the building.
- 15.9. WCC Highways has accepted the above explanation and have not objected to the level of provision proposed by Rolls-Royce. However, permission is being sought for a B8 Use of the building. If Rolls-Royce vacated the building in the future or, for example, wanted to use the building for the storage and distribution of goods, it would be possible to use the building for typical B8 purposes. Such B8 storage and distribution uses would usually generate HGV movements to and from the site. If there is no parking or turning areas for HGVs on site, then this could result in unacceptable HGV parking on Pilot Way and/or unsafe HGV manoeuvres being attempted on the site and Pilot Way access. As a result, it is necessary to impose condition 21 which stipulates that deliveries to and collections from the site shall not be made other than by vehicles up to the size of a 7.5 Tonne Rigid Vehicle. It further makes clear that no Heavy Goods Vehicles (HGVs) shall be used in connection with the approved use (including deliveries to and collections from the site). This would prevent HGV parking and manoeuvring on site.

Traffic Flows

- 15.10. The submitted Transport Statement concludes that the traffic impact arising from the proposed development falls within the limits of that which has already been accepted by the outline permission granted at the site (R19/1540). Essentially, it contends that the proposal would not give rise to any additional harm to traffic flows beyond that which has already been agreed and accounted for. Specifically, the traffic analysis demonstrates that the development has the potential to generate up to 20 traffic movements in the morning peak hour and up to 20 movements during the evening peak hour. It notes this fall within the ‘permitted’ traffic generation previously accepted under earlier applications.
- 15.11. It is important to note that the outline permission was specifically for B2 uses only. The proposed change here from a B2 Use to a B8 Use would ordinarily be likely to generate a higher proportion of HGV traffic than was previously accounted for. A Freight Management Plan submitted with the application acknowledges this and sets out the B8 Use “opens up the potential for future use of the site that is not tied down to the initially proposed end user. This will require additional analysis of the traffic generating potential of other alternative B8 uses to establish how their likely operation will compare against the Rolls-Royce proposals.” This gives rise to further justification for seeking to impose condition 21 for the reasons previously outlined.
- 15.12. Both WCC Highways and Highways England have undertaken a full assessment of the development proposals in accordance with national and local planning and transport policy. They are both satisfied that the impact on traffic flows would not be significant and detrimental. They have therefore raised no objections subject to conditions.
- 15.13. Highways England particularly note that a mitigation scheme at M6 Junction 2 would be necessary and must be delivered prior to occupation of the building owing to the projected rise in HGV traffic. The proposed mitigation scheme includes the signalisation of M6 Junction 2 with the introduction of signals at the A46 approach and opposing section of circulatory. This proposed scheme would result in a significant betterment to the overall operation of the junction and A46 approaches. This would be secured by condition 15.

- 15.14. To encourage the use of sustainable transport options and reduce reliance on single occupancy private cars it is proposed that a Travel Plan would be adopted. This would be implemented by a Travel Plan Coordinator who would encourage the adoption of measures such as cycling and car sharing. A Travel Plan would be secured via condition 20. The proposed development would therefore comply with policy D1 of the Local Plan which supports the provision of sustainable modes of transport to mitigate against transport impacts.
- 15.15. WCC Strategic Growth and Infrastructure Team has requested a financial contribution of £180,000 towards the cost of securing improvements to local bus services to support the forecasted demand in trips by sustainable means. They also request that the developer should be asked to deliver and fund the enhancement of the existing bus stop serving the unit to Warwickshire Quality Bus Corridor enhanced specification standard. Furthermore, they request that the bus stop should be provided with Real Time Information (RTI) provision with the anticipated cost being in the region of £65,000. They advise that the latter two requests should be secured through a S38 Agreement which is used by the Highway Authority when a developer proposes that a new road may be offered to the Highway Authority for adoption as a public highway. In addition, they are requesting contributions towards maintenance totalling £5,000 for cleaning and maintaining a bus shelter, £4,000 for maintaining the RTI display and £2,500 for the replacement of the RTI at the end of its 15-year lifespan.
- 15.16. The above requests are not reasonable and fail to meet the CIL regulation tests in this instance. The proposed unit would only be serviced by up to 20 employees per day. The Transport Statement submitted with the application has calculated that based on trip mode share profiles from existing travel patterns made to employment sites within the local area (as contained within 2011 census journey to work data), only 1.9% of trips are via buses. The Statement consequently concludes that there would be no bus trips associated with this proposed development. The request is therefore not fair and reasonable given the scale of the proposed development and number of trips to and from it. In any event, the estate road and bus stop are privately owned and it is not proposed to offer this to the Highway Authority for adoption as a public highway. No S38 Agreement will therefore be signed meaning this requested mechanism to secure bus stop enhancements and RTI will be unavailable. Furthermore, it is necessary to note that the proposed development falls within the extant outline application site (R19/1540) for a new B1 and B2 employment development. These uses and the development parameters permitted within this location would generate more vehicular movements than would be the case for the proposed B8 use subject of this application. No requests for financial contributions were made for the outline application. The proposed vehicular movements associated with the proposed development would be less than the outline development resulting in no greater impact which needs to be mitigated.
- 15.17. In conclusion, it is considered that the proposal would have an acceptable impact on highway safety. The residual cumulative impacts on the road network would also not be severe. As a result, the proposal complies with the Framework and policies HS5, D1 and D2.

16. Flood Risk and Drainage

- 16.1 Paragraphs 159-169 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.
- 16.2 The Flood Risk Assessment and Sustainable Drainage Strategy submitted with the application confirms that the proposed plot 8 built development would be carried out within flood zone 1 (very low risk) and therefore passes the requirements of the sequential and exception tests outlined within the Framework. It also outlines that there would be no increased flood risk to the site itself or adjacent developments and is not susceptible to flooding by other techniques.

- 16.3 In respect of surface water drainage, the Flood Risk Assessment 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 a 40% allowance for climate change. The proposed drainage system would comprise of a dry basin, permeable paving and below ground geocellular tank. This would provide 300m³ attenuation and would cater for 1 in 100 year storm events plus a 40% allowance for climate change. Surface water runoff from the site would be restricted to the greenfield runoff rate of 4.86 l/s and discharged to a gravity connection manhole in Pilot Way.
- 16.4 WCC Flood Risk Management has carried out an independent assessment of the Flood Risk Assessment and Sustainable Drainage Strategy. They have raised no objection subject to condition 4.
- 16.5 The Flood Risk Assessment and Sustainable Drainage Strategy confirms that foul water would be discharged via gravity to an existing stub connection manhole in Pilot Way.
- 16.6 It has been found that the findings of the Flood Risk Assessment and Sustainable Drainage Strategy are acceptable and form a robust basis for considering the flood risk and drainage impacts arising from the proposed development. As a result, the proposal complies with the Framework and policies SDC5 and SDC6.

17. Heritage and Archaeology

- 17.1 Section 16 of the Framework and policy SDC3 of the Local Plan sets out that new development should seek to conserve and enhance the historic environment.

Archaeological Potential

- 17.2 A Historic Environment Desk-Based Assessment has been submitted with the application. WCC Archaeology has considered this and agree with the conclusions that the proposed scheme is unlikely to have a significant archaeological impact. WCC Archaeology consequently has no comment to make on the proposed development.

Impact on Heritage Assets

- 17.3 The application site does not contain any designated or non-designated Heritage Assets. However, the site does lie within close proximity to a number of surrounding heritage assets.
- 17.4 Coombe Abbey Conservation Area, incorporating the Grade II* registered park of Coombe Country Park, is located approximately 1km to the south of the application site. A number of listed buildings are located in this area with the most notable being the Grade I listed Coombe Abbey. There is also a Grade II listed building (Peter Hall) to east of the site and another Grade II listed building (Walsgrave Hill Farm) to the west of the site.
- 17.5 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore relevant to these listed buildings and their setting. It requires the Council to have “special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also places a duty on the decision maker to give special attention to the desirability of preserving and enhancing the character of a Conservation Area.
- 17.6 In relation to listed buildings it is noted that there is no statutory definition of setting. However, having regard to the definition of setting outlined in the Framework, it is possible for a site to

be in the setting of a listed building even if there are no clear visual links between the two. In relation to conservation areas it is again important to recognise that a site can influence and make a positive contribution to its setting.

- 17.7 In this case the proposed building would be sited approximately 1km from the northern boundary of the registered park. It would be positioned behind the Meggitt, Rolls-Royce and Cadent Gas buildings. It will also be positioned behind buildings on plots 3, 5, 6 and 7 when construction of these are completed. It would be viewed within the wider landscape in conjunction with buildings across the Rolls-Royce site and Ansty Business Park. It is consequently considered that the proposed development would not cause harm to the setting of the listed buildings 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. As a result, the proposal complies with the Framework and policy SDC3.

18. Air Quality

- 18.1 Paragraph 186 of the Framework, policy HS5 of the Local Plan and the Air Quality SPD set out the need to consider the impact of the proposed development on air quality.
- 18.2 An Air Quality Constraints and Opportunities Appraisal Statement has been submitted with the application. It identifies that the site is located outside the Rugby Air Quality Management Area (AQMA) but is approximately 1.10km east of the Coventry City-Wide AQMA.
- 18.3 The Statement considers the potential impact at existing sensitive receptors within the vicinity of the site and at proposed receptors within the site. It demonstrates that the proposed development would cause a negligible increase in concentrations of nitrogen dioxide (NO₂) and Particulate Matter (PM₁₀ and PM_{2.5}). Importantly, it would not result in exceedance of national air quality strategy objectives. The residual effects are consequently not deemed to be significant.
- 18.4 Potential construction phase air quality impacts from fugitive dust and fine particulate matter emissions were also assessed. The Statement identifies that these could be mitigated through a range of good practice control measures. Condition 3 requiring the implementation of the measures included in the Statement would ensure this is achieved.
- 18.5 In line with policy HS5 of the Local Plan, development must achieve or exceed air quality neutral standards. The submitted Statement consequently sets out that the traffic movements associated with the proposed development would be below the permitted traffic envelope for Prospero Ansty and is therefore considered to be air quality neutral.
- 18.6 Furthermore, measures including new landscaping, electric vehicle charging points, cycle shelters, travel plans, biodiversity mitigation and solar PV panels would contribute towards achieving air quality neutral standards.
- 18.7 Environmental Health are satisfied with the conclusions reached within the Statement, 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.

19. Noise

- 19.1 Paragraph 174 and 185 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.

- 19.2 A Noise Impact Assessment has been submitted with the application which considers the impact of operational, plant and traffic noise associated with the development on the sensitive receptors to the site. To ensure that there would not be a significant and detrimental impact to these properties it is proposed that limits would be placed on operational and plant noise emissions for daytime and night-time periods. This would ensure that the noise level impact at the closest residential dwellings would be negligible.
- 19.3 Environmental Health has considered this assessment and are satisfied that the closest residential dwellings would not be adversely affected by noise. As a result, the proposal complies with the Framework and policies HS5 and SDC1.

20. Contamination

- 20.1 Paragraphs 174, 183 and 184 of the Framework sets out the need to ensure a site is suitable for its proposed use taking account of risks arising from contamination.
- 20.2 A Phase 1 Desk Study and Preliminary Risk Assessment has been submitted with the application which reviews source material and the existing setting of the site. This recommends some further intensive site investigation to 'sufficiently characterise soils for contamination and geotechnical properties'. This is concurred by RBC Environmental Health.
- 20.3 Environmental Health has considered this assessment and raised no objection to the proposed development subject to condition 5. This sets out the procedure for how to deal with any unexpected contamination found after development has begun. It specifically would require the submission of an investigation and risk assessment including a remediation scheme. It is 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.

21. Light

- 21.1 Paragraph 185 of the Framework sets out the need to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. National Planning Practice Guidance also expands on this. It indicates that getting the design and setting right is important as artificial lighting can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky.
- 21.2 An External Lighting Report has been submitted with the application. This shows that the proposed lighting has been designed in line with national lighting guidance and industry standards. It indicates that lighting would be provided to minimise upward light spill, glare and backwards light spillage. A key component of this would be ensuring all lighting has a zero degree tilt angle. They would also be controlled by a photocell and time clock. This would collectively reduce light spill and limit the impact of sky glow. Furthermore, the height of the building would be lower than the surrounding buildings which would act as a physical barrier to views of lighting in the surrounding area. Environmental Health are therefore satisfied that the proposed lighting would be acceptable. As a result, the proposal complies with the Framework.

22. Residential Amenity (Light, Aspect and Privacy)

- 22.1 Policy SDC1 of the Local Plan sets out that proposals for new development should ensure the living conditions of existing and future neighbouring occupiers are safeguarded.
- 22.2 The closest residential properties to the application site are located approximately 630 metres away to the northeast at Sparrow Hall Cottages on Combe Fields Road. The nearest property

on Peter Hall Lane is located approximately 800 metres from the site to the southeast. The distance from these properties to the proposed building and intervening features is such that this would not give rise to significant and detrimental impacts on light, aspect and privacy. The impact on residential amenity would therefore be acceptable. As a result, the proposal complies with policy SDC1.

23. Carbon Emissions, Sustainable Design and Construction

- 23.1 Policies SDC1 and SDC4 of the Local Plan sets out support for the enhanced energy efficiency of buildings and need to achieve a BREEAM very good sustainability rating. Further detailed guidance is provided within the Council's Climate Change and Sustainable Design and Construction SPD (2023). 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.
- 23.2 BREEAM standards represent best practice in the sustainable design of non-residential buildings. The Design and Access Statement provides an indication that a BREEAM excellent sustainability rating could be achieved. This rating is higher than that required by the Local Plan and represents a material benefit which would help to tackle climate change. Condition 11 requires measures to ensure this is achieved and implemented.
- 23.3 The proposed development seeks to further reduce carbon emissions through the provision of a small number of solar PV panels on the canopy of cycle parking and measures to achieve better air tightness and thermal insulation levels for walls and roofs than required by current Building Regulations. This provision and these measures are not required by policies in the Local Plan and therefore represents a material benefit which would help to tackle climate change. Condition 11 would be required to ensure delivery of these panels and measures.
- 23.4 Solar Shading and roof overhangs are incorporated into the design to limit energy usage during summer months.

As a result, the proposal complies with the Framework, policies SDC1 and SDC4 and the Climate Change and Sustainable Design and Construction SPD.

24. Health

- 24.1 Section 8 of the Framework and policies HS1 and HS2 of the Local Plan set out the need to achieve healthy places and ensure development would not have a significant adverse impact on wellbeing.
- 24.2 The Health Impact Assessment submitted with the application concludes that the impact on health arising from the proposal would be neutral and positive. As a result, the proposal complies with the Framework and policies HS1 and HS2.

25. Broadband

- 25.1 Policy SDC9 of the Local Plan sets out the need for new developments to facilitate and contribute towards the provision of broadband infrastructure.
- 25.2 The Utility Infrastructure Statement submitted with the application indicates that cable ducts are located within existing highways to the site and link into BT openreach telecoms infrastructure. Alternative cable ducts have been provided to allow service from Virgin or an alternative telecoms provider. The applicant would be responsible for ordering a telecoms service to meet their needs. As a result, the proposal complies with policy SDC9.

26. Other Matters

- 26.1. Warwickshire Fire and Rescue Service has raised no objection to this application subject to an informative drawing the applicant's attention to the need for the development to comply with building regulations.

27. Planning Balance and Conclusion

- 27.1. Policy GP1 of the Local Plan outlines that the Council will determine applications in accordance with the presumption of sustainable development set out in the Framework. Paragraph 11 of the Framework sets out that for decision-taking this has two parts. 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 considered to be an up-to-date development plan.
- 27.2. In this case the application site is located in the Green Belt. Policy GP2 of the Local Plan is therefore relevant and sets out that development will be resisted in such areas unless permitted by national policy on Green Belts. In this case the proposed scheme would be inappropriate development in the Green Belt and should not be approved except in very special circumstances. In accordance with paragraph 148 of the Framework, very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. It has been established that there would be harm by reason of inappropriateness, the impact on openness and the impact on two purposes of including land in the Green Belt. This harm must be given substantial weight in accordance with paragraph 148 of the Framework. Very special circumstances will not exist unless that harm is clearly outweighed by other considerations. In order to determine this, it is consequently necessary to have regard to the economic, social and environmental impact which the proposal would have.

Economic

- 27.3. From an economic perspective, the proposed development represents a further investment in the Borough by Rolls-Royce. It would safeguard existing jobs.
- 27.4. It would further have a positive and direct impact on the local economy. This is entirely consistent with the designation of this site as an Existing Strategically Significant Employment Site. Indeed, policy ED1 of the Local Plan sets out that such sites should be protected and retained for employment purposes. It also supports the complete redevelopment of such sites where potential impacts, including to the Green Belt, allow. Furthermore, the redevelopment and intensification of this Rolls-Royce site would help to ensure the Council meets its employment land targets as outlined in policy DS1 of the Local Plan.
- 27.5. Other economic benefits would include: safeguarding of construction jobs; associated in-direct jobs and businesses being supported; potential new construction employment opportunities; the potential for new jobs within the Borough in the future; and support of businesses and jobs who provide services to the facility.
- 27.6. Overall, the proposal represents a positive investment in the Borough. It would provide new employment opportunities. As a consequence, it would have a positive impact on the local economy. In line with the Framework, these benefits to economic growth and productivity should be given significant weight in favour of the proposed development. As a result, the proposal complies with the Framework and policy GP1.
- 27.7. It is considered that the clear economic benefits outlined above should carry very substantial weight in favour of the proposed development.

Social

- 27.8. From a social perspective, the proposed development of this site would change this land into active economic use in line with the site allocation. In turn it would safeguard existing jobs in the Borough which would relocate from the existing document storage facility on the site. The provision of job security would play a key role in helping improve and safeguard mental health and wellbeing.
- 27.9. It is considered that the clear social benefits outlined above should carry very substantial weight in favour of the proposed development.

Environmental

- 27.10. From an environmental perspective, the potential adverse impacts of the proposed development in relation to landscape, visual appearance, trees, hedgerows, ecology, highway safety, traffic flows, flood risk, drainage, heritage, archaeology, air quality, noise, contamination, light, residential amenity and carbon emissions have all been considered. The assessment has shown that there would be no adverse impacts in some instances. However, in other instances where potential adverse impacts are identified, it would be possible to mitigate against this impact through a number of different measures and strategies. This mitigation could be secured through conditions to ensure that this is delivered.
- 27.11. The proposed development seeks to further reduce carbon emissions through the provision of a small number of solar PV panels and measures to achieve better air tightness and thermal insulation levels for walls and roofs than required by current Building Regulations. This provision and these measures are not required by policies in the Local Plan and is therefore a small material benefit which would help to tackle climate change. This carries weight in favour of the proposed development.

Conclusion

- 27.12. On balance, it is concluded that the benefits of the proposed development are such that they clearly outweigh the definitional harm and other identified harm to the Green Belt. Very special circumstances do therefore exist which would justify development in the Green Belt. Accordingly, the proposal would not conflict with policy GP2 of the Local Plan and Green Belt policy in Section 13 of the Framework.
- 27.13. In view of the above, the proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Indeed, the proposal would result in a number of positive economic, social and environmental benefits. These benefits would consequently outweigh the identified harm to the Green Belt. The proposal would also not result in any other significant and detrimental environmental harm. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal would comply with policy GP1.
- 27.14. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that the application should be approved subject to conditions and informatives.

28. Recommendation:

- 28.1. (1) Planning application R23/0727 be approved subject to:

- a. The conditions and informatives set out in the draft decision notice appended to this report; and
- b. Referral to the Government's Department for Levelling Up, Housing and Communities Planning Casework Unit.

(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.

DRAFT DECISION

REFERENCE NO:
R23/0727

DATE APPLICATION VALID:
14-Jul-2023

APPLICANT:

Manse Opus Ansty (Plot 3) LLP & Rolls-Royce PLC, Opus Studios, 5-7 High Street, Henley-in-Arden, Solihull, B95 5AA

AGENT:

David Lock Associates, 50 North Thirteenth Street, Central Milton Keynes, MK9 3BP

ADDRESS OF DEVELOPMENT:

Plot 8, Ansty Aerodrome, Combe Fields Road, Combe Fields, Coventry, CV7 9JR

APPLICATION DESCRIPTION:

Erection of one commercial unit within Use Class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) including ancillary office space and associated development including access, plant, car parking, service yard, security fencing and landscaping

CONDITIONS

CONDITION 1:

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

REASON:

To comply with Section 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 hereby approved shall not be carried out other than in accordance with the plans and documents detailed below.

<u>Plan Description</u>	<u>Plan No.</u>	<u>Date Received</u>
Site Location and Red Line Boundary Plan	PAP8-MSA-ZZ-ZZ-DR-A-200001-P04	01-09-23
Plot Boundary Plan	PAP8-MSA-ZZ-ZZ-DR-A-200002-P05	01-09-23
Site Layout Plan	PAP8-MSA-ZZ-ZZ-DR-A-200010-P05	01-09-23
Ground Floor Layout Plan	PAP8-MSA-ZZ-00-DR-A-200020-P05	01-09-23
General Elevations	PAP8-MSA-ZZ-ZZ-DR-A-200030-P04	01-09-23
Levels - Cut and Fill Volumes	SBK-22-183-515-P04	01-09-23
Levels Strategy	SBK-22-183-510-P04	01-09-23
Bin Store Enclosure Details	PAP8-MSA-ZZ-ZZ-DR-A-200071-P01	01-09-23
PV Canopy	PAP8-MSA-ZZ-ZZ-DR-A-200060	01-09-23
Site Fencing Plan	PAP8-MSA-ZZ-ZZ-DR-A-200011-P04	01-09-23
Access Improvement Works	SBK-22-183-560-P06	01-09-23
Vehicle Tracking – 7.5 Tonne Rigid Vehicle	SBK-22-183-561-P06	01-09-23
Vehicle Tracking - Large Car	SBK-22-183-562-P05	01-09-23
Site Wide Cycle Routing	SBK-22-183-563-P01	01-09-23
Fire Strategy Fire Access	PAP8-MSA-ZZ-ZZ-DR-A-200050-P05	01-09-23
Proposed External Lighting Layout	221096-CPW-XX-XX-DR-E-22101-S3-P03	01-09-23
Landscape Concept Plan	ANS-BCA-ELS-XX-DR-L-2326-23-03-S5-J	18-09-23
Landscape Concept Cross Sections	ANS-BCA-ELS-XX-DR-L-2326-23-04-S5-C	01-09-23
Detailed Planting Plan	ANS-BCA-ELS-XX-DR-L-2326-23-05-S5-F	18-09-23
Tree Protection, Retention and Removal Plan	ANS-BCA-ELS-XX-DR-L-2326-23-02-S5-B	01-09-23

Drainage Details	SBK-22-183-535-P02	01-09-23
Drainage O&M Plan	SBK-22-183-539-P03	01-09-23
Drainage Schedule	SBK-22-183-533-P02	01-09-23

<u>Report Description</u>	<u>Report No.</u>	<u>Date Received</u>
Air Quality Constraints and Opportunities Appraisal Statement	92868-564139-1	03-07-23
Broadband Statement	N/A	03-07-23
Design and Access Statement	PAP8-MSA-XX-XX-RP-A-022000-DAS-RevC	03-07-23
Drainage Design Report - Calcs LLFA SWS v5	SBK-22-183	01-09-23
Drainage Strategy	SBK-22-183-530-P05	01-09-23
Ecological Assessment	8508-Plot8-EcoAss-vf	03-07-23
Energy Report	221096-P04	03-07-23
External Lighting Report	221096-P04	01-09-23
Flood Risk Assessment - Catchment C	IPD-20-538-R050	01-09-23
Flood Risk Assessment and Sustainable Drainage Strategy	SBK-22-183-FRA-001-P03	03-07-23
Freight Management Plan	IPD-22-589-R-003-B	03-07-23
Health Impact Assessment	N/A	03-07-23
Historic Environment Desk-Based Assessment	P23-105-4-0	03-07-23
Landscape Design Statement	2326-23-RP01-A	03-07-23
Noise Impact Assessment	92868-563854-2	03-07-23
Phase 1 Desk Study and Preliminary Risk Assessment	AG3499-23-AQ46-1	03-07-23
Planning Statement	N/A	03-07-23
Response to LLFA Comments	SBK-22-183	01-09-23
Road Safety Audit - Stage 1 - Response Report	IPD-22-589-R001	03-07-23
Road Safety Audit - Stage 1	SA4122-2	03-07-23
Road Safety Audit Response (Appendix D)	SA-4122	01-09-23
Sustainability Checklist	N/A	03-07-23
Transport Statement	IPD-22-589-R-001-B	03-07-23
Tree Survey (Pre-Development)	784-23-0	03-07-23
Utility Infrastructure Statement for Planning	221096-P02	03-07-23

REASON:

For the avoidance of doubt.

CONDITION 3:

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

- a. Measures to reduce mud deposition, debris and obstacles offsite and on the highway from vehicles leaving the site during the construction phase;
- b. Heavy goods vehicle and construction traffic routing plan (including details of any temporary signage);
- c. Timing of heavy goods vehicle movements during the construction phase;
- d. A named point of contact for overseeing construction works and their contact details;
- e. The location, layout and design of temporary site compounds (including access control, areas for loading/unloading and storing plant, materials and deliveries used in constructing the development), temporary lighting and signage;
- f. Construction site access location, control and construction haul routes;
- g. The parking of vehicles of site operatives and visitors;
- h. Days and hours of work and deliveries;
- i. Temporary perimeter screen and protective fencing;
- j. Pre-commencement checks for wildlife;
- k. Appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site including details of supervision by an Ecological Clerk of Works (ECoW);
- l. Details of measures to protect habitats, including the prevention of pollution;
- m. A strategy to manage and maintain any construction materials from entering or silting up the watercourse at the existing outfalls, to ensure that no silt or chemicals can leave the phase being constructed and to ensure any detrimental impact to the watercourse shall be repaired;

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

Development shall not be carried out other than in accordance with the approved CEMP unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

In the interests of health and safety, amenities of the area, highway safety, traffic flows, air quality, heritage and visual amenities. To ensure the development does not have impacts off-site to flood risk and that the watercourse downstream can function as intended. To ensure that protected species and habitats are not harmed by the development. To reduce the impact on the Green Belt.

CONDITION 4:

PART 1

No development shall commence 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. The scheme to be submitted shall:

- a. 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 3.1l/s for the site in line with the approved Drainage Strategy (SBK-22-183-530-P05, received 01-09-23).
- b. Provide drawings/plans illustrating the proposed sustainable surface water drainage scheme. These details shall show how further source control SuDS as part of a 'SuDS management train' approach has been considered and incorporated where possible.
- c. Provide detailed drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These shall be feature-specific demonstrating that such surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- d. Provide detailed plans and network level calculations demonstrating the performance of the proposed system. This shall include:
 - i. Suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall), and justification of such criteria where relevant;
 - ii. 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;
 - iii. Results demonstrating the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results shall be provided as a summary for each return period; and
 - iv. Evidence supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
- e. Provide plans, including external levels plans, to support exceedance and overland flow routing details. The overland flow routing details shall:
 - i. Demonstrate how runoff will be directed through the development without exposing properties to flood risk;
 - ii. Consider property finished floor levels and thresholds in relation to exceedance flows (having regard to recommended Finished Floor Levels being set to a minimum of 150mm above surrounding ground levels); and
 - iii. Recognise that exceedance can occur during any storm event due to a number of factors and shall thus ensure that exceedance management should not rely on calculations demonstrating no flooding.

- f. Provide a detailed site specific maintenance plan giving details on how surface water systems shall be maintained and managed in perpetuity for the lifetime of the development. The details within the plan shall include: the name of the party responsible, a contact name, address, email address and phone number; plans showing the locations of features requiring maintenance and how these should be accessed; and be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

The scheme and maintenance plan shall subsequently be implemented in accordance with the approved details before first occupation of the building hereby approved.

PART 2

The development hereby approved shall not be occupied until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (SBK-22-183-FRA-001-P03, received 03-07-23) has been submitted to and approved in writing by the Local Planning Authority. The Verification Report shall be undertaken by a suitably qualified independent drainage engineer and shall:

- a. Demonstrate that any departure from the agreed design is in keeping with the approved principles;
- b. Provide any as-built drawings and accompanying photos;
- c. Provide results of any performance testing undertaken as a part of the application process (if required/necessary);
- d. Provide copies of any Statutory Approvals, such as Land Drainage Consent for Discharge; and
- e. Confirmation that the system is free from defects, damage and foreign objects.

REASON:

To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage structures.

CONDITION 5:

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and
- (iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with 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 6:

PART 1

No development shall commence until full details of an Off-Site Biodiversity Management Plan (OSBMP) has been submitted to and approved in writing by the Local Planning Authority. The OSBMP shall include details of:

- a. Description and evaluation of features to be managed;
- b. Details of habitat creation measures;
- c. Ecological trends and constraints on site that might influence management;
- d. Aims and objectives of management;
- e. Appropriate management options for achieving aims and objectives;
- f. Prescriptions for management actions;
- g. Preparation of a work schedule, including timetable, for the implementation and delivery of the plan;
- h. Site-wide Biodiversity Impact Assessment calculation in accordance with the current DEFRA metrics applied locally to demonstrate that no net loss to biodiversity will be achieved;
- i. Identification of land necessary to mitigate any loss of biodiversity to demonstrate net gain in relation to the approved development;
- j. A review mechanism to update the OSBMP if further development is brought forward in the area surrounding the application site necessitating further changes; and
- k. Management and Implementation Schedule (MIS) which shall include details of a long-term management plan of no less than 30 years, the body/organisation responsible for the implementation of the plan together with relevant legal and funding mechanisms, details and timings of maintenance, provisions for ongoing monitoring and remedial measures.

The approved OSBMP, including associated measures and MIS, shall be implemented in accordance with the work schedule for the implementation of the plan as required by condition 6 Part 1 (g) and approved by the Local Planning Authority.

PART 2

No building shall be occupied until the details of the body/organisation(s) responsible for the ongoing implementation and management of the approved OSBMP have been submitted to and approved in writing by the Local Planning Authority. Such details shall include details of legal and funding arrangements by which the long-term implementation of the plan will be secured for the lifetime of the approved OSBMP, including any arrangements for transferring responsibility.

REASON:

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

CONDITION 7:

No development shall commence, including any groundworks, site clearance and construction work, unless the approved measures for the protection of trees and hedgerows to be retained, as shown on the Tree Protection, Retention and Removal Plan (ANS-BCA-ELS-XX-DR-L-2326-23-02-S5-B, received 01-09-23) have been provided. The approved measures which have been provided shall thereafter be maintained for the duration of works on site.

REASON:

To ensure that all retained tree stock is integrated successfully into the design, to maintain tree cover, to protect and enhance biodiversity, to ensure that protected species are not harmed by the development, and in the interests of visual amenity.

CONDITION 8:

No above ground development shall commence on each of the buildings and structures listed below until full details, including floor plans, elevation plans, materials, colours, level plans and cross-section plans, have first been submitted to and approved in writing for the following buildings and structures shown on the Site Layout Plan (PAP8-MSA-ZZ-ZZ-DR-A-200010-P05, received 01-09-23) and Levels Strategy (SBK-22-183-510-P04, received 01-09-23):

- a. Air source heat pumps;
- b. External plant;
- c. Sprinkler tanks;
- d. Sprinkler pump house;
- e. Office condensers;
- f. Generator;
- g. Transformer;
- h. LV switchroom;
- i. RMU;
- j. Cycle parking (under the PV canopy); and
- k. Retaining feature.

The submitted details shall have regard to and be in general conformity with the Illustrative External M&E Details (PAP8-MSA-ZZ-ZZ-DR-A-200070-P03, received 01-09-23) and Illustrative Sprinkler Tank and Pumphouse Details (MSA-ZZ-ZZ-DR-A-200072-P01, received 18-09-23). The unit hereby approved shall not be occupied until the relevant associated buildings and structures listed in condition 7 (a to k) have first been provided for that unit in accordance with the approved details. The cycle parking and associated PV canopy shown on the PV Canopy Plan (PAP8-MSA-ZZ-ZZ-DR-A-200060, received 01-09-23) shall be permanently retained for the accommodation of cycles of persons working in or calling at the premises and shall not be used for any other purpose.

REASON:

In the interests of visual amenity and achieving sustainable development.

CONDITION 9:

No above ground development shall commence until full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples, have been submitted to and

approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION 10:

No above ground development shall commence until full details of all areas of hard surfacing, including highway surfaces, footpaths, service/yard areas and parking areas, have been submitted to and approved in writing by the Local Planning Authority. The details shall include materials (together with samples where appropriate), how parking spaces will be marked out, construction, levels and drainage. The unit shall not be occupied until the areas of hard surfacing have first been provided in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

REASON:

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

CONDITION 11:

The unit hereby approved shall not be occupied until measures required to achieve a BREEAM excellent rating or above for the unit, including the provision of improvements to the building fabric, PV Panels over the car parking, air source heat pumps, and heat recovery on the ventilation systems, as set out within the Energy Report (221096-P04, 03-07-23), have: (a) been provided; (b) an independent verification report submitted by a suitably qualified independent surveyor (or equivalent) verifying and providing evidence that the approved details and measures for the unit have been provided; and (c) a post-construction certificate confirming that the unit achieves a minimum excellent BREEAM rating, has been submitted to and approved in writing by the Local Planning Authority. The measures provided within the unit shall thereafter be maintained and retained in perpetuity.

REASON:

In the interests of air quality, sustainable development, reducing carbon emissions and tackling climate change.

CONDITION 12:

The unit hereby approved shall not be occupied until the on-site changing and showering facilities shown on the approved Ground Floor Layout Plan (PAP8-MSA-ZZ-00-DR-A-200020-P05, received 01-09-23) have first been provided and brought into working order. The on-site changing and showering facilities shall be permanently retained and used for these purposes in perpetuity.

REASON:

In the interests of traffic flows, health, sustainable development and sustainable transport.

CONDITION 13:

The unit hereby approved shall not be occupied until the bin store shown on the Site Layout Plan (PAP8-MSA-ZZ-ZZ-DR-A-200010-P05, received 01-09-23) and Bin Store Enclosure Details (PAP8-MSA-ZZ-ZZ-DR-A-200071-P01, received 01-09-23) has first been provided. The bin store shall thereafter be permanently retained in perpetuity.

REASON:

In the interests of visual amenity and to ensure the proper development of the site.

CONDITION 14:

No part of the development hereby approved shall be occupied until full details of electric vehicle charging points, including the location, make and model, have been submitted to and approved in writing by the Local Planning Authority. The unit shall not be occupied until the electric vehicle charging points have first been provided and made available for use in accordance with the approved details.

The electric vehicle charging points shall be permanently retained and made available for the charging of vehicles.

REASON:

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

CONDITION 15:

The development hereby approved shall not be occupied until the M6 Junction 2 mitigation scheme agreed with National Highways under section 278 of the Highways Act 1980 on 31st August 2023, including the General Arrangement Plan - Phase 2 Ansty, Proposed Mitigation M6 Junction 2 (IPD-19-486-102-H), has been implemented in accordance with the approved details.

REASON:

In the interests of traffic flows and highway safety.

CONDITION 16:

Notwithstanding the approved layout and highway plans, no development shall commence until a Stage 2 Road Safety Audit of the development hereby approved has been carried out. Any recommendations made in the Road Safety Audit, or changes required to achieve acceptable vehicle and pedestrian visibility splays, shall then be addressed within a detailed design response and detailed highway plans which, together with the Stage 2 Road Safety Audit and vehicle and pedestrian visibility splays plan, shall have first been submitted to and approved in writing by the Local Planning Authority. The unit hereby approved shall not be occupied until the layout, highway and accesses have first been provided in accordance with the approved details.

REASON:

In the interests of highway safety.

CONDITION 17:

All planting and habitat enhancements, as shown and detailed in the Landscape Concept Plan (ANS-BCA-ELS-XX-DR-L-2326-23-03-S5-J, received 18-09-23), Landscape Concept Cross Sections (ANS-BCA-ELS-XX-DR-L-2326-23-04-S5-C, received 01-09-23) and Detailed Planting Plan (ANS-BCA-ELS-XX-DR-L-2326-23-05-S5-F, received 18-09-23), shall be implemented and planted no later than the first planting season following first occupation of the development.

The landscaping scheme and all planting shall thereafter be maintained and managed in accordance with a 30 Year Landscape and Ecological Management Plan which shall first have been submitted to and approved in writing by the Local Planning Authority before first occupation of the development.

If within a period of 10 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

To reduce the impact on the Green Belt. To protect and enhance biodiversity and to ensure that protected species are not harmed by the development. In the interests of visual amenity.

CONDITION 18:

No external lighting, other than that shown and detailed in the Proposed External Lighting Layout (221096-CPW-XX-XX-DR-E-22101-S3-P03, received 01-09-23) and External Lighting Report (221096-P04, received 01-09-23), shall be provided or erected on the site unless full details of the type, design and location of the additional lighting, together with a lighting report including details of fixtures and fittings, associated angle, fall, spread and intensity, have first been submitted to and

approved in writing by the Local Planning Authority. No additional external lighting shall be erected and installed other than in accordance with the approved details. All external lighting provided or erected on the site shall be controlled with a photocell and time clocks in accordance with the details set out within the External Lighting Report (221096-P04, received 01-09-23) and Proposed External Lighting Layout (221096-CPW-XX-XX-DR-E-22101-S3-P03, received 01-09-23).

REASON:

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

CONDITION 19:

No enclosures, fences and gates, other than that shown and detailed in the Site Fencing Plan (PAP8-MSA-ZZ-ZZ-DR-A-200011-P04, received 01-09-23), shall be provided or erected on the site unless full details of their appearance (including elevation plans, materials, colour and height) and location, have first been submitted to and approved in writing by the Local Planning Authority. No additional enclosures, fences and gates shall be erected and installed other than in accordance with the approved details.

REASON:

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

CONDITION 20:

Within three months of the unit being occupied a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of: a Travel Plan Coordinator to be appointed for the development hereby approved; mode share targets; measures to achieve the targets; a programme of monitoring and review; and other supporting incentives to promote the use of sustainable transport over single occupancy car journeys. Within three months of the unit being occupied the approved Travel Plan, and associated measures, shall be implemented in full. The approved Travel Plan, and approved measures, shall thereafter be implemented in full at all times in perpetuity.

REASON:

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

CONDITION 21:

Deliveries to and collections from the site shall not be made other than by vehicles up to the size of a 7.5 Tonne Rigid Vehicle. No Heavy Goods Vehicles (HGVs) shall be used in connection with the approved use (including deliveries to and collections from the site). No lorries associated with and/or generated by development within the application site shall use vehicular access points on Combe Fields Road.

REASON:

In the interests of highway safety, traffic flows, achieving appropriate parking provision, residential amenity, air quality and heritage.

CONDITION 22:

The rating level of any fixed plant or equipment installed, provided and operated at the site shall not exceed a plant noise limit of 45.3 LA,r (dB) in the day-time (between 07:00 - 23:00 hours) and 36.5 LA,r (dB) in the night-time (23:00 - 07:00 hours) at the closest noise sensitive receptor. Such measurements or calculations shall be made in accordance with the main principles of BS4142:2014 and the Noise Impact Assessment (92868-563854-2, received 03-07-23).

REASON:

In the interest of residential amenity.

CONDITION 23:

The individual and cumulative noise generated by vehicle movements and activities within and around the building shall not exceed a plant noise limit of 45.3 LA,r (dB) in the day-time (between 07:00 - 23:00 hours) and 36.5 LA,r (dB) in the night-time (23:00 - 07:00 hours) at the closest noise sensitive receptor. Such measurements or calculations shall be made in accordance with the main principles of BS4142:2014 and the Noise Impact Assessment (92868-563854-2, received 03-07-23).

REASON:

In the interest of residential amenity.

CONDITION 24:

Upon occupation of the building hereby approved, no part of the application site, other than within the proposed buildings, shall be used for storage purposes.

REASON:

In the interests of visual amenity.

CONDITION 25:

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) there shall be no change of use permitted from the approved use class to a different use class.

REASON:

In the interests of sustainable development, economic growth, protection of employment land, parking provision, traffic movements and highway safety.

CONDITION 26:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no plant, equipment or development/extension shall be installed/undertaken that would increase the overall height of the building hereby permitted.

REASON:

To reduce the impact on the Green Belt. In the interests of visual amenity, heritage and landscape impact.

INFORMATIVES**INFORMATIVE 1:**

Warwickshire Fire and Rescue Authority advise that the development needs 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. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18; Access for Emergency Vehicles.

INFORMATIVE 2:

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 3:

Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, are maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

INFORMATIVE 4:

In relation to condition 3, National Highways advise that no deliveries or construction traffic should take place during the periods of 07:30-09:30 and 16:00-18:30 due to the sensitive operation of M6 Junction 2 and A46 Corridor between M6 Junction 2 and A45/A46 Toll Bar End Junction during the AM and PM Peak Periods.

INFORMATIVE 5:

Environmental Health advise that 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. – 6.00 p.m.; Saturday 8.30 a.m. – 1.00 p.m.; and No work on Sundays and Bank Holidays.

INFORMATIVE 6:

Condition 20 requires the submission of a Travel Plan. The Travel Plan shall include details of measures to encourage staff to avoid using Combe Fields Road, Peter Hall Lane and Smeaton Hall Lane for commuting to and from work.

INFORMATIVE 7:

RBC Environmental Health advise that reversing alarms incorporating one or more of the features listed below, or any other comparable system, shall be used on any mobile plant or vehicle operated on site. Where reasonably practicable this will apply to any delivery vehicles. The features include: (i) highly directional sounders; (ii) use of broadband signals; (iii) self-adjusting output sounders; and (iv) flashing warning lights.

INFORMATIVE 8:

WCC Highways advise that the proposals have not been assessed for technical approval under Section 38 of the Highways Act 1980. The no objection consultation response should therefore not be read as an indication that the proposed design is adequate for adoption as highway maintainable at public expense. Should the applicants wish to offer the roads for adoption as highway, they are advised to liaise with the Highway Authority.

STATEMENT OF POSITIVE ENGAGEMENT

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

Reference: R23/0786

Site Address: Cloudesley Bush Pumping Station, Mere Lane, Copston Magna

Description: Residential conversion of existing water reservoir to create a new dwelling.

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/38510>

Recommendation

1. Planning application R23/0786 be refused
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal outlined in the draft decision notice.

1.0 Introduction

1.1 This application is being reported to Planning Committee for determination because the proposed development has been called to Committee by Councillor Timms as they believe on planning balance the reuse of a heritage asset overrides the sustainability concern, particularly given the ongoing move towards the availability of more sustainable travel through electric vehicles and ring and ride type services in rural areas.

1.2 For clarification the existing water reservoir is not a heritage asset.

2.0 Description of site

2.1 The application site is a large concrete disused water reservoir that was previously owned by Severn Trent. The site lies to the south of Mere Lane, just off the B4455 Fosse Way. There are a few neighbouring farm dwellings, all of which are detached two-storey properties with private driveways. There are a limited number of dwellings in the area as the site is located significantly into the Greenbelt and away from any defined settlement boundary.

2.2 The proposed site is a piece of brownfield land, with a chain link fence topped with barbed wire surrounding the property. There is a metal gate to the front of the property that is topped with barbed wire. The site contains a number of buildings, there is an existing green fibreglass kiosk that is proposed to be removed with the works, as well as a pump room that is to be kept. There is also a fibreglass kiosk that is to be retained as the land that it occupies is still owned by Severn Trent.

3.0 Description of proposals

3.1 This application seeks permission for the residential conversion of the existing water reservoir to create a new dwelling.

3.2 This application consists of a lot of internal work taking place to the existing water tower to make it a viable residential property. The application also seeks permission for a number of extensions to be added to the property, as well as associated external works.

3.3 One of these extensions is between the existing pump room and the reservoir to connect the two buildings. It is proposed to have a length of approximately 1.6 metres and a width of 1.5 metres, it is proposed to have a flat roof with a height of 2.1 metres.

3.4 There is also a proposed extension to the top of the reservoir that is to be used to house a sunroom. It is proposed to have a radius of approximately 3.64 metres, the additional roof overhang of this extension is to increase the radius by 1 metre. It is proposed to have a maximum height of 3 metres and an eaves height of 2.5 metres.

3.5 There is a proposed balcony on the SW elevation with a height of approximately 2.6 metres, it wraps round to also show on the NW elevation. A line of solar panels is proposed to run above this balcony.

3.6 The existing hardstanding is proposed to be replaced and extended with 'Grass-crete'. This will see an increase in hardstanding from approximately 17.5m² to approximately 123.5m². As well as the addition of gravel around the perimeter of the reservoir.

Planning History

R23/0140	Residential conversion of existing water reservoir and control building to form single-family dwelling. Including small link block and Sun Room additions.	Withdrawn by Applicant/Agent 23/06/2023
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Relevant Planning Policies

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Core Local Plan 2011-2031. The relevant policies are outlined below.

Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

GP3: Previously Developed Land and Conversions

GP5: Neighbourhood Level Documents

SDC1: Sustainable Design

SDC2: Landscaping

SDC4: Sustainable Buildings

SDC5: Flood Risk Management

SDC6: Sustainable Drainage

D1: Transport

D2: Parking Facilities

NE1: Protecting Designated Biodiversity and Geodiversity Assets

HS1: Health, Safe and Inclusive Communities

HS5: Traffic Generation and Air Quality

National Planning Policy Framework, 2023 (NPPF)

Supplementary Planning Documents

Climate Change & Sustainable Design and Construction– 2023; including Residential Design Guide

Wolvey Parish Plan – 2018-2031

Housing Land Supply Position Statement 2022-2027

Technical consultation responses

RBC Trees and Landscape – No Comment

RBC Works Services – No Comment

RBC Environmental Health – No Objection subject to conditions and informatives

WCC Ecology – No Objection subject to conditions and informatives

WCC Highways – No Objection subject to conditions and informatives

Cadent Gas – No Objection

Building Control – No Objection

Third party comments

Cllr Timms called this application to be determined by planning committee.

Ward cllrs and neighbours were notified, comments were received from Parish Councils and two neighbours.

Two supporting letters have been received, these letters stated that they believe further dilapidation of the building would create an eyesore and that the removal of the building would be a costly and unnecessary challenge. It is also stated that conversion would provide accommodation and a potentially attractive repurposed building, with the site in its current state having the potential to be vandalised or cause harm.

Two Parish Councils responded to this application, with Wolvey raising no objection to the application and Monks Kirby writing a letter of support for the application. The reasons for supporting the site are as follows:

- The site is would re-use brownfield land for residential development and therefore would contribute to the housing demand in the area.
- Although located in a rural area, the site lies close to existing built development and has direct access onto Mere Lane.
- It is important that an appropriate alternative use is found for the site rather than it being left to further decay with associated detrimental visual impact on the surrounding area.
- The re-use of buildings does not amount to inappropriate development in the Green Belt, provided that the buildings are of permanent and substantial construction, as is the case here.

4.0 Assessment of proposals

4.1 The main considerations in respect of this application are:

- Section 5 Principle of Development,
- Section 6 Character and Design
- Section 7 Impact on Neighbouring Properties,
- Section 8 Sustainable Transport
- Section 9 Highways Safety and Parking
- Section 10 Ecology
- Section 11 Climate Change and Sustainable Design
- Section 12 Flood
- Section 13 Landscaping
- Section 14 Air Quality
- Section 15 Planning Balance and Conclusion

5.0 Principle of development

5.1 Policy GP2: Settlement Hierarchy of the Local Plan 2011-2031 (2019) outlines that

development will be allocated in accordance with the settlement hierarchy with Rugby town being the main priority of development in the borough. The property within this proposal is located outside of the confines of the settlement boundary of Wolvey and within the Coventry-Rugby green belt. The Rugby Borough Local Plan regards Green Belt land as an area which contains the greatest protection, with development only being permitted in the circumstances where National Policy on Green Belt permits. Policy NE3 aims to ensure that significant landscape features are protected and enhanced, and that the nature of the surrounding area is taken into context for each application.

5.2 The site is located within the Green Belt as defined in policy GP2, as such new development will be resisted and only permitted where national policy permits.

5.3 Within Section 13 of the National Planning Policy Framework, paragraph 149 & 150 defines the list of special circumstances which in certain cases will allow development within the Green Belt to be appropriate.

5.4 From the volume calculations provided in the design and access statement, the proposed development is to increase the volume of the building by an additional 8.8%. This volume is not considered as having a substantially greater impact on the openness of the green belt than the existing development. In this circumstance the application site would comply with Policy GP2 of the local plan.

5.6 The supporting text for Policy GP2 states that the hierarchy provides a clear sequential approach to the selection of locations for sustainable development through the life of the Local Plan. Development away from the defined settlements of the Borough is unlikely to meet all the elements of sustainable development, particularly the access to a range of facilities.

5.7 The Local Planning Authority can demonstrate a five-year supply of deliverable housing (5.6 years for the period between 2022/23 – 2026/27), along with an up-to-date Local Plan. As such, the housing needs of the Borough are expected to be met in sequentially preferable sites and more sustainable locations. In reference to this application, located in the Green Belt, it is sequentially not considered sustainable in the settlement hierarchy nor necessary to meet the 5-year housing supply quota. Whilst the LPA recognises the important contribution small sites can make to meeting the housing requirements of an area, the provision of one additional dwelling would have a limited impact in relation to boosting the supply of housing.

5.8 Local Plan Policy GP3 states that Local Planning Authorities will support the redevelopment of previously developed land where proposals are compliant with the policies within the Local Plan in particular where the stated criterion is met. Likewise, Section 2 of the NPPF and Local Plan Policy GP1 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.

5.9 One of the three overarching objectives is the economic objective. When considering this application there will be a short-term economic gain if the application were approved, due to the creation of a small number of short-term construction jobs. In the long-term the dwelling would make council tax payments, however, since the proposal is for one dwelling it would have a minimal positive impact. The future occupants use of local services and facilities would result in some modest benefits.

5.10 Another of the other three overarching objectives is the social objective. This proposal would provide a 4-bed dwelling that would help towards providing a sufficient number of homes for the present and future generations, however, since the Local Authority has a five-year land supply, the benefit from this is minimal. The dwelling would also be in a highly unsustainable location with inadequate access to local services which is considered to not add to the social benefits nor vitality of the local area and therefore would be contrary to section 5 of the NPPF.

5.11 The last of the three overarching objectives is the environmental objective. The application is for the conversion of an existing water reservoir. The associated development linked with the conversion would have a negligible impact on the existing natural and built environment. The proposal includes mitigation measures which includes renewable sources of energy being utilised such as heat pumps for hot water and space heating, and solar panels to generate electricity on-site. The building would also utilise exterior insulation to aid in energy efficiency. Although specific details of each have not been submitted, in principle these measures should minimise waste and pollution, adapting to climate change and should help to move to a low carbon economy – in accordance with Section 14 of the NPPF. However, by virtue of the location of the dwelling the occupants would rely almost solely on the private car and the LPA cannot condition that the occupants must only use electric/hybrid cars. Transport related emissions is typically a significant cause of air quality issues.

5.12 On balance, it is considered that the limited benefits of the scheme do not outweigh the drawbacks of the unsustainable location and the proposal fails to meet all three overarching objectives.

5.13 Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. For decision taking this means approving development that accords with an up-to-date development plan without delay. As the Local Authority has a five-year supply of land and an adopted Local Plan the tilted balance in this instance is not engaged.

5.14 Due to location of the site there would be an overwhelming reliance on the private car and the future occupiers of the proposed development would be unlikely to offer any meaningful day-to-day support to the facilities and services at main settlements without reliance on the private car. There is no footpath, no streetlights, no public transport and no services or facilities and therefore, the site is considered unsustainable.

5.15 A heavy reliance on the private car for residents to access employment opportunities; services and facilities within the surrounding settlements therefore does not meet the requirements of Section 9 of the NPPF and Policy GP1 of the Local Plan.

5.16 Although Section 11 and Section 13 of the NPPF may support the re-use of buildings and effective use of land in principle, the NPPF should be read as a whole and the acceptability of the proposal against these sections does not outweigh the sustainability related issues identified earlier in this section which carry substantial weight.

5.17 It is therefore considered that this application is contrary to Section 2; 5 and 9 of the NPPF; and Local Plan Policies GP1 and GP2.

6.0 Design

6.1 Policy SDC1 of the Local Plan states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the

proposals are of 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.

6.2 Section 12 of the NPPF states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve. Furthermore, paragraph 130 (a) states that buildings will add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 130 (b) states that buildings are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

6.3 With reference to the Climate Change & Sustainable Design & Construction SPD (2023), it states that the council will consider the effect of the proposal on the scale and character of the existing building and the surrounding area when assessing an extension.

6.4 The cumulative built form arising from the proposed extensions would extend the original building somewhat in size, and in order to assess the suitability in terms of the proposed design the mass, height, proportions, and scale have been fully considered.

6.5 The proposal includes some external changes being proposed to the property, with much of the design remaining the same as existing, with the conversion maintaining much of the reservoir character. The most apparent change would be the introduction of a sunroom on the top of the building. This sunroom is to be constructed out of glass and have a galvanised zinc roof. The design and access statement states that this would likely not be visible from anywhere on the site, however, it would likely be visible from the street.

6.6 There would also be the installation of a glass walkway that would create an access route between the reservoir building and the control room, that is proposed to be used as the porch to the property. Along with this glass walkway, there are a number of more minor changes that are proposed to allow the reservoir to be capable of being a residential property. These changes include the implementation of windows around the building. Solar panels are to be installed at the rear of the building and are to cover some of the proposed balcony that is positioned at the rear of the building and wraps round from the SW elevation to the NW elevation.

6.7 The reservoir is located just off Mere Lane and so any changes at the site would have an impact on the street scene. It is unlikely that the proposals will have any major impact on the street scene as the only development of the plot that would be visible from the street scene would be the sunroom that would be located on the roof, the end of the balcony on the NW elevation and some windows that would be installed on the NE elevation of the building. There will be changes to the building to accommodate the new use but residential dwellings are in existence in the vicinity.

6.8 The proposal is considered to be of an acceptable scale and design and does not constitute over development of the existing building or its plot. The materials are also considered to be in mostly keeping with the existing building.

6.9 The proposal is not considered to impact adversely upon the character of the local area to any significant extent and is in accordance with Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031.

7.0 Impact on neighbouring properties

7.1 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.

7.2 With reference to the Climate Change & Sustainable Design & Construction SPD (2023), it states that the council should assess the impact on residential amenities enjoyed by the occupiers of the surrounding properties.

7.3 Due to the size and siting of the proposal, there are no neighbouring properties which would be affected by the proposal.

7.4 It is considered that the impact on neighbouring properties in relation to light and privacy is acceptable. This application is therefore considered to be in accordance with policy SDC1 of the Local Plan.

8.0 Sustainable Transport

8.1 When analysing routes towards Wolvey it appears that all routes that follow footpaths will be approximately 2.5 miles long with a journey that includes walking along the side of at least one 60 mph road. This walk is estimated to take around 49 minutes to complete. The majority of this journey would not have a form of pedestrianised footpath and therefore would require walking alongside or on the road. As noted in the provided design and access statement it is possible to walk to Wolvey by main road which is 2.9 miles and will take approximately an hour to complete.

8.2 According to WCC Public transport map the nearest bus stops to the proposed dwelling are located in Wolvey, Withybrook, Monks Kirby and Claybrooke Magna. The walking distance has previously been noted for Wolvey. The walk to Withybrook would be 3.2 miles which would take approximately 1 hour and would see the occupant walking along the Fosse Way, to walk to Monks Kirby it would be 2.2 miles and take approximately 45 minutes, to walk to Claybrooke Magna it would be 2.7 miles and take approximately 53 minutes, this would also require walking along the Fosse Way. For these journeys the majority of the walk would not have a form of pedestrianised footpath and therefore would require walking alongside or on the road. All of these locations have relatively limited bus services with Wolvey being serviced by the most frequent buses and the highest number of different services.

8.3 Policy HS1 states that support will be given to proposals which provide good access to local shops, employment opportunities, services, schools and community facilities. The occupants of the new dwelling are unlikely to rely solely on the services and facilities in Wolvey and Monks Kirby given the lack of choice and/or appropriateness. To be able to satisfy the occupants, the range of services and facilities potentially required are located in larger settlements or in town centres such as Rugby (10 miles), Coventry (11 miles), Nuneaton (8 miles), Hinckley (7 miles) or a combination of larger rural settlements. This further increases the reliance on the private car. In addition to the poor range of services and facilities, there are limited employment opportunities in the surrounding area.

8.4 The design and access statement makes note of the IndieGo service that is provided by Warwickshire County Council. This is a service that is provided if you are unable to make your journey either due to mobility issues or a lack of public transport. Although the IndieGo service would likely be available at the site, the introduction of a new dwelling would increase the strain on the service and may take away a spot on the service from someone who is already supported

by it. There is also the issue that the service may be fully booked on the day that a trip is required, as well as booking being required meaning that a routine schedule is not available. Although the IndieGo service may be available for locations with a lack of public transport, it should not be used to justify a lack of sustainable transport for applications in locations that lack public transport.

8.5 Section 9 of the NPPF states appropriate opportunities to promote sustainable transport modes can be taken up given the type and location of the development ensuring that safe and suitable access to the site can be achieved for all users. As a result of the distance to walk to the bus stops and lack of services currently operated, it is considered that it does not constitute sustainable service provision. The appeal of public transport in this location for the future occupants of the dwelling is likely to be limited and they would be reliant on the private car.

8.6 The proposed development is considered to not be in accordance with Section 9 of the NPPF and policies GP1 and HS1 of the Local Plan.

8.7 There are a number of appeal decisions which support the position of the Authority on this application. While each application is assessed on its own merits, a consistent approach of principle of development is shown. Examples:

- i. Land west of Stockton Road – APP/E3715/W/19/3226761 (this was for outline permission for the construction of one dwelling in the countryside, although this application is for a conversion of an existing building, the sustainability issue can be applied in this case)

Decision Dated: 03 Sep 2019

- o The inspector stated “lack of isolation in the above sense does not necessarily mean that a site will be reasonably accessible to services when considered in the context of other requirements of the Framework. The nearest settlements to the site are Birdingbury and Leamington Hastings, which are around 1km away. Given the limited extent of services and facilities in those settlements, future occupants of the proposed dwelling would need to travel further afield to the larger settlements of Dunchurch and Southam, around 6km away, to access facilities such as shops, medical services and schools.”
 - o “A substantial unlit stretch of Stockton Road, without a pavement, links the appeal site to the edge of Birdingbury. This makes for lack of safe pedestrian access to the village and the nearest bus stop. Moreover, bus services from Birdingbury are of limited frequency. The above factors, together, would limit the appeal of public transport, and make reliance on the private car likely, for occupants of the proposed development.”
- ii. The Old Pastures, Willoughby – APP/E3715/W/20/3250957 (this again was for the construction of one dwelling in the countryside, however the sustainability issue can be applied in this case)

Decision Dated: 20 Nov 2020

- o The inspector commented that “As the services and facilities in the village are limited any future occupants would also be reliant upon other nearby settlements, the nearest being Braunston, for their day to day needs. Although there is a footpath from the village to Braunston it is some distance away, and the route is along the A45 London Road, which I saw on my site visit is a busy unlit road, subject to the national speed limit in places, and therefore does not provide for a particularly inviting route for either pedestrians or cyclists.”
- o “There is a bus service to larger centres such as Dunchurch and Rugby, though this is an infrequent service. The appellant has also stated that there is a local community transport scheme operating in the area. There is however limited de-

tail provided as to how these services operate and whether there are any eligibility criteria that needs to be met to benefit from these services.”

- “Whilst recognising that the access to services and facilities would be the same for existing residents of the village, and even considering that transport solutions will vary from urban to rural areas, considering the infrequency of the services and that nearby centres are closer and more easily accessible by car, the appeal of public transport for future occupants may well be limited, and they would be more reliant on the private car for access to services and facilities.”

iii. New Barn Stables, Burnthurst Lane, Princethorpe, Warwickshire CV23 9QA Appeal Ref: APP/E3715/W/23/3319783

Decision Dated: 21 September 2023

- The inspector stated ‘The site is in designated Green Belt. It is common ground between the parties that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of Green Belt policy. I find no reason to disagree with this consensus. Accordingly, the proposal would not be inappropriate development in the Green Belt under the terms of paragraph 150(d) of the Framework. Acceptability in these regards is a neutral factor rather than a benefit that attracts positive weight in my assessment.
- The proposal would also represent the development of an under-utilised building and so it is promoted under paragraph 120(d) of the Framework. However, there is no evidence the scheme would meet a local housing need and the Council is able to demonstrate a supply in excess of 5 years’ worth of housing land as required under the Framework. As such, the benefit of reusing the building as proposed attracts only moderate weight in my assessment.
- Notwithstanding the housing land supply position, the development would add to the housing stock. However, this would be a limited contribution as only a single new dwelling is proposed. The benefits and other circumstances would not outweigh the harm caused by the conflict with development plan policies on the location of housing development. The scheme would not accord with LP policies when read as a whole and other considerations do not justify granting planning permission contrary to the development plan.

9.0 Highway Safety & Parking

9.1 Section 9 of the NPPF states that developments should achieve safe and suitable access to the site for all users. Policy D2 of the Local Plan states that permission will only be granted for development incorporating adequate and satisfactory parking facilities.

9.2 The proposals will result in the property having 4 bedrooms and the Council’s standards require 3 car parking spaces in this location. A total of 3 spaces will be provided at the property.

9.3 WCC Highways have noted that this is a resubmission of application reference R23/0140, and that no changes have been made that would affect public highways differently. WCC Highways have submitted a no objection subject to a number of conditions and informatives.

9.4 This application is therefore considered to be in accordance policy D2 of the Local Plan.

10.0 Ecology

10.1 Policy NE1 states that the Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity.

10.2 The County Ecologist commented on the proposals and advised that since no ecological impacts had been identified, no further surveys were required. The site is located near the Withybrook Spinney potential Local Wildlife Site (pLWS), however, since works will only take place within the site boundary it is unlikely this will affect the designated sites. Measures to protect adjacent habitats should be included within a Construction Environmental Management Plan (CEMP).

10.3 The existing building had negligible suitability for bats and therefore no further surveys were required. Lighting on the building's exterior should be kept to a minimum especially on the eastern side of the site. The proposed site plan shows a beech tree within the site being retained, if it is necessary to remove this tree, it should be checked for nesting birds beforehand.

10.4 The existing curtilage of the building has been managed as lawn and is of low ecological value. The report recommends that the landscaping is designed with species which benefit pollinators and bats, and that hedgerows are planted on the site plan. Invasive non-native species should not be included in the scheme due to the risk of them spreading to nearby woodland. If some of the above enhancements are included in the plan the development will likely result in a biodiversity gain.

10.5 It is therefore considered that this proposal will not have an adverse impact on biodiversity or protected species in accordance with policy NE1.

11.0 Climate Change and Sustainable Design

11.1 The Council has declared a 'Climate Emergency' pledging to take local action to contribute to national carbon neutrality targets; including recognising steps to reduce its causes and make plans to respond to its effects at a local level.

11.2 Local Plan Policy SDC4 read in conjunction with the Climate Change and Sustainable Design and Construction SPD, which sets out further guidance on how the development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.

11.3 The application is accompanied by sustainability checklist which provides details of how the development proposes to incorporate energy efficient design techniques such as the integration of renewable technologies for energy generation such as solar panels, micro turbines and ground source heat pumps. As well as the development utilising energy efficient design techniques such as the passive design concept and high-level insulation.

11.4 The design and access statement raises the issue that re-purposing the building is the most sustainable option when compared to the demolition of the building. The proposal does not include any form of demolition and therefore can only be judged on what has been proposed. The conversion of the site would include a number of works that would be more energy intensive than leaving the existing site as is.

11.5 As previously stated, the site is located within the Greenbelt, which is the most unsustainable location on the settlement hierarchy. The site has no easily accessible public transport available, with the nearest bus stop being over a 40-minute walk away. This means that the site has a large reliance upon the private motor vehicle, and therefore makes the site an unsustainable location.

11.6 It is considered that the applicant has demonstrated how energy efficiency and sustainability has been incorporated within the development and therefore the development complies with Policy SDC4.

12.0 Flooding

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

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

12.2 Since this property is located within 10 metres of a watercourse according to the provided application form, a flood risk assessment was necessary for this site.

12.3 According to the flood risk assessment provided, the risk to the site from any form of flooding is considered as low to very low. It will be essential that the proposed development is designed to ensure that any increase in impermeable areas will not create a flood risk to the development or increase/contribute to flood risk to adjacent areas as a result of the proposed development.

12.4 The flood risk assessment has stated “The developments surface water drainage networks shall be designed to not surcharge for a 1 in 2-year storm, not flood for a 1 in 30 year storm and flood water generated from a 1 in 100 year storm plus 40% climate change rainfall event shall be constrained within the areas on site so not to cause damage to buildings, essential services or adjoining developments and services. Assuming the above is still correct at the time of construction. It is considered that there is unlikely to be any impact from the surface water discharge either upstream or downstream by the proposed development.”

12.5 It is considered that the applicant has demonstrated that there would not be an increased flood risk from the proposed development and the application is therefore considered to be in accordance with Policy SDC5.

13.0 Landscaping

13.1 Local Plan Policy SDC2 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required.

13.2 Different forms of soft landscaping are proposed with a grass and wildflower mix to be used on the radial lines of the glazing that has been proposed in the windows of the building. Between these radial lines a combination of native hedging and box hedging is proposed. Gravel is to surround the perimeter of the building, with ‘grass-crete’ to be located at the front of the building to form parking and turning.

13.3 The proposed development would not have a large enough garden as is advised in the Climate Change & Sustainable Design and Construction SPD; it is recommended that a garden should be at least the size of the ground floor footprint of the dwelling. When considering the soft scaping provided at the dwelling it would cover approximately 159m², whereas the ground floor

footprint of dwelling would be approximately 169m². Although the proposed garden space would be under what is recommended by the Authority, in this circumstance it is unlikely it would have a detrimental impact on the amenity of future occupiers due to the minor scale in the difference between the recommended and proposed amount.

14.0 Air Quality

14.1 Policy HS5 states that development of more than 1,000 sqm of floorspace or any development within the Air Quality Management Area (AQMA) 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.

14.2 The application site is not within the AQMA but the proposal would generate new floorspace (of an alternative use) and the proposal would require its own heating system. The proposal therefore would increase emissions compared with the existing use of the building, but this would not impact the AQMA or meet the threshold for the mitigation under Policy HS5. The benefits of an air source heat pump over a traditional gas boiler heating system is noted, as are the other mitigation methods proposed.

14.3 This application is considered to be in accordance with Policy HS5 of the Local Plan.

15.0 Planning Balance and Conclusion

15.1 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.

15.2 In terms of planning balance, the Local Planning Authority benefits from an up to date adopted Local Plan as well as a five-year housing land supply, so therefore the tilted balance in this instance is not engaged. The NPPF is a document that should be considered as a whole and states there are three overarching objectives to achieve sustainable development. These objectives are interdependent and must be pursued in mutually supportive ways. As outlined in Section 8 of this report, the limited socio-economic benefits do not outweigh the environmental impact caused by the proposed scheme.

15.3 The conversion of the former reservoir to a single residential dwelling is located outside any defined settlement boundary and is located within the Green Belt. The application site would be located in an unsustainable location, with inadequate public transport connections, unsuitable walking and cycling links and would be in an area with a limited range of services and facilities. The occupiers of the dwelling would be compelled to rely heavily upon the private motor vehicle to access day-to-day services and facilities, which fails to support moving towards a low carbon economy. The social and economic benefits are not considered as strong enough to outweigh the drawbacks of the unsustainable location and associated environmental impacts. The reliance on the private car which would result from this proposal as such would not fulfil the social or environmental objectives of sustainable development. The application is therefore assessed to be contrary to Policy GP1, GP2 and HS1 of the Rugby Borough Council Local Plan 2011-2031 (June 2019) and Section 2, 5 and 9 of the NPPF (2023).

15.4 The application is therefore assessed to be contrary to Policy GP1, GP2 and HS1 of the Rugby Borough Council Local Plan 2011-2031.

16.0 Recommendation

16.1 Planning application R23/0786 be refused due to the unsustainable location of the development, which is contrary to policy GP1, GP2 and HS1.

16.2 The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:

R23/0786

DATE APPLICATION VALID:

16-Aug-2023

APPLICANT:

Jane & Dave Vernon & Toogood

AGENT:

Mr Roland Lloyd-Thomas, Lloyd-Thomas Architects Ltd.

ADDRESS OF DEVELOPMENT:

Cloudesley Bush Pumping Station, Mere Lane, Copston Magna

APPLICATION DESCRIPTION:

Residential conversion of existing water reservoir to create a new dwelling.

REASON FOR REFUSAL & RELEVANT DEVELOPMENT PLAN POLICIES:

Reason For Refusal 1:

The conversion of the former reservoir to a single residential dwelling that is located outside any defined settlement boundary and located within the Green Belt. The application site would be located in an unsustainable location, with inadequate public transport connections, unsuitable walking and cycling links and would be in an area with a limited range of services and facilities. The occupiers of the dwelling would be compelled to rely heavily upon the private motor vehicle to access day-to-day services and facilities, which fails to support moving towards a low carbon economy. The social and economic benefits are not considered as strong enough to outweigh the drawbacks of the unsustainable location and associated environmental impacts. The reliance on the private car which would result from this proposal as such would not fulfil the social or environmental objectives of sustainable development. The application is therefore assessed to be contrary to Policy GP1, GP2 and HS1 of the Rugby Borough Council Local Plan 2011-2031 (June 2019) and Section 2, 5 and 9 of the NPPF (2023).

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

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

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy HS1: Healthy, Safe and Inclusive Communities

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

National Planning Policy Framework (2023)

Section 2: Achieving Sustainable Development

Section 5: Delivering a Sufficient Supply of Homes

Section 9: Promoting Sustainable Transport