

Planning Committee – 16 August 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	R22/1035	Myson House, Railway Terrace, Rugby CV21 3LS Outline planning application with all matters reserved for demolition of six storey office block and construction of 2no. six storey apartment blocks with associated external works and landscaping.	3
2	R23/0096	205 Bilton Road, Bilton, Rugby, CV22 7DS Demolition of existing conservatory and garage to erect a 1 and 2 storey side and rear extension with associated external works.	32
3	R23/0174	Dunchurch Methodist Church, Cawston Lane, Dunchurch, Rugby, CV22 6QE Change of use from Church to a Montessori Nursery, including alteration of 1 no. south-west windows to doors. Creation of external activity area and associated parking and bin storage.	42

Reference: R22/1035

Site Address: MYSON HOUSE, RAILWAY TERRACE, RUGBY, CV21 3LS

Description: Outline planning application with all matters reserved for demolition of six storey office block and construction of 2no. six storey apartment blocks with associated external works and landscaping

Recommendation

1. Planning application R22/1035 be approved subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chair) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

Weblink: <https://planning.agileapplications.co.uk/rugby/application-details/36023>

1.0 Introduction

1.1 This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major development. The application was presented to Rugby Borough Council Planning Committee on 21st June 2023. The application was deferred for the reasons stated below:

- 1) *this application be deferred pending further consultation with the Highway Authority;*
- 2) *an invitation be extended to the Highway Authority to attend a future meeting of the Committee; and*
- 3) *the Committee to email queries and requests for further information relating directly to the application to the Case Officer.*

1.2 Following receipt of queries and requests to the Case Officer further consultation has been carried out with the Highway Authority and at the time of the report publication confirmation of attendance by the Highway Authority at Planning Committee has been arranged.

2.0 Description of site

2.1 The site is located approximately 300 metres to the west of Rugby Railway Station and 0.5 miles to the north-east of Rugby town centre. The site is bounded by Railway Terrace to the east and by Wood Street to the south. To the west of the site lies a recent three and four storey residential development on the former Woodside Business Park site.

2.2 The railway lies to the north of the site although there remains the benefit of a retained access road and open land. On the opposite side of Railway Terrace lies the existing Stagecoach bus depot and associated parking along with the new six storey development on the former Cattle Market site, just to the south of the depot.

2.3 The site is approximately 0.55 hectares and has been owned by Stepnell Developments Ltd for circa 30 years.

3.0 Description of proposals

3.1 This application seeks outline permission with all matters reserved for demolition of the existing six storey office block and construction of two six storey apartment blocks with associated external works and landscaping.

Planning History

R06/0075/PLN	Installation of 2no. condenser units to flat roof area of building.
Approval	20-Feb-2006

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

GP2: Settlement Hierarchy

GP1: Securing Sustainable Development

H1: Informing Housing Mix

H2: Affordable Housing Provision

HS1: Healthy, Safe and Inclusive Communities

HS5: Traffic Generation and Air Quality

HS4: Open Space, Sports Facilities and Recreation

NE1: Protecting Designated Biodiversity and Geodiversity Assets

SDC1: Sustainable Design

SDC2: Landscaping

SDC4: Sustainable Buildings

SDC5: Flood Risk Management

SDC6: Sustainable Drainage

SDC9: Broadband and Mobile Internet

SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology

D4: Planning Obligations

D3: Infrastructure and Implementation

D2: Parking Facilities

ED1: Protection of Rugby's Employment Land

National Planning Policy Framework, 2021 (NPPF)

Climate Change and Sustainable Design and Construction SPD 2023

Air Quality SPD 2021

Technical consultation responses

WCC Archaeology Detailed assessment undertaken for this application and concluded that it is unlikely to have a significant archaeological impact. Therefore, no archaeological comments.

WCC Fire Authority No objection subject to criteria being met

Cadent Gas No objection subject to informative

Stagecoach No objection

NHS Contributions requested

WCC Ecology No objection subject to conditions

WCC Flood Authority Initial objection following receipt of further details no objection subject to conditions

WCC Highways Initial objection following receipt of further details no objection subject to conditions

RBC Environmental Health No objection subject to conditions and informatives

WCC Infrastructure Outline of contribution requests provided

RBC Arboricultural Officer No objection subject to conditions

Third party comments

One neighbour objection- impact on light and extra traffic

One letter of support- sustainable location, point raised on provision of electric charging points

4.0 Assessment of proposals

4.1 This an outline scheme with all matters reserved.

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

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 Framework 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 Framework 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 Framework 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. The application site is located within the Rugby Town which provides the main focus for all development within the Borough. As such, there is a principle in favour of sustainable development subject to all planning matters being appropriately addressed.

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

5.7 Local Plan Policy GP3 states that the council will support redevelopment of previously developed land where proposals are consistent with the policies of the local plan. Policy GP3 states that particular consideration will be given to “the impact on existing services if an intensification of the land is proposed”.

5.8 Local Plan Policy ED1: Protection of Rugby’s Employment Land states “*All land currently or last used for employment purposes will be protected where a site continues to make a viable contribution to economic development within the Borough. However, in order to ensure land used for economic development continues to provide jobs in the local economy, where a site is proven to be no longer viable for employment uses, a proposal for change of use to a non B-use class may be considered acceptable.*”. The definition of “employment land” in Policy ED1 covers all uses that were at the time classified as B uses. This includes offices which were B1(a) uses and are now Class E(g)(i) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

5.9 Policy ED1 identifies six tests that will be applied in “order to demonstrate to a sufficient level that market signals indicate that there is no reasonable prospect of the site being used for employment purposes and/or that an alternative land use would support sustainable local communities. The six tests are:

- *Whether the site is allocated or designated for employment land. Such sites will be given greater protection.*
- *Whether there is an adequate supply of employment sites of sufficient quality in the locality to cater for a range of business requirements. This would involve an assessment of vacant units or land currently being marketed.*
- *Whether the site is capable of being serviced by a catchment population of sufficient size. This may include consideration of whether there is a suitable balance between population and employment in the relevant area settlement, what the impact of employment loss on commuting patterns might be and whether there would be a detrimental impact on the local economy from loss of the employment land. This will be particularly relevant in rural locations.*
- *Whether there is evidence of active marketing. For allocated or designated sites evidence of active marketing should be submitted. This should be for a continuous period of 24 months and should be through a commercial agent with local or sub-regional practice connected to Rugby Borough, at a price that genuinely reflects the market value in relation to use, condition, quality and location of the floor space. A professional valuation of the asking price and/or rent will be required to confirm that this is reasonable.*
- *Whether redevelopment of the site for employment use could be brought forward, taking account of site characteristics (including physical factors, accessibility and neighbouring uses). If*

employment redevelopment is not viable, whether mixed use redevelopment could be brought forward. It must be demonstrated that consideration has been given to alternative layouts and business uses, including smaller premises with short term flexible leases appropriate for SMEs.

• Whether firms are likely to be displaced through redevelopment, whether there is a supply of alternative suitable accommodation in the locality to help support local businesses and jobs and whether this would promote or hinder sustainable communities and travel patterns.”

5.10 In applying these tests:

- the site is not allocated or designated for employment use.
- Evidence has been presented within the application on the supply of employment sites on 9th March 2023. The latest Authority Monitoring Report shows the Local Plan requirement for additional employment land is on track to be met, but this comprises principally industrial and distribution land rather than offices. The recently published Coventry and Warwickshire Housing and Economic Development Needs Assessment (HEDNA) records low vacancy for offices within the borough. The HEDNA also provides evidence of significant future need for office space in the borough in the period 2021-2041.
- As the site is located adjacent to the railway station, it is a good location for an office and has access to a wide catchment workforce. The building is partly occupied so its closure is unlikely to impact commuting patterns and the impact of its closure on the local economy would be limited.
- Marketing evidence is only required for allocated or designated sites, so this requirement is not applicable. Notwithstanding that, the applicant states that Drake Commercial were instructed to market the property, as either a single unit, entire floors or smaller units (depending upon the current level of occupancy) from 2014 until 2020 without success.
- The applicant states that refurbishment to make the space more attractive to tenants would not be viable as the costs of the works would not be recoverable in higher rents. No viability evidence is presented to back up this assertion. The HEDNA notes that speculative office development in the borough is unlikely to be viable without a pre-let or cross subsidy from residential in a mixed-use development, due to low office rents. Mixed-use residential/office development could be explored and isn't mentioned in the applicant's material.
- There would be no displacement of existing firms as the design and access statement indicates that building is currently largely unoccupied and the applicant states “The Applicant's (Stepnell) who currently occupy part of the ground floor of Myson House have their head offices located along Lawford Road, Rugby, it is intended therefore that their use of the site will be relocated to their other local premises.”. The design and access statement refers to a gradual diminution of occupier demand accelerated by the Covid 19 pandemic.

5.11 The evidence presented does not demonstrate that the site is no longer viable for employment use as required by Policy ED1 as it has not shown that mixed-use development would be unviable.

5.12 However there are a number of other material considerations to consider when assessing the proposal:

- Under Class O to Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) there would be deemed planning permission to change to residential use, subject to a requirement for prior approval.
- The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amended the Town and Country Planning (Use Classes) Order 1987 to create Class E (Commercial, Business and Service) which incorporates the former Class B(a) use class together with retail, sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, financial, professional and other services uses and various other uses into the same use class. By operation of s55(2)(f) of the

Town and Country Planning Act 1990 a change of use within the same use class i.e. to another Class E uses would not constitute development.

- As a building last in Class E use, Myson House will benefit from Class MA (commercial, business and service uses to dwellinghouses) permitted development to change to residential use.
- The Rugby Regeneration Strategy supports development of a residential neighbourhood in this area.

5.13 Additionally Paragraph 123 of the Framework states “*Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:*

- (a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and”*

Although Rugby Borough can demonstrate a five-year housing supply the application location is within an area of high housing demand. Myson House redevelopment would not undermine a key economic sector.

5.14 On consideration of the details outlined above the principle of residential development in this location and the re-use of previously developed land would be in accordance with the development plan. Whereas the loss of the existing office use would conflict with Policy ED1 as the employment use has not been demonstrated as no longer viable. However it is considered any conflict is outweighed by other material considerations.

6.0 Character and Design

6.1 Policy SDC1 of the Local Plan states that development should demonstrate high quality, inclusive and sustainable design and new 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. All developments should aim to add to the overall quality of the areas in which they are situated.

6.2 Section 12 of the Framework states that planning policies and decisions should ensure that developments add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

6.3 As this is an outline application with all matters reserved, the comprehensive design of the proposals cannot be assessed at this stage. In terms of the scale of development, it is considered that the site is of sufficient size to accommodate a residential development based on the information submitted.

6.4 Indicative floorplans have been submitted with the proposal. While these are not being considered for approval or refusal as part of this application the officer notes that the room sizes indicated on the plans are smaller than national space standards and when considered at reserved matters stage it will be assessed if these sizes are acceptable for affordable housing provision and an adequate standard of living for future occupiers of all units.

6.5 This application is therefore considered to be in accordance Section 12 of the Framework and Policy SDC1 of the Local Plan as far as is relevant to the development proposal.

7.0 Ecological Considerations

7.1 Section 15 of the Framework states that the planning system:

- should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

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

Habitat

7.3 Warwickshire County Council Ecological Services department have provided detailed ecological comments regarding the proposal. A Preliminary Ecological Appraisal (PEA) prepared by Phlorum Limited and dated August 2022 was submitted to support the application. A Phase 1 habitat map included in the document shows buildings, hardstanding, amenity grassland, ruderal vegetation, introduced shrub, trees, intact and defunct hedgerows and continuous scrub habitats within the site.

7.4 WCC Ecology recommend that loss of existing vegetation is avoided retained as far as possible, especially the young trees and intact hedge, which could be enhanced through appropriate management and reach maturity. Although they appreciate space appears to be limited, they also recommend the introduction of additional native species planting in line with Framework. Enhancements for bats, birds and hedgehogs should be included in the scheme. Bat and bird boxes can be incorporated into the building. By preference they would recommend that bat and bird boxes are integrated into the fabric of buildings as they are more robust, reduce the risk of being removed and do not require maintenance. Specialist units are available to suit many types of facing materials, including brick and render so the boxes can be almost invisible or used as an architectural feature. Areas to the edges of the site could be left untidy to retain natural shelter for hedgehogs. These recommendations can be secured via **condition (20)** subject to the granting of any approval.

Protected Species

7.5 Constraints for nesting birds and hedgehogs were identified. A bat note is recommended as the building has negligible potential to support bat roosts. As roof areas of tall buildings such as that proposed for demolition a nest bird timings/supervision option **condition (18)** would be attached to any approval. A general trench note is also proposed in relation to potential hedgehogs as the report identifies low potential for hedgehog presence across the site, but they are recorded nearby.

7.6 It is therefore considered that this proposal will not have an adverse impact on biodiversity. This application is considered in accordance with Policy NE1 and Section 15 of the Framework.

8 Impact on Highway Safety

8.1 Policy D1 seeks to ensure that transport impacts will be mitigated and that safe and convenient access to the site can be achieved. Policy D2 of the Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities

including provision for motor cycles, cycles and for people with disabilities, based on the Borough Council's Standards.

Parking provision

8.2 As this is an outline application with all matters reserved, layout of the proposal is not being considered at this stage. At the Reserved Matters Stage, it is considered that it would be possible to achieve a layout that has adequate car parking to confirm with policy D2. Exact parking levels should conform with the Parking Standards contained within Annex 5 of the Local Plan as well as minimum cycle parking. The application site is located within the 'High Access Zone' and 1-2 bed apartments are required to provide 0.75 spaces per unit. As such the proposed indicative number of units would require the provision of 90 parking spaces on site. The applicant proposes to provide a total of 112 car park spaces, which is in excess of that required by the Adopted Local Plan and equates to a ratio of 0.93 parking spaces per unit.

8.3 Concern was raised that residents of the proposed development may have a vehicle and not secure an allocated parking space with potential for overspill parking onto the adjacent adopted highway. The impact of any overspill if it were to occur most likely to be experienced in zones already covered by existing parking Traffic Regulation Order restrictions. Myson House is within TRO R1. To address these concerns subject to the granting of any approval a **condition (25)** to secure an On-Street Parking Monitoring Plan to establish the existing situation and undertake further survey(s) so that if overspill parking does occur this can be addressed via consultation and revision to Resident Parking TRO(s) as necessary.

8.4 WCC Highway Authority had provided an initial objection to the proposal however following the submission of revised details and undertaking further survey work they removed their objection and provided **conditions (11-13)** subject to the granting of any approval.

Highway Safety

8.5 In relation to extra traffic within the ward and the impact on highway safety WCC Highway Authority has to consider both the anticipated vehicle traffic generation of the proposed development and that of the existing (consented) operational use on the site, i.e., the net change in traffic attributable to the proposed development. The assessment indicated that the proposed development is expected to result in a net reduction in vehicle trips generated by the site in comparison with the existing permitted use as summarised in the table below.

Period	Vehicle Trips		
	Existing permitted use	Proposed Development	Difference (proposed-existing)
Daily (06:00 - 19:00)	441	261	-180
AM Peak Hour (08:00 - 09:00)	55	28	-27
PM Peak Hour (17:00 - 18:00)	53	33	-20

8.6 Similarly, in respect of public transport, active travel and other transport modes the proposed development is forecast to result in a net reduction in trips as summarised in the table below.

Modes	Daily Person Trips		
	Existing permitted use	Proposed Development	Difference (proposed-existing)
Walk	180	106	-74
Cycle	27	16	-11
Train	26	16	-10
Bus	26	16	-10
Taxi	4	2	-2
Motorcycle	7	4	-3
Passenger in Car/Van	63	37	-26
TOTALS	333	197	-136

8.7 WCC Highway Authority's Transport Planning Team reviewed the applicant's assessment of the site access junction and concluded that:

"...This shows, as before that the delay and queuing at the junction is minimal and the junction continues to operate with no impacts on capacity. I have no further concerns about this."

8.8 In respect of highway safety WCC Highway Authority noted that the proposed development would generate less traffic than the currently permitted use. WCC Highway Authority also considered the applicant's assessment of the recorded safety record on the highway network in the vicinity of the site, analysing the personal injury accident (PIA) data for the period 01/05/2017 – 16/05/2022. This indicated that there had been no recorded PIA's within the immediate vicinity of the site and no accident clusters.

8.9 Following a request by WCC Highway Authority the applicant undertook an additional Automatic Traffic Count on Wood Street adjacent to the site for a seven day period in March 2023. The survey identified 85th percentile traffic speeds of c. 18 miles/hr, which is below the 20 miles/hr posted speed limit. The survey indicated traffic flows of c. 3,130 vehicles per day (c. 270 during the AM Peak and c. 285 during the PM peak), of which c. 9% were HGV's. Based on the assessment of the submitted data WCC Highway Authority considers that the development proposals will not have a negative impact on highway safety.

Damage to Network

8.10 Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. This is addressed in the proposed **informative 19** subject to the granting of any approval.

Public Transport

8.11 In relation to the matter regarding infrastructure for bus routes and cycle routes to be added around the development WCC Highway Authority outlined that Rugby railway station is located circa 250m walk from the proposed development, whilst the nearest bus stops are circa 260m walk. The nearest bus stops are currently served by c. 2 buses/hr service providing a link with Rugby town centre and other connecting bus and coach services. Existing pedestrian footways link the site with the station and bus stops, and the town centre.

8.12 The Warwickshire Local Cycling and Walking Infrastructure Plan indicates that the proposed development site lies within Rugby's proposed "Core Walking Zone," Wood Street and the section of Railway Terrace between its junctions with Albert Street and Murray Road/Mill Road form part of the town's existing on-road cycle routes. In addition, Wood Street and the section of

Railway Terrace between the site and Murray Road/Mill Road also form part of National Cycle Network Route 41, using the well-established 20miles/hr zone around Rugby railway station. Rugby railway station is currently provided with c 135 cycle parking spaces and two Cycle Hubs with bike repair facilities and secure storage for a further 200 bikes. The Warwickshire Local Cycling and Walking Infrastructure Plan does not as yet include proposals to improve infrastructure for pedestrians or cyclists along Railway Terrace and Wood Street in the vicinity of the proposed development. As discussed later in the report other contributions relating to infrastructure were sought however as they are not considered to meet the required tests and cannot be imposed on the development.

9.0 Open Space, Sport Facilities and Recreation

9.1 Policy HS4 of the Local Plan seeks to ensure that residential development of 10 dwellings and above, shall provide or contribute towards the attainment of the Council's open space standards. Off-site contributions to open space, sport and recreation are necessary as part of this scheme. The contribution, together with the details of the relevant projects can be secured via a S106 contribution. The contribution will be calculated by formula as the contribution will be linked to the reserved matters detailing. It is considered that the proposal conforms with policy HS4.

9.2 Contribution secured by S106 agreement would link to Caldecott Park and Millennium Green and Great Central Way.

10.0 Archaeology

10.1 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.

10.2 WCC Archaeology has undertaken a detailed assessment for this application and have concluded that it is unlikely to have a significant archaeological impact and therefore have no archaeological comments to make on this application. As a result, the proposal complies with the Framework and Policy SDC3.

11.0 Flooding

11.1 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.

11.2 Whilst the application site is located within Flood Zone 1 which has a low probability of flooding as the application constitutes major development the Warwickshire County Council (Flood Risk Management) team have been consulted on the application.

11.3 Warwickshire County Council (Flood Risk Management) initially objected to the application on the grounds that insufficient information has been submitted relating to surface water drainage.

The additional information was submitted with the application and re-consultation was carried out accordingly. It has been confirmed from Warwickshire County Council (Flood Risk Management) that they have no objections subject to **conditions (17 and 18)**.

12.0 Housing

12.1 The proposed development will boost the supply of housing and will contribute to the Council's five year housing supply. Policy H1 states that new residential development should contribute to the overall mix of housing in the locality, taking into account the current need, particularly for older people and first time buyers, current demand and existing housing stock.

12.2 The Council will consider an alternative mix in the following circumstances where it is clearly demonstrated how the delivery of a mix which has regard to the SHMA, or relevant update, is compromised:

- Where the shape and size of the site justifies the delivery of a mix of housing; or
- The location of the site, for example sustainable and very accessible sites within or close to Rugby town centre or the train station; or
- Sites with severe development constraints where the housing mix may impact on viability, where demonstrated through submission of viability appraisal; or
- Where a mix of housing would compromise the ability of the development to meet a specifically identified affordable or specialist housing need; or
- Conversions, where the characteristics of the existing building prohibit a mix to be delivered; or
- Where market factors demonstrate an alternative mix would better meet local demand.

12.3 The location of the site in proximity to the town centre and train station is a consideration in the mix of units provided at the proposal.

12.4 As layout is not being considered at this stage, the exact housing mix has not been established. An indicative housing mix of 1 and 2 bedroom apartments has been shown which is considered appropriate for the very accessible site close to the train station and town centre.

13.0 Affordable Housing

13.1 Policy H2 of the Local Plan states affordable housing should be provided on all sites of at least 0.36 hectares in size or capable of accommodating 11 (net) dwelling units or more (including conversions and subdivisions). On previously developed sites a target affordable housing provision of 20% will be sought.

13.2 It is anticipated that suitable clauses can be inserted into a Section 106 agreement to comply with policy H2 and secure permanent affordable housing at 20%.

14.0 Residential Amenity

14.1 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.

14.2 As the application is in outline form and layout is not being considered at this stage. It is considered that a scheme within the developable area is capable of being provided to ensure that the impact in relation to light, privacy and amenity would be acceptable.

14.3 RBC Environmental Health have recommended a noise **condition (15)**. It is therefore considered that a scheme could be designed that would not have a detrimental impact on residential amenity or noise, in accordance with policy SDC1.

15.0 Air Quality

15.1 Policy HS5 requires that development of more than 1000 sqm of floorspace or 10 or more dwellings must achieve or exceed air quality neutral standards. If air quality neutral standards are not met, points 2, 3 and 4 of the policy detail how developments should address the impacts of poor air quality, including mitigation measures.

15.2 The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.”

15.3 It is recognised that the current proposal triggers the threshold of a Major development and as such policy HS5 is relevant. The proposal introduces new boilers to each unit.

15.4 Within the context of point 1 of the policy, the development is not considered to be air quality neutral and in addition requires an Air Quality Assessment. An Air Quality Assessment has been submitted with the application and assessed by RBC Environmental Health. The report is accepted subject to additional air quality neutral/mitigation works with regard to Policy HS5 are undertaken.

15.5 A **condition (14)** requiring the reserved matters to incorporate measures to improve air quality to control on-site emissions, including the use of ultralow emission boilers (<40 mg/NOx/kWh) or technological equivalent. This includes measures such as the electric heating/photovoltaics or air/ground source heat pumps, cycle parking, electric vehicle charging, landscaping, and/or green walls and roofs.

15.6 The proposed development in relation to passing the Clean Air Act was raised as a concern. The provisions of the Clean Air Act 1993 that are still in place are summarised generally as relating to:

Prohibition of dark smoke from chimneys.

Prohibition of dark smoke from industrial or trade premises.

Meaning of “dark smoke”. ...

Requirement that new furnaces shall be so far as practicable smokeless. ...

Emission of grit and dust from furnaces. ...

Arrestment plant for new non-domestic furnaces.

Smoke control areas

Control of certain form of air pollution including sulphur content of fuel and cable burning

Special cases such as railway engines and vessels

15.7 RBC Environmental Health do not have comments that relate specifically to the Clean Air Act 1993. Change as per The Environment Act 2021 is addressed through air quality targets, the Air Quality Action Plan and Air Quality supplementary planning guidance.

15.8 As a result, subject to a suitably worded condition, Environmental Health raise no objection to the scheme subject to **condition (16)** and informative which relate to air quality matters. As a result, it is considered that the scheme is therefore policy compliant with HS5.

16.0 Sustainable Buildings

16.1 Policy SDC4 requires all new buildings meet the Building Regulations requirement of 100 litres of water/person/day unless it can be demonstrated that it is financially unviable. A **condition (9)** would be applied to the granting of any permission to comply with this requirement.

16.2 In line with the Climate Change and Sustainable Design and Construction SPD a **condition (3)** would be applied to the granting of any permission to require the submission of an energy statement. In general terms, the energy statement will require details of the equipment and technology to be incorporated to achieve carbon emissions and reductions.

17.0 Broadband

17.1 Policy SDC9 of the Local Plan sets out the need for new developments to facilitate and contribute towards the provision of broadband infrastructure.

17.2 A **condition (6)** is included in the attached draft report to ensure the provision of broadband. As a result, the proposal complies with policy SDC9.

18.0 Fire and Rescue

18.1 Warwickshire Fire and Rescue have suggested an informative associated with compliance with Building Regulations which is included in the draft decision **informative 7**. With the detailed design reserved at this stage the informative is considered necessary for Fire and Rescue safety reasons.

19.0 Trees

19.1 A Tree Report relating to Demolition and Construction has been submitted for consideration with the proposal. An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan is provided.

19.2 The proposal identifies 7 trees and 1 hedge for removal to facilitate the development. Trees and hedging proposed for removal are generally of low quality with limited long term value. However, collectively they do offer a degree of amenity/biodiversity value, therefore it is important that a landscape strip is retained adjacent to Railway Terrace and new tree/hedge planting incorporated to mitigate the losses and to enhance the scheme using appropriate species that will add value to the surrounding urban landscape and development.

19.3 RBC Arboricultural Officer has no objection subject to the provision of a detailed landscaping plan and a finalised Arboricultural Method Statement for the protection of retained trees during the development phase. These **conditions (22 and 23)** are included in the draft decision notice subject to the granting of any approval.

20.0 Planning Obligations

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

20.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

If a requested planning obligation does not comply with all of these tests, then it is not possible for the Council to take this into account when determining the application. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below. Each is considered below if these requests meet the necessary tests and are therefore CIL compliant.

20.3 *Open Space*

Policy D4 of the Local Plan Policy along with the Planning Obligations SPD states that the type, amount and phasing of contributions sought from developers will be necessary to make the development acceptable, directly related, and fairly and reasonably related in scale to the development proposed. Policy HS4 states that residential development of 10 dwellings and above shall provide or contribute towards the attainment of the Council's open space standards.

The SPD on Planning Obligations states that an off-site contribution is required, subject to negotiation with the Council, in this instance a contribution is required towards the costs of the open space provision. It has been confirmed that the contribution would be used to provide the following:

Caldecott and Millennium Green for play/young people and general parks and amenity space. Caldecott specifically for 'parks and gardens' and for any sports contributions
Great Central Way for any natural and semi-natural.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

20.4 *Libraries*

Warwickshire County Council seeks a 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. This may include purchase of additional stock, targeted collections, additional seating/study spaces or related facilities, improved family facilities and targeted promotions to inform new residents of services available to them. In this instance the contribution would support Rugby Library. The level of contribution is currently estimated until the housing make up is confirmed at reserved matters.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

20.5 *Education*

Warwickshire County Council expects to secure financial contributions towards education provision as a result of this development. The County Council does not seek education contributions in respect of one-bedroom properties and therefore dependent on the final housing make up only larger relevant units will be considered for calculating education contributions. The contributions will be used to deliver additional or enhance existing facilities and provision. The site falls within the Rugby North Central Primary Planning Area. The funding would cover early years, primary and secondary education.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

20.6 *Public Transport*

Warwickshire County Council requested contributions to maintain the bus service at appropriate times from the closest bus stops (Murray Road) to the employment areas of Rugby Gateway and Castle Mound Way, and to Elliot's Field Shopping Area. This request is not considered to meet the necessary tests and therefore is not CIL compliant and will not be included in the Heads of Terms.

Warwickshire County Council also requested contributions for provision of Real Time Information at the pair of bus stops on Murray Road near the junction with Railway Terrace. This did not form part of the IDP linked to the Local Plan. This request is not considered to meet the necessary tests and therefore is not CIL compliant and will not be included in the Heads of Terms.

20.7 *Sustainable Transport*

Warwickshire County Council is keen to promote sustainable travel and requests that either the Developer contributes £10 per dwelling towards the cost of the provision of such information, or that they provide it under a planning condition as part of their new dwelling welcome information. This has been included **Condition (21)** in the draft decision.

20.8 *Road Safety*

Warwickshire County Council sought a contribution to support road safety initiatives within the community associated with the development. No details could be provided how the funds will be spent. This request is not considered to meet the necessary tests and therefore is not CIL compliant and will not be included in the Heads of Terms.

20.9 *Health*

NHS Coventry and Warwickshire Integrated Care Board in order to support the additional growth anticipated from the proposed housing development requests contributions for which may be by way of a new build facility or improvement works which will be for the primary care and healthcare estate within the area of the planned development which includes Market Quarter Medical Practice and Beech Tree Medical Practice.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

20.10 *Affordable Housing*

20% of final unit numbers decided at reserved matters stage in line with the requirements of Policy HS2 of the Local Plan.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

Heads of Terms

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

Obligations	Requirement	Trigger
Affordable Housing	20% of total units	Upon first occupation of the development
Open Space	Formula based on final housing mix approved	Upon first occupation of the development
WCC Libraries	£1,510 approx. The level of contribution is currently	Upon first occupation of the development

	estimated on the housing make up as detailed in the planning application.	
WCC Education	To secure education provision £796,695 approx	Upon first occupation of the development
WCC Monitoring Fee	To contribute towards the cost to the County of monitoring the implementation and compliance with the legal agreement	Due upon signing of the agreement
NHS Integrated Care Board	To facilitate primary care £42,105 approx.	Upon first occupation of the development
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

20.12 Figures included in the table above may be subject to change to reflect the final housing number and mix when approved at reserved matters stage.

20.13 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.

20.14 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.

20.15 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.

20.16 Subject to the completion of a section 106 agreement the development would be in accordance with Policy D3 of the Local Plan.

21.0 Planning Balance and Conclusion

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 The Framework sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The Framework at paragraph 7 identifies the three dimensions to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advise that in order to

achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

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

21.4 From a social perspective the proposed development, would make a positive contribution towards housing needs within the Borough. As such, the proposed development would satisfy the social role of sustainable development.

21.5 From an environmental perspective any potential adverse impacts of the proposed development have been considered and can be mitigated through conditions while providing residential units at the most sustainable location in the Borough.

21.6 Therefore, the development of the site would result in social and economic benefits as well as environmental benefits. Paragraph 8 of the Framework is clear that the 3 roles should not be taken in isolation but that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. The identified benefits would mean, on balance, that the proposal would represent sustainable development in terms of the Framework and is therefore considered to accord with the Development Plan and the Framework.

22.0 Recommendation

- 1 Planning application R22/1035 be approved subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chair) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

DRAFT DECISION

REFERENCE NO:
R22/1035

DATE APPLICATION VALID:
27-Sep-2022

APPLICANT:

Jim Smith, Stepnells Ltd, Myson House, Railway Terrace, Warwickshire, Rugby, CV21 3HT

AGENT:

Helen Lowe, Stansgate Planning The Coutyard Timothy's Bridge Road Stratford-Upon-Avon
CV37 9NP

ADDRESS OF DEVELOPMENT:

MYSON HOUSE, RAILWAY TERRACE, RUGBY, CV21 3LS

APPLICATION DESCRIPTION:

Outline planning application with all matters reserved for demolition of six storey office block and construction of 2no. six storey apartment blocks with associated external works and landscaping

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON

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

CONDITION 2:

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

REASON:

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

CONDITION 3:

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

- a - Layout,
- b - Scale,
- c - Appearance,
- d - Access
- e - Landscaping &
- f- Energy Statement

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION 4:

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

- Application form received by the Local Planning Authority on 27th September 2022
- Site location Plan Dwg No. 2821-HBA-DR-A-P01 received by the Local Planning Authority on 27th September 2022
- Air Quality Assessment by NoiseAir Report Ref: P5540-R2-V2 Issue Date 26th August 2022 Version 2 received by the Local Planning Authority on 27th September 2022
- Preliminary Ecological Appraisal August 2022 by phlorum received by the Local Planning Authority on 27th September 2022
- Additional Ecology letter from phlorum dated 6th December 2022 received by the Local Planning Authority on 7th December 2022
- LLFA Response Cover Letter dated 06.12.2022 received by the Local Planning Authority on 7th December 2022
- Drainage Strategy Report Revision B, Document Reference HSP2022-C3812-C&S-TR-859, December 2022 received by the Local Planning Authority on 7th December 2022
- Flood Risk Assessment, Document Reference HSP2022-C3812-C&S-FRAS1-784, July 2022 received by the Local Planning Authority on 27th September 2022
- Phase I Geo-Environmental Desk Study Report Myson House July 2022 HSP2022-C3812-G-GPI-751 by HSP Consulting Engineers Ltd received by the Local Planning Authority on 27th September 2022
- Noise Impact Assessment Report by NoiseAir Report Ref: P5540-R2-V2 Issue Date 7th August 2022 Version 2 received by the Local Planning Authority on 27th September 2022
- Refuse Vehicle Tracking Dwg No. C3812-HSP-00-00-DR-C-900 received by the Local Planning Authority on 10th May 2023
- Transport Assessment C3812-Myson House, Rugby July 2022 by HSP Consulting Engineers Ltd received by the Local Planning Authority on 27th September 2022
- Transport Assessment C3812-Myson House, Rugby July 2022 by HSP Consulting Engineers Ltd Appendices received by the Local Planning Authority on 7th November 2022
- Transport Technical Note for Planning Application R22/1035 24th March 2023 by HSP Consulting Engineers Ltd Appendices received by the Local Planning Authority on 28th March 2023
- BS5837 Tree Report by Bawden Tree Care 4th August 2022 Revision 1 received by the Local Planning Authority on 27th September 2022

REASON:

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

CONDITION 5:

The details required to be submitted in accordance with Condition 3 above shall include 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 6:

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

REASON:

To provide broadband connectivity for future occupiers.

CONDITION 7:

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

REASON:

In the interest of visual amenity.

CONDITION 8:

Full details of the siting, design and materials of the proposed bin and cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The bin and cycle stores shall be provided, in accordance with the approved details before the first occupation of any apartment.

REASON:

In the interest of visual and residential amenity.

CONDITION 9:

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

REASON:

In the interests of sustainability and water efficiency.

CONDITION 10:

No above ground development of the car parking areas shall commence 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 development shall not be carried out other 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 encourage the use of electric vehicles in the interest of sustainability, to reduce air pollution and in the interests of visual amenity.

CONDITION 11:

Access for refuse collection vehicles to the site shall not be made or maintained from any public highway other than D3209 Railway Terrace.

REASON:

In the interests of highway safety.

CONDITION 12:

The development shall not be occupied until space has been provided within the site for the parking and manoeuvring of vehicles in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

REASON:

In the interest of highway safety.

CONDITION 13:

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

- (i) The control of noise and vibration emissions from demolition and construction activities including groundworks and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the demolition and construction phase;
- (ii) The control of dust including arrangements to monitor dust emissions from the development site during the demolition and construction phase;
- (iii) The parking of vehicles of site operatives and visitors during the demolition/construction phase; &

(iv) Measures to prevent deleterious material being carried onto the highway network

Development shall not be carried out other than in accordance with the approved demolition and construction management plan.

REASON:

In the interests of the amenities of the area, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

CONDITION 14:

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

REASON:

In the interests of air quality.

CONDITION 15:

Prior to above ground works commencing, a scheme detailing the type of glazing and passive ventilation or mechanical ventilation to be incorporated within the development shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be in accordance with the recommendations of the 'NoiseAir Air Quality Assessment Myson House, Railway Terrace, Rugby, CV21 3HT report ref: P5540-R2-V2 issue 26th August 2022 document status Version 2'. Prior to occupation of the development, the approved scheme shall be implemented and maintained in perpetuity.

REASON:

In the interests of air quality.

CONDITION 16:

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 17:

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and the approved Drainage Strategy (Report Revision B, Document Reference HSP2022-C3812-C&S-TR-859, dated December 2022) has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. 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 50% betterment runoff rate of 59.2l/s for the site in line with the approved Drainage Strategy (Report Revision B, Document Reference HSP2022-C3812-C&S-TR-859, dated December 2022).
2. As the drainage scheme proposes to connect into the Severn Trent Water public sewer, further information should be provided regarding the right to connect. This should consist of proof of an initial Developer Enquiry supporting proposals, which at the discharge of conditions stage, should progress to approval for indirect connection under Section 106 of the Water Industry Act (1991).
3. As stated within the Drainage Strategy (Report Revision B, Document Reference HSP2022-C3812-C&S-TR-859, dated December 2022), undertake a CCTV survey of the existing drainage network on site, providing the results of such. Results of the survey should also include details on any remedial works or areas of the existing drainage network to be utilised which may require replacing.
4. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
 - a. This includes further exploration and inclusion of permeable paving as stated within the Drainage Strategy (Report Revision B, Document Reference HSP2022-C3812-C&S-TR-859, dated December 2022). Small source control features such as rain gardens and tree pits should also be considered where there are proposed green areas on site, ensuring appropriate water quality mitigation is provided.
5. Provide detail drawings including cross sections, of proposed features such as attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
6. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
 - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
7. Provide exceedance and overland flow routing plans that are supported by topography and levels of the site. Such overland flow routing should:

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

REASON:

To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity.

CONDITION 18:

No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the Local Planning Authority in consultation with the Local Lead Flood Authority. Such maintenance plan should

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

REASON:

To ensure the future maintenance of the sustainable drainage structures.

CONDITION 19:

The development hereby permitted shall either:

1. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
2. Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub.

Nesting birds are protected under the 1981 Wildlife and Countryside Act.

REASON:

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

CONDITION 20:

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of any habitat creation. The development shall be carried out and subsequently managed in accordance with the scheme so approved.

REASON:

In accordance with NPPF.

CONDITION 21:

No apartment shall be occupied until a sustainable travel pack has first been provided within that apartment for the occupiers.

REASON:

In the interest of sustainability.

CONDITION 22:

A final specification of all proposed tree planting must be submitted and approved in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 10 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority 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 Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION 23:

No works, demolition or development shall take place until a final arboricultural method statement and tree protection plan for the protection of the retained trees (such method statement and plan to be in accordance with sections 5.5 & 6.1 of BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) has been submitted to and approved in writing by the Local Planning Authority. This arboricultural method statement and tree protection plan must include details and positioning of tree protection fencing, any ground protection measures to create construction exclusion zones and an auditable system of monitoring. The approved arboricultural method statement and tree protection plan shall be implemented in full prior to any works, demolition or development taking place. Protective measures must remain in place until the completion of all construction works. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Prior to any works, demolition or development taking place, a site meeting between the applicant, the Local Planning Authority arboricultural officer and designated arboricultural consultant responsible for the site will take place to inspect tree protection measures.

REASON:

To ensure all retained trees are protected from damage during the construction phase.

CONDITION 24:

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 25:

No apartment shall be occupied until an On-Street Parking Monitoring Plan (OSPMP) has been submitted to and approved in writing by the Local Planning Authority. The OSPMP shall set out a process for monitoring and surveying existing on-street parking levels in the area of Traffic Regulation Order R1. It shall then set out a process for monitoring and surveying on-street parking levels in the area of Traffic Regulation Order R1 at defined intervals following the first apartment being occupied.

REASON:

To ensure there is sufficient parking provision for existing occupiers in the area of Traffic Regulation Order R1 and in the interests of highway safety and traffic flows.

INFORMATIVE 1:

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 2:

If the proposed development is to incorporate piling in the foundation detail, the developer is to consult with Rugby Council Commercial Regulation Team to obtain guidance. This will reduce the chance of enforcement action should an unsuitable method of piling be chosen which causes nuisance by way of noise and/or vibration. Continuous Flight Auger or other methods shall be prioritised for use over driven piling methods.

INFORMATIVE 3:

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

INFORMATIVE 4:

The applicant / occupiers should consult with RBC waste services team regarding waste collection proposals for the proposed development.

INFORMATIVE 5:

It is a legal requirement that all new properties are numbered and roads named and in this respect you must apply for Street Naming and Numbering at the earliest opportunity for both new or changes to existing properties, including development revisions. Failure to do this in good time can delay the installation of services and/or prevent the sale of properties. To register the properties on a development and receive correct addressing or to amend an existing address please complete an application form for Street Naming and Numbering. The form can be accessed at:

https://www.rugby.gov.uk/info/20084/planning_control/76/street_naming_and_numbering .

INFORMATIVE 6:

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

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

INFORMATIVE 7:

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

INFORMATIVE 8:

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

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

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

No work on Sundays & Bank Holidays.

INFORMATIVE 9:

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 10:

This development is subject to a s106 legal agreement.

INFORMATIVE 11:

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

At the 'discharge of condition' stage proposals for surface water drainage should be approaching a level of detail suitable for tender or construction. Documentation should show the

drainage scheme including SuDS features, specific details (e.g. standard details or cross sections) and demonstrate the performance and of the system through calculations and exceedance management respectively. Such scheme should be in line with the original planning application/permission and where significant changes are made, justification should be provided.

INFORMATIVE 12:

Particular care should be taken when clearing ground prior to development, and if evidence of badger, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptiles, loughs or badgers, snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed a protected species.

INFORMATIVE 13:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) making them a European Protected Species. It is a criminal offence to disturb, obstruct or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0208 261089. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

INFORMATIVE 14:

It is strongly encouraged that the development hereby approved shall utilise green construction methods. This should include utilising natural, recycled and sustainable building materials. Measures to minimise damage to the local area and ecosystem during and after construction should also be employed.

INFORMATIVE 15:

The Energy Statement included in Condition 3 shall include will require details of the equipment and technology to be incorporated to achieve carbon emission reductions. The following list is not exhaustive, however it is recommended that the following information is included:

- Energy efficiency of the building fabric
- Predicted annual carbon emissions of the development
- The contribution of each proposed renewable energy technology
- Feasibility of district or community heating
- Summary of the benefits of various low energy technologies

- The total estimated reduction in the development's baseline carbon emissions and/or energy demand.

A non-technical summary should be included outlining the conclusions of the statement.

INFORMATIVE 16:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

INFORMATIVE 17:

With Rugby's Hedgehog Improvement Area status for this planning application all fencing/gravel boards/gates/walls on boundary lines should be specified to have occasional CD size gaps (13cm x 13cm) as a simple very low cost measure for ensuring boundaries are accessible for hedgehogs and wide range of species to enable roaming for habitat/food/mates etc across the development providing links between gardens and also provide links to and from public open space, encouraging colonisation and preventing habitat fragmentation.

INFORMATIVE 18:

The development is in close proximity to existing commercial /industrial operations, as well as the railway line and roads. It will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with the activities. Such activities may extend into the night time period, particularly any repair works on the railway line.

INFORMATIVE 19:

Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.

Reference: R23/0096

Site Address: 205 BILTON ROAD, BILTON, RUGBY, CV22 7DS

Description: Demolition of existing conservatory and garage to erect a 1 and 2 storey side and rear extension with associated external works

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/37308>

Recommendation

1. Planning application R23/0096 be approved subject to:
 - a. 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.

1.0 Introduction

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

2.0 Description of site

2.1 The application dwelling is a detached property located in the Rokeby and Overslade ward and is located on Bilton Road. The application site is opposite Lidl the supermarket. The houses in the immediate vicinity of number 205 are a mix of semi-detached and detached properties with the detached properties having private driveways and attached garages.

2.2 The application dwelling is constructed out of red brick; it has concrete roof tiles and has white UPVC window and door openings. The property has a private driveway that leads to hardstanding at the front of the property and a detached garage on the eastern elevation. The property has a large amenity space at the rear, that is mostly laid to lawn. The application dwelling has a number of dormer windows, with one dormer on the western elevation, one dormer on the southern elevation and two dormer windows on the east elevation. The application site is surrounded by a mixture of boundary treatment in the form of a hedge to the front and close board fencing surrounding the rest of the property. The dwelling is set within its curtilage and set back from the street scene. The application site is wholly residential characterised by the mix of residential dwellings surrounding the property.

3.0 Description of proposals

3.1 This application seeks planning permission for the erection of a 1 & 2 storey side and rear extension.

3.2 The proposed application would see the demolition of the existing conservatory, sunroom and garage.

3.3 In place of the existing garage, a new single and two storey extension is proposed to be built, this would be used to house the new garage and a utility room. This proposed extension would have a width of approximately 4.17 metres and a length of 9.68 metres, the single storey flat roof segment will have a height of 3 metres, the two-storey segment would have a maximum height of 8 metres, with the eaves having a height of 3.6 metres which would be in line with the rest of the eaves of the property.

3.4 In place of the conservatory a single storey flat roof extension is to be built, it would project approximately 4.95 metres from the lounge and have a width of 5.7 metres, it would have a height of 2.9 metres.

3.5 An extension to the lounge is to be located in place of the sunroom, it would extend the lounge by approximately 1.6 metres, it is proposed to have a height of 3 metres.

3.6 It is also proposed that there would be a 3.5-metre-tall wall that is to be brick faced zinc. This wall is located in line with the front of the property, continuing the architectural form of the rest of the property.

3.7 Two zinc dormers have been proposed to be located at the rear elevation of the property and three new rooflights are proposed to be incorporated into the front elevation.

Planning History

No relevant planning history.

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

SDC1: Sustainable design

SDC4: Sustainable Buildings

SDC5: Flood Risk Management

NE1: Protecting Designated Biodiversity and Geodiversity Assets

HS5: Traffic Generation and Air Quality

National Planning Policy Framework, 2021 (NPPF)

Supplementary Planning Documents

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

Technical consultation responses

RBC Environmental Health – No Objection subject to informatives

WCC Ecology – No Objection subject to informatives

Third party comments

Ward Councillors and neighbours were notified but no comments were received.

4.0 Assessment of proposals

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

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 site is located within Rugby town as defined in policy GP2, this is the main focus for development in the Borough where development will be permitted within existing boundaries.

5.7 This application is therefore considered to comply with policy GP2 of the Local Plan.

5.8 Subject to detailed consideration being given to the impact of the proposed scheme, having an acceptable impact on the character and appearance of the area, residential amenity, and ensuring it complies with national and local policies detailed above, the principle of development is considered acceptable.

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 when assessing an extension, the effect of the proposal on the scale and character of the existing building and the surrounding area.

6.4 The cumulative built form arising from the proposed extensions would extend the original dwelling house substantially 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 proposed extensions increase the massing at the property quite substantially, since there are a number of extensions and changes that have been proposed which will see the shape of the property change. The character of the property will remain the same since the architectural features that are in the existing property are to be incorporated into the proposed design. This can be seen through the design of the roof over the side extension that attaches to the proposed garage, the incorporation of the dormer above the garage is similar in style to the existing dormer at the property. The retention of an eaves height throughout the property is another example of the architectural form remaining similar. There are a number of changes proposed at the rear of the property, which are also considered to continue the existing architectural style of the property and are considered as acceptable.

6.6 It was initially proposed that the boundary wall in line with the front elevation of the dwelling was to be zinc, however this was considered as out of character with the surrounding area by the Council. A new plan was proposed with a brick faced wall which was determined as in keeping with the area as it would continue the architectural form of the rest of the property and was therefore considered an acceptable proposal.

6.7 It is proposed that there is to be a green roof on the South side of the property. It is an appreciated piece of green infrastructure which will enhance the design of the property and the local area.

6.8 The proposed extensions to the property are not considered to dominate the existing building or have an overbearing appearance. The proposed changes are not considered to be over prominent. The materials proposed in the extension are to match the existing property and therefore, considered to be in keeping with the host property, these materials will be secured by condition (Condition 3).

6.9 The proposal is considered to be of an acceptable scale and design and does not constitute over development of the main dwelling or its plot. The materials are also considered to be in keeping with the host property. The proposed development is not considered out of keeping with the street scene and is therefore considered to be acceptable.

6.10 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. It also states that an extension should not cause any significant loss of light to habitable rooms in neighbouring properties and that this natural sunlight must be safeguarded where possible. It also goes on to stipulate that overbearing extensions could also impact on the amenity of neighbouring properties and their gardens.

7.3 Due to the location of design of the proposed extensions it is unlikely that any neighbouring property will face any issues in regard to residential amenity. Residential amenity of all current and future occupiers of neighbouring properties has been considered and due to the positioning of the windows there will be no additional overlooking concerns created, also due to the siting of the extensions there will be limited overshadowing concerns created.

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 Climate Change and Sustainable Design

8.1 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.

8.2 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.

8.3 The application is proposed to have a green roof to the rear of the property, which is an essential piece of green infrastructure and will help increase biodiversity in the area.

8.4 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.

9.0 Air Quality

9.1 Policy HS5 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. If air quality neutral standards are not met, points 2, 3 and 4 of the policy detail how developments should address the impacts of poor air quality, including mitigation measures.

9.2 The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.”

9.3 It is recognised that the current proposal increases floorspace within the Air Quality Management Area and as such policy HS5 is relevant. The proposal includes additional car parking. Therefore, there will be a material increase of emissions from the proposed development compared with the emissions of the existing use. Within the context of point 1 of the policy, the development is not considered to be air quality neutral. As a result, mitigation as detailed in points 2 to 4 of the policy are required.

9.4 RBC Environmental Health have noted that because the works are to extend the existing house, they do not consider it appropriate to recommend air quality neutral or noise conditions, however, have recommended an air quality neutral informative note for the applicant to consider as part of the development.

9.5 In this instance the following on site mitigation measures are proposed, the installation of a green roof towards the rear of the property, as well the implementation of glass shading to the side of the property reduce the amount of heat in the property during summer.

9.6 Taken as a whole, it is considered that the above package of mitigation measures meets the requirements of points 2-4 of the policy and as such complies with policy HS5. The details will be secured by an appropriately worded condition as outlined in the draft report (**Condition 2**).

10.0 Flooding

10.1 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.

10.2 Whilst the north section of the application site is located within Flood Zone 3, the majority of the site where additional extensions are to be located are not within this zone. Because this area has a high probability of flooding, and the application constitutes householder development the Warwickshire County Council (Flood Risk Management) team have not been consulted on the application. In line with the standing advice that has been provided which states that a Flood Risk Analysis should be provided to identify the measures used to mitigate the flood risk.

10.3 The proposed developed is to use permeable paving to the front of the property, which is where the extent of flood zone 3 is located. This shows that the area with the highest flood risk is less vulnerable due to it being block paving and not an extension. Further to that, it is proposed that engineering bricks are to be used for the walls and ground bearing concrete slabs are to be used for resilience. The Finished floor level to match existing at 91.79m above sea level, which is 300mm above the nearest 1 in 100 flood level. Therefore, the proposal is considered in compliance with Policy SDC5.

11.0 Ecology

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

11.2 The County Ecologist commented on the proposals and advised that a bat survey be completed. A survey has been completed which states that there are no signs of bats.

11.3 The County Ecologist has advised:

“An internal and external inspection by Dr Bodnar of the building at the above address concluded that the building had Negligible potential to support roosting bats.

Due to the lack of reported evidence of any bats or bat activity observed the proposed works are unlikely to impact bats in the short term. However, as planning permission is extant for three years and bats can still be subsequently found roosting in buildings where survey work has failed to find any evidence, and where access for bats does not appear apparent”.

11.4 The county Ecologist also commented on the biodiversity of the site stating the following: “A measurable gain for biodiversity in line with NPPF (2021) is desirable. The applicant could use the opportunity to include enhancements such as boxes for wildlife use. By preference we would recommend that bat and bird boxes are integrated into the fabric of buildings as they are more robust, reduce the risk of being removed and do not require maintenance. Specialist units are available to suit many types of facing materials, including brick and render so the boxes can be almost invisible or used as an architectural feature. A suitably worded Biodiversity enhancements note is recommended.” (Informative 2)

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

12.0 Planning Balance and Conclusion

12.1 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.

12.2 The proposed extensions would not cause harm to the visual amenities of the street scene, the character of the area or nearby residential amenity. The proposal would not exacerbate flood risk in the area. The proposal would comply with all relevant Plan Policies and the underpinning principles of the NPPF 2021 and is recommended for approval.

13.0 Recommendation

1. Planning application R23/0096 be approved subject to:
 - a. 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.

DRAFT DECISION

REFERENCE NO:
R23/0096

DATE APPLICATION VALID:
23-Jan-2023

APPLICANT:
Mr & Mrs Toby and Margaret Lawrence

AGENT:
Mr David Coles, HB Architects

ADDRESS OF DEVELOPMENT:
205 Bilton Road,
Bilton,
Rugby,
CV22 7DS

APPLICATION DESCRIPTION:
Demolition of existing conservatory and garage to erect a 1 & 2 storey side and rear extension with associated external works

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON 1:

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

CONDITION 2:

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

Documents received by Council 23-Jan-23

ApplicationForm.pdf	(Application Form)
Drawing No:03522-HBA-DR-A-005 Rev:A	(Site Location Plan 1:1250)
Drawing No:03522-HBADR-A-011 Rev:A	(Proposed Plans 1:100)

Plans received by Council 28-Mar-23

Drawing No:03522-HBA-DR-A-010 Rev:B	(Proposed Elevations 1:100)
Drawing No:03522-HBA-DR-A-007 Rev:B	(Proposed Site Plan 1:200)

REASON 2:

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

CONDITION 3:

The facing materials to be used on the external walls and roof shall be as specified on the application form, received by the Council on 23-Jan-23 and on plans outlined in condition 2.

REASON 3:

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

INFORMATIVE 1:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) making them a European Protected Species. It is a criminal offence to disturb, obstruct or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0208 261089. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). The main nesting season, lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible.

N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

INFORMATIVE 2:

Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Enhancements could include bat and bird boxes which may be used by a variety of species, native species planting and enhancement of existing of hedges and wild flower planting, habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates are also welcomed. Warwickshire County Council Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

INFORMATIVE 3:

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 4:

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

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

INFORMATIVE 5:

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.

Reference: R23/0174

Site Address: DUNCHURCH METHODIST CHURCH, CAWSTON LANE, DUNCHURCH, RUGBY, CV22 6QE

Description: Change of use from Church to a Montessori Nursery, including alteration of 1 no. south-west windows to doors. Creation of external activity area and associated parking and bin storage.

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/37460>

Recommendation

1. Planning application R23/0174 be approved subject to:
 - a. 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.

1.0 Introduction

1.1 This application is being reported to Planning Committee for determination because 15 or more letters of objection have been received.

2.0 Description of site

2.1 The application site is a triangular piece of land, occupied by Dunchurch Methodist Church with associated access, car parking area and grassed area. Dunchurch Methodist Church was constructed in the mid 1930's and is a single storey, pitched roof building with brown facing brick facades and dark blue/grey slate roof covering.

2.2 The building is set back from Cawston Road, with a grassed area to the front and a tarmac-surfaced parking area to the south-east. To the front (south-west) and sides (north-west and south-east) of the building are residential properties. A public footpath (R169e) lies to the rear (north-east) of the site, beyond the footpath are residential properties.

2.3 The application site lies outside but adjacent to Dunchurch Conservation Area.

3.0 Description of proposals

3.1 The application is for the change of use of the Methodist Church to a nursery, with an external activity area for the nursery children, and associated parking and turning area. The current pedestrian and vehicular accesses are to be retained. A 1.8m high bow-top dark green powder coat steel fencing and laurel hedge is proposed around the activity area, with a 600mm high timber knee rail at the site boundary. Between the bow-top fencing and knee rail fence the

applicants propose a landscaping strip approx. 1.5m wide. Landscaping continues along Cawston Lane (with the exception of the vehicular and pedestrian access points) around the proposed car parking area, and for approx. 19m along the site boundary with the Public Right of Way.

3.2 It is proposed to change one of the four windows on the Cawston Lane (south-west elevation) to a door to allow access from classrooms to the external activity area. The three remaining windows are not to be altered. No other external alterations to the building are proposed.

3.3 Parking is proposed to the centre and south-east of the site, with 2 parking spaces for staff and 4 parking spaces for visitors. A bin collection point is proposed within the site boundary, adjacent to Cawston Road, with a bin store proposed on the north-west elevation.

3.4 The nursery will have approximately 45 children, aged from 6 months to 4 years. It will be operated by a maximum of 10 staff at any one time.

3.5 Internal works which do not require planning permission are also proposed. Changes include sub-dividing the chapel area into two nursery rooms, with part of the chapel also being used as a corridor to access other rooms. The former vestry is to be used a children's toilet area and the entrance lobby is being sub-divided to include an admin office. As planning permission is not required for these internal works they cannot be considered as part of the application but are included here for the sake of completeness.

Planning History

No relevant planning history.

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

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

GP3: Previously Developed Land and Conversions

HS3: Protection and Provision of Local Shops, Community Facilities and Services

NE1: Protecting Designated Biodiversity and Geodiversity Assets

SDC1: Sustainable Design

SDC2: Landscaping

SDC3: Protecting and Enhancing the Historic Environment

SDC4: Sustainable Buildings

D1: Transport

D2: Parking

Supplementary Planning Documents

RBC Climate Change and Sustainable Design and Construction SPD – January 2023.

National Design Guide 2019.

Technical consultation responses

The scheme has been subjected to a number of negotiations and re-consultations and this report deals with the most recent consultation responses from each technical consultee.

Rugby Borough Council: Environmental Health	- No objection subject to Conditions requiring a noise assessment and Air quality neutral/mitigation, and Informatives.
Warwickshire County Council: Local Highway Authority	- Initial objection due to a lack of information. On receipt of additional information, no objection subject to conditions.
Warwickshire County Council: Public Rights of Way	- No objection subject to conditions and informatives.
Warwickshire County Council: Early Years Team	- Support application as Rugby Borough has a shortage of early years provision.

Third party comments

Ward councillors were notified and no comments were received.

Dunchurch Parish Council – object to the proposal on the following grounds:

- Understand the Village Hall Trustees have not been approached by the applicants and are unaware of any potential arrangements for staff parking at the Village Hall.
- Potential for 40-45 cars dropping off & picking up children, the staggered drop off/pick up times are in peak times, therefore vehicular traffic in the area will significantly increase.
- Parents rarely walk their children to school, even if they live in Dunchurch. Unlikely that the parents/carers of children attending a Montessori Nursery would catch the bus.
- Cars already park on the side of the road, which make turning in and out of the Rugby Road/Cawston Lane junction a significant challenge and lead to traffic backing up everywhere. The turning circle into the proposed car park spaces looks extremely tight if vehicles are coming from Rugby Road and turning into the school and it would be impossible with queues of traffic already present.
- Issues need to be addressed prior to determination and perhaps re-configured, particularly in view the Homestead Link Road and the Nursery location 100 yards away from the busy A426/A45 junction.

Close proximity neighbours were notified and 29 objections were received from 24 households objecting to the proposal on the following grounds:

- Site is dangerously close to busy Rugby Road and Cawston Lane junction, which is unsafe. The increase in traffic will increase risk;
- Cawston Lane is not wide enough to accommodate bidirectional traffic and parked cars, could cause problems for delivery and emergency vehicles;
- Cawston Lane is already a dangerous and busy road, additional houses and other development being built in Dunchurch will add to this;
- Cawston Lane only has a pavement on one side of the road, there are no plans for signage, road markings or crossings in the application;
- Will lead to significant number of additional vehicles using the surrounding highway network and potentially queuing back onto the main road and along Cawston Lane;
- The application admits there was a parking problem on Sunday mornings, this development would dramatically increase the issue to at least 5 days a week;
- Adkinson Avenue is already used as a cut through, children walking to school have near misses, this will increase with this proposal;
- Will increase pressure on on-street parking in the vicinity of the site;
- A condition of this approval should be that Cawston Lane is widened and has permanent traffic calming measures added to it (e.g., speed cameras, or speed bumps);
- The supporting road system is simply not fit to support this proposal;
- Homestead Link Road will not reduce traffic as the application assumes; modelling prior to changes at Dunchurch crossroads predicted the improvements would reduce congestion, but this has not been the case
- Most parents will drive to the nursery school due to high proportion of older residents in Dunchurch and limited public transport;
- Insufficient parking on site for staff and parents dropping off/picking up children;
- Staggered drop off operated unsuccessfully at other local nursery, leading to traffic problems;
- No provision for off-road delivery parking;
- Proposal does comply with other regulations and advice e.g.: Highway Code, Workplace Health and Safety and Welfare Regulations No17 para 1; Royal Society for Prevention of Accidents advice and case law: not segregating vehicles/pedestrians in the entrance way would put children in danger and parking or stopping near a school entrance:
- Plot is too small for a nursery, outside play area is too small and close to queuing traffic pumping out noxious pollution; does not meet Ofsted requirements for free-flow play
- Noise from children playing would be a nuisance;
- Sufficient childcare exists in the area; empty properties in Rugby should be re-used first;
- Improving air quality in the area through traffic reduction and limited idling time during queuing must be the priority rather than adding to the problem;
- Would support re-use of the site. e.g: it could be converted into multiple social housing apartments for local people which is clearly needed.
- Fire/safety - Outside area is very small with no fire evacuation point. Evacuation point would have to be outside the fenced area and by a main road. This is unsuitable for small children.
- Proposed fencing will have a negative impact on the aesthetics of the area;
- Play area will lead to loss of green space and the application contains no information to show how it will lead to an increase in Biodiversity on the site.

One letter has been received from a resident who does not object to the building being used as a nursery but has concerns regarding:

- parking and traffic generated;
- hope that preference would be given to local children.

One has been received supporting the proposal on the following grounds:

- Provision of a full- time Nursery in Dunchurch is of huge value to this growing area;
- The additional traffic and parking is staggered over several hours and could add to local parking provision at weekends and holidays;
- The benefits significantly outweigh other considerations.

A letter has been received from the Methodist Church – East Mercia Circuit. Its contents are summarised below:

- Methodist worship has been celebrated here from the 1920's until 2020 when declining membership meant that continuing Methodist public worship was no longer possible;
- Baptist Church joined with Methodist worship in the Church in 2019. The Baptists worshiped in the Methodist building until their building was completed in Spring 2022;
- Church has a long association with children and young people, e.g. the Girls' Brigade, scouts, brownies, guides, a school of dance and at one time classes from the village school;
- Therefore considered that a sale to the nursery was a suitable continuation of engagement with the youth of Dunchurch, and with the opening of the new Baptist Church the facilities for public worship within Dunchurch were not compromised.

4.0 Assessment of proposals

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

5. Principle of development
6. Protection of Community Facilities
7. Design and Visual Impact
8. Access and Highway
9. Impact on neighbouring properties
10. Biodiversity
11. Climate Change and Sustainable Design
12. Other matters

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 Authority Monitoring Report (AMR) 2021 - 2022, 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. Policy GP3 relates to previously developed land and conversions. It states that the Council will support proposals where they comply with the policies in the local plan, with particular consideration being given to the visual impact on the surrounding landscape and properties; the impact on existing services if an intensification is found and the impact on any heritage assets.

5.6 Dunchurch is classed as a Main Rural Settlement where development will be permitted within the existing settlement boundaries. The application site is located within the settlement boundary of Dunchurch as defined in Policy GP2 and as such there is a principle in favour of sustainable development, subject to all planning matters, including those listed in Policy GP3 being appropriately addressed.

6. Protection of Community Facilities

6.1 Policy HS3 of the Rugby Local Plan states that proposals resulting in the loss of a community facility will not be permitted except where the applicant demonstrates that: alternative provision of equivalent or better quality, that is accessible to that local community, is available within the settlement or will be provided and made available prior to commencement of redevelopment. It is acknowledged that a nursery could be considered to be a community facility, however it is not the same type of community facility as a Church may be (i.e. open to a wide range of community groups) and as such evidence showing how any community groups that used the Church have been accommodated elsewhere in Dunchurch is required.

6.2 The Design and Access Statement accompanying the application states that the building is vacant due to the completion of the newly built Baptist Church on Coventry Road in 2022 and that this new church ‘provides much enhanced facilities for the church and organisations who previously used the Methodist church’. The applicant was asked to provide further details of the community use of the building and how these uses have been accommodated elsewhere in Dunchurch.

6.3 The applicant stated that Methodist worship in the building ceased in 2020 and that from 2020 until Spring 2022 the church was used by the Dunchurch Baptist’s on a temporary basis

until their new Church on Coventry Road was completed. Use of the building during this time was for worship only and no other community groups used the building. The applicant has also stated that before 2020 the church may have been used by other groups, but this they have no details of this. It is suggested that there may have been occasional use by other groups but that these uses have ceased or relocated elsewhere. In summary since 2020 the only essential community use of the building has been for worship, which is now accommodated in new Baptist Church in Dunchurch.

6.4 The Local Planning Authority has no reason to doubt this information. Objections to the application from Local Residents do not refer to the loss of a community facility, which suggests that the building has not been used as such for some time.

6.5 A nursery can be considered to be community facility, although not the same type of community facility as a Church may be. It should be noted that objectors have made comments that sufficient childcare exists in the area however WCC Early Years Team have stated that Rugby Borough has a shortage of early years provision, and as a result they support the proposal. The Education Service have confirmed that they would welcome the additional places this application would bring.

6.6 As a result, it is considered that the previous community use of the building has been accommodated elsewhere in Dunchurch and the proposal would result in the provision of additional childcare places which are needed within the Borough. The proposal is therefore in compliance with Policy HS3 of Rugby Local Plan.

7. Design and Visual Impact

7.1 Policy GP3 of Rugby Local Plan relates to previously developed land and conversions and states that the Council will support proposals where they comply with the policies in the local plan, with particular consideration being given to the visual impact on the surrounding landscape and properties; the impact on existing services if an intensification is found and the impact on any heritage assets. Policy SDC1 requires development to be of a high quality, inclusive and sustainable design. Policy SDC2 requires all development to have a high standard of hard and soft landscaping.

7.2 Section 12 and 16 of the NPPF and Policy SDC3: Protecting and Enhancing the Historic Environment of the Rugby Local Plan require well designed development which respects the historic environment. The application site is adjacent to Dunchurch Conservation Area and several listed buildings, No's 65 - 68 and 80 – 81 The Heath and can be seen in the same view as the listed buildings and the Conservation Area when travelling along Cawston Lane. The proposal will therefore have an impact on the setting of the Conservation Area and several listed buildings.

7.3 It is proposed to change one of the four windows on the Cawston Lane (south-west elevation) to a door to allow access from classrooms to the external activity area. The three remaining windows are not to be altered. The proposed change is relatively small scale in the overall design and appearance of the elevation, and provided the detail of the new door is in keeping with the windows (pane pattern and size etc) is unlikely to have a significant adverse impact on the overall appearance of the building or the wider street scene and adjacent heritage assets. Subject to a condition (**Condition 3**) requiring details of the new door to be submitted to and approved by the Local Planning Authority this aspect of the proposal is considered to be in accordance with Policy GP3, SDC1 and SDC3 of Rugby Local Plan and the NPPF.

7.4 The application proposes that the currently grassed area to the front of the building will be used as an external activity area for the nursery children. The initial plans showed a 2.0m high timber external activity area with a polycarbonate roof, a 1.8m high round-top vertical palisade fence to the activity enclosure with climber/trailing plants on green wired framework, and a 600mm high timber knee rail at the site boundary. Between the palisade fencing and knee rail fence the application proposed a landscaping strip approx. 1.7m wide. 1.2m high galvanised steel entrance gates were proposed to visitor and staff parking areas.

7.5 It was considered that the combined impact of these additions to the area to the front of the building would have an adverse impact on the street scene and result in harm to the setting of the adjacent Conservation Area and Listed Buildings. Amendments to the proposal were sought.

7.6 Amended plans have been received removing the external activity area from the scheme. The 1.8m high palisade fencing has been removed and the application now proposes 1.8m high bow-top dark green powder coat steel fencing and laurel hedging. Staff parking has moved from the north-western boundary to the centre of the site, and the galvanised steel entrance gate replaced with a pedestrian gate to match the bow-top dark green fencing. No gate is proposed to the revised parking area. The 600mm high timber knee rail at the site boundary is still proposed. Between the bow-top fencing and knee rail fence is a landscaping strip approx. 1.5m wide.

7.7 The removal of the covered external play area and galvanised steel entrance gates will help to reduce the visual impact of the proposal on the street scene and setting of heritage assets. Bow top fencing is a typical type of fence seen around community buildings such as schools and the style is therefore considered to be acceptable. To reduce the visual impact of the fencing the Local Planning Authority requested it be no higher than 1m, however the applicant has stated that for safeguarding reasons the proposed fencing must be 1.8m high. Whilst a lower fence would have a more limited impact on the street scene it is considered that in this instance, due to the distance of the application site from heritage assets, child safeguarding issues outweigh concerns over the visual impact of the proposal. It should also be noted that the laurel hedging and landscaping strip will further soften the visual impact of this aspect of the proposal. Subject to a condition (Condition 4) requiring further details of the fence and pedestrian gate, this aspect of the proposal is now considered to be acceptable and in accordance with Policy GP3, SDC1 and SDC3 of Rugby Local Plan and the NPPF.

7.8 In addition to the approx. 1.5m strip of landscaping and laurel hedge to the external play area, landscaping is also proposed along Cawston Lane (with the exception of the vehicular and pedestrian access points) around the proposed car parking area, and for approx. 19m on the application site boundary with the Public Right of Way. This landscaping will help to screen the parking area, leading to some betterment, as this area is currently hard surfaced, with no soft landscaping around it. The exact details of the proposed landscaping have not been submitted, and a condition is proposed to ensure that these details are acceptable to the Local Planning Authority. Subject to the imposition of this condition (Condition 5) it is considered that the landscaping details of the proposal are acceptable and in accordance with Policy SDC2 of the Rugby Local Plan.

7.9 Bins will be stored by the north-western elevation and screened from view by the existing boundary treatment.

7.10 Subject to the conditions detailed above relating to i) door details; ii) boundary treatment and iii) landscaping the proposal is considered to have an acceptable in terms of its design and visual impact, including the impact on heritage assets and thus is in accordance with Policy GP3, SDC1 SDC2 and SDC3 of the Rugby Local Plan and the relevant sections of the NPPF.

8. Access and Highway Safety

8.1 Section 9 of the NPPF and Policy D1 of Rugby Local Plan requires development to mitigate transport impacts and achieve safe access. Policy D2 of Rugby Local Plan requires development to have sufficient parking in accordance with Appendix 5 of the Local Plan.

8.2 WCC Local Highway Authority initially objected to the proposal due to insufficient information about visibility splays for the proposed new access to staff parking, this element has been removed from the proposal. They also objected to the proposal as it was unclear from the submitted information if the existing access was to be altered, the Local Highway Authority considered that the existing access was acceptable and alterations were not needed. A revised Site Plan confirmed that no changes were proposed to the existing access, however more details relating to visibility splays for that access were required. The Local Highway Authority also stated that gates at the access would not be supported and need to be set back a minimum of 5.5m from the highway boundary. A third site plan was submitted showing visibility splays and no gates at the access. Subject to conditions relating to i) gates and means of enclosure ii) the parking and turning area; and iii) provision of pedestrian and vehicular visibility splays (Conditions 6, 7 and 8) the Local Highway Authority now has no objection to the proposal.

8.3 Objections have been received to the lack of on-site parking, and space for delivery vehicles.

8.4 Initially the applicant proposed the use of Dunchurch Sportsfield and Village Hall parking area for staff parking, but this has now been removed from the proposal and the only off-road parking available is as shown on the Site Plan. The parking standards in the Local Plan require day nurseries to have 1 car parking space per full-time member of staff (with visitor parking being included in this allocation), 1 cycle stand/6 full time staff, with a minimum of 2 stands per establishment. The application proposes 12 full-time equivalent and 2 part time members of staff, as a result this proposal requires 12-13 car parking spaces.

8.5 The site plan shows 6 car parking spaces, one of which will be a disabled parking space, a shortfall of 6 – 7 spaces. It is clear therefore that the proposal does not meet the requirements set out in Appendix 5 of the Local Plan. This is however an application for a change of use and the buildings existing use as a place of worship must be taken into account. This could be resumed without the need for planning permission and with no restrictions on the hours of use, the number of services or associated community uses etc.

8.6 To fully assess the impact of the shortfall of parking, a comparison of the parking required by the existing and proposed uses is required. To accord with Rugby Borough Council parking standards, the previous use required 1 space per 10 sqm or 1 space per 5 fixed seats, equating to 34 car parking spaces (based on floor area) or 20 car parking spaces, assuming 5 people could sit in each pew. The application form states that 4 spaces are currently provided on site and although these are not marked out in the parking area, 4 spaces appears to be a reasonable amount for the existing hardstanding. This is significantly below the car parking spaces that the Local Plan requires for uses of this type of use and could potentially lead to up to 30 cars parking on the street (based on floor area) or 16 (based on 5 people sitting in each pew).

8.6 The Local Plan requires the proposed use to have 13 car parking spaces on site, this is based on the number of 12 full time staff and assuming the 2 part time staff are the equivalent of one full time member of staff. The provision of 6 car parking spaces results in a short fall of 7 car parking spaces and the potential for all of these vehicles parking on the street. Whilst not ideal, this situation results in some betterment due to the reduction in the amount of on-street car parking potentially created by the proposed nursery (7 spaces) when compared to the number that may have been created by the church at up to 30. It is accepted that the church may have operated over fewer days than the nursery however as stated above the church use could resume at any time, with nothing to prevent services taking place several times a day, including at the weekend and bank holidays.

8.7 In addition to the above WCC Local Highway Authority have reviewed the TRICS database (Trip Rate Information Computer System), an industry standard tool for quantifying trip generation values of new developments the UK and Ireland. Based on this data the Local Highway Authority state that the proposed nursery could generate around 13 movements in the am and pm peaks. With 6 parking spaces provided this could result in around 7 vehicles parking on-street to pick-up/drop-off children, which is the same as the calculations in paragraph 8.6 above.

12.8 The nursery will be 8.00am to 6.00pm Monday – Friday only, it will not open at the weekends or on Bank Holidays. Nursery school sessions will be staggered, with drop-off times being between 8.00am – 9.45am and pick-up time between 3.15pm – 6.00pm. These timings will result in the number of people arriving/departing the nursery being spread over a period of time, which will help to limit the number of vehicle movements to and from the site at any given time. Comments that this staggered approach has not worked elsewhere are noted, however there is nothing to suggest that it will not work here.

8.9 Objections have been made about the traffic that will be generated by the proposed use, and the impact that this will have on the highway and highway safety on Cawston Lane, Adkinson Avenue, Rugby Road, queuing traffic at the junction of Cawston Lane and Rugby Road (A462) and the impact on the wider highway network. Objectors have also commented that the Homestead link road will not reduce traffic on Cawston Road as suggested in the Design and Access Statement accompanying the application.

8.10 The Local Highway Authority have been consulted and, subject to the conditions referred to in paragraph 8.2 have not raised any concerns about the impact of the proposal on the named roads or the wider highway network. It is therefore unlikely that a refusal of planning permission on these grounds would be sustained at appeal.

8.11 Objectors have suggested that some form of mitigation be provided e.g. road widening, road markings, signage or crossing. Any requested for mitigation would need to be supported with evidence showing this was needed and that it would indeed mitigate the issues identified. The Local Highway Authority have not requested any such works, and the TRIC's data also suggests that the proposal will also result in some betterment, which would negate the need for mitigation. It is therefore considered that it would not be reasonable to require any mitigation to be carried out.

8.11 It is acknowledged that the proposed use will have some impact on the amount of traffic and traffic movements in the area. Section 9 (Promoting Sustainable Transport) of the NPPF is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road

network would be severe. It is unlikely that the parking of approximately 7 additional vehicles (as identified by the parking requirements and TRICS data) on the street at drop-off/pick up times can be considered to have an unacceptable impact on highway safety, or classes as having a 'severe' impact on cumulative impacts on the road network. It should also be noted that subject to conditions the Local Highway Authority have no objection to the proposal.

8.12 In light of the betterment provided in terms of parking, and no objection from the Local Highway Authority, it is considered that the application, subject to the conditions detailed above, is acceptable in relation to the impact it will have on highway safety and that it accords with Policy D1 and D2 of the Local Plan and Section 9 of the NPPF.

9. Impact on neighbouring properties

9.1 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.

9.2 The main impact of this proposal on residential amenity is the external play area which is 1m from the boundary with No.2 Cawston Lane. The staff parking area shown on the original site plan has been moved further away from the boundary, thus reducing the likely impact it may have on neighbouring properties.

9.3 Environmental Health have been consulted on the proposal. They comment that the weekday opening, with daytime hours will reduce the potential for the external play area to have an adverse impact into the evening and weekend, however there may be some potential for a play area to be noisy and require a condition necessitating a noise assessment to be carried out to assess the possible noise from the proposed play area and, if required, detail any mitigation measures that will be required. It is considered that this condition (Condition 9) is reasonable, and its addition to the decision is required to ensure the proposal is in accordance with Policy SDC1 of the Rugby Local Plan and Section 12 of the NPPF. As Environmental Health's assessment has been based on the opening hours detailed in the application (8.00am to 6.00pm Monday – Friday only) it is considered that it is reasonable to add a condition (Condition 10) limiting the opening hours of the nursery to those detailed.

9.4 Subject to the conditions detailed above it is considered that the application is acceptable in relation to the impact it will have on residential amenity and that it accords with Policy SDC1 and D2 of the Local Plan and Section 12 of the NPPF.

10. Biodiversity

10.1 Policy NE1 of the Rugby Local Plan and Section 15 of the NPPF requires all development to deliver a net gain in biodiversity.

10.2 WCC Ecology have been consulted and consider that the proposed landscaping could, if suitable species are used, lead to a net gain in biodiversity on the site. A condition (Condition 5) requiring the submission of a combined ecological and landscaping scheme is recommended to ensure that the potential biodiversity net gain is realised. It is therefore considered that subject to the requested condition, the proposal is acceptable and in accordance with Policy NE1 of the Rugby Local Plan.

11 Climate Change and Sustainable Design

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.

11.1 Local Plan Policy SDC4 requires all non-residential development of over 1000sqm to aim to achieve as a minimum BREEM standard 'very good'. As the total area of the site is 837sq m this application falls below the size requirements set out in Policy SDC4. That said, the acceptable re-use of an existing building is considered to be more sustainable than the construction of a new building. It is therefore considered that the proposal complies with Policy SDC4 of the Rugby Local Plan.

12. Other

12.1 Public Right of Way R169e, runs along the north-eastern boundary of the application site. The view of the building facing the Public Right of Way will remain unchanged, and additional landscaping is proposed along at least part of the boundary with the Right of Way, thereby potentially improving users experience. WCC Rights of Way Team have no objection to the proposal subject to conditions and informatives. The proposed conditions and informatives have been reviewed and it is considered that the requested conditions would be better placed as Informatives, as the issues are covered by highway and rights of way legislation. It is therefore considered that the proposal is acceptable.

12.2 Environmental Health have requested a condition requiring a scheme detailing on-site measures to be incorporated within the scheme to meet air quality neutral standards or to provide suitable mitigation in accordance with Policy HS5. The application site does fall within the Air Quality Management Area as defined by Policy HS5, but as it creates no new floor space, it falls below the threshold where mitigation is required. It is not possible therefore, to impose the condition requested by Environmental Health.

12.3 References have been made to other legislation such as the Highway Code, Workplace Health and Safety and Welfare Regulations, Fire Regulations and Ofsted. These comments are noted, however the planning regime cannot consider issues which are covered by other legislation.

13.0 Planning Balance and Conclusion

13.1 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.

13.2 Paragraph 10 of the NPPF states that sustainable development should be pursued in a positive way and that the NPPF contains a presumption in favour of sustainable development. The question as to whether a particular proposal constitutes sustainable development is not simply a matter of location. Paragraph 8 of the NPPF refers to three overarching objectives of sustainability which are interdependent. These are the economic, social and environmental objectives.

13.3 From an economic perspective, the proposed development represents investment in the Borough at a time of economic uncertainty. It would provide employment opportunities as part of the conversion works and in its ongoing use. The proposal would have a positive impact on the local economy.

13.4 In relation to the social objective the proposed change of use from a church to a nursery will not have a significant adverse impact on residents. The proposal has the potential to result in a betterment in relation to highway safety, due to the possible reduction in cars parking on the road. It does not result in the loss of a community facility and would create nursery places which are needed in the area.

13.5 In relation to the environmental objective the proposal will not have an adverse impact on biodiversity and will result in additional landscaping. Limited changes are made to the external appearance of the building, and this coupled with the proposed boundary treatment and landscaping means the proposal will not have an adverse impact on visual amenity. The acceptable re-use of an existing building is considered to be more sustainable than the construction of a new building.

13.6 The above are considered to be positive economic, social and environmental benefits that should be afforded weight in favour of the proposal. It is therefore concluded that the benefits of the proposed development outweigh the factors against the proposals. 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.

14.0 Recommendation

1. Planning application R23/0174 be approved subject to:
 - a. 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.

DRAFT DECISION

REFERENCE NO:
R23/0174

DATE APPLICATION VALID:
10-Mar-2023

APPLICANT:

Simon Kember DUNCHURCH METHODIST CHURCH, CAWSTON LANE, DUNCHURCH, RUGBY, CV22 6QE

AGENT:

Craig Beech, HB Architects HB Architects, The Old Telephone Exchange, Albert Street, Rugby, CV21 2SA

ADDRESS OF DEVELOPMENT:

DUNCHURCH METHODIST CHURCH, CAWSTON LANE, DUNCHURCH, RUGBY, CV22 6QE

APPLICATION DESCRIPTION:

Change of use from Church to a Montessori Nursery, including alteration of 1 no. south-west windows to doors. Creation of external activity area and associated parking and bin storage.

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:

074-22-LOC_Site Location Plan

074-22-P02_Rev D Proposed Site Plan

074-22-P04_Rev D Proposed Elevations

REASON:

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

CONDITION 3:

Prior to first occupation full working drawings of the proposed new door shall be submitted to and approved in writing by the Local Planning Authority. These should be at a scale of not less than 1:20 and should specify the materials of construction, pattern of glazing, and cross-sections of the glazing bars and transoms of all windows. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of visual amenity in accordance with Policy GP3, Policy SDC1, SDC2 and SCD3 of the Rugby Borough Council Local Plan.

CONDITION 4:

Prior to first occupation details of all proposed fences and gates, including elevations, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of visual amenity in accordance with Policy GP3, Policy SDC1, SDC2 and SCD3 of the Rugby Borough Council Local Plan.

CONDITION 5:

Prior to first occupation a combined ecological and landscaping scheme shall be submitted and agreed by the Local Planning Authority. The scheme must include all aspects of; landscaping including details of any other habitat creation and an implementation schedule. The development shall be carried out and subsequently managed in accordance with the scheme (or any variation) so approved.

REASON:

In accordance with Policy NE1 and SDC2 of the Rugby Local Plan and ODPM Circular 2005.

CONDITION 6:

The development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes.

REASON:

In the interests of highway safety in accordance with Policy D2 of the Rugby Borough Local Plan.

CONDITION 7:

The development shall not be occupied until pedestrian visibility splays of at least 2.4 meters x 2.4 meters have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 meters in height above the level of the public highway footway.

REASON:

In the interests of highway safety in accordance with Policy D2 of the Rugby Borough Local Plan.

CONDITION 8:

The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interests of highway safety in accordance with Policy D2 of the Rugby Borough Local Plan.

CONDITION 9:

Prior to first occupation a noise assessment shall be undertaken by a suitably qualified person and be submitted in writing to and approved by the Local Planning Authority. It shall assess the existing and predicted noise levels that could adversely affect existing noise sensitive receptors and consider nearby commercial receptors. Regard shall be had to noise from the childrens play area at the front of the building Regard may be had to BS8233:2014 and BS4142:2014+A1: 2019 and the World Health Organisation (WHO) Guidelines for Community Noise and the ProPG: Planning & Noise guidance May 2017. The report shall include recommendations for any necessary acoustic mitigation works, to protect the existing residents both inside their dwellings and their external amenity spaces, having regard to current guidance. Any recommended works shall be completed prior to operation of the development and shall be maintained thereafter.

REASON:

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority in accordance with Policy SDC1 of the Rugby Borough Local Plan.

CONDITION 10:

The premises shall not be opened for business other than between the hours of 08:00 - 18:00 Monday to Friday and not at all on Sundays or Bank Holidays.

REASON:

To protect the amenity of nearby properties in accordance with Policy SDC1 of the Rugby Borough Council Local Plan.

CONDITION 11:

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

REASON:

In the interest of visual amenity and highway safety in accordance with Policy GP3, Policy SDC1, SDC2, SCD3 and D2 of the Rugby Borough Council Local Plan.

INFORMATIVE 1:

This planning permission is subject to pre-occupation conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before first occupation 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:

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -
Monday - Friday - 7.30 a.m. - 18.00 p.m.,
Saturday - 8.30 a.m. - 13.00 p.m.
No work on Sundays & Bank Holidays.

INFORMATIVE 3:

The grant of planning permission does not preclude action begin administered by Rugby Borough Council or a third party by way of relevant legislation, Attention is drawn to the workplace (Health, safety and welfare) regulations which require at least 2 toilets for 10 members of staff.

INFORMATIVE 4:

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 5:

Please note the following in relation to the adjacent Public Right of Way R169e: -

- No site security fencing may be erected on or within 1m of public footpath R169e (unless closed by legal order).
- Prior to commencement of any works involving disturbance of the surface of public footpath R169e the developer must contact Warwickshire County Council's Rights of Way team as Highway Authority to obtain any necessary consents and make any necessary arrangements for the protection of the public footpath and its users.
- The applicant must carry out remedial works to make good any damage or address any flooding on the surface of public footpath R169e caused by the development and any remedial works must be completed to the satisfaction of the Highway Authority prior to completion of the development.
- Public footpath R169e must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.
- Any disturbance or alteration to the surface of public footpath R169e requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.

INFORMATIVE 6:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and roosts are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000, and The Conservation of Habitat and Species Regulations 2017 (as amended). It is a criminal offence to disturb, obstruct or destroy a bat roost, even if the roost is only occasionally used. Where a bat roost is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

INFORMATIVE 7:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts

approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

DRAFT