



7 July 2023

## PLANNING COMMITTEE - 19 JULY 2023

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 19 July 2023 in the Council Chamber at the Town Hall, Rugby.

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

Mannie Ketley  
Chief Executive

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

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

## A G E N D A

### PART 1 – PUBLIC BUSINESS

1. Minutes  
To confirm the minutes of meeting held on 21 June 2023.
2. Apologies  
To receive apologies for absence from the meeting.
3. Declarations of Interest  
To receive declarations of –
  - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
  - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
  - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Diversion of footpath R222 Leamington Hastings.
7. Delegated Decisions - 1 June to 28 June 2023.

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

### **Membership of the Committee:**

Councillors Gillias (Chair), Edwards, Mrs Garcia, Harrington, Mrs Hassell, Karadiar, Lawrence, Lewis, Mrs Maoudis, Sandison, Srivastava and Ward

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

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

**Planning Committee – 19 July 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

<b>Item</b>	<b>Application Ref Number</b>	<b>Location site and description</b>	<b>Page number</b>
1	R22/0207	Binley Woods Service Centre and 64 Rugby Road, Binley Woods, Coventry CV3 2AX Demolition of the existing single and two-storey car sales, workshop and car wash premises, demolition of the existing two storey dwelling (No. 64 Rugby Road) for the residential redevelopment of the site consisting of two apartment buildings (28 units) and associated external works.	3
2	R23/0078	Land adjacent to Crown Inn, 2 Main Street, Rugby CV21 1HW Erection of 2 no. three-bed semi-detached dwellings (Use C3) on land adjacent to the public house accessed from Main Street, with associated parking and landscaping, including reconfiguration of beer garden and car park.	29
3	R23/0282	Biart Place, Rugby Erection of 100no. dwellings with associated access, roads, car parking and landscaping.	42

**Reference: R22/0207**

**Site Address: BINLEY WOODS SERVICE CENTRE AND 64 RUGBY ROAD, BINLEY WOODS, COVENTRY CV3 2AX**

**Description: Demolition of the existing single and two-storey car sales, workshop and car wash premises, demolition of the existing two storey dwelling (No. 64 Rugby Road) for the residential redevelopment of the site consisting of two apartment buildings (28units) and associated external works.**

### **Recommendation**

1. Planning application R22/0207 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 Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

## **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, more than 15 letters of objection have been received and has been called to Committee by Councillor Timms on the basis of overdevelopment of the site, incompatibility with the street scene and community concerns. Cllr Timms also requested a committee site visit be undertaken.

## **2.0 Description of site**

2.1 The application site is located on 60-62 and 64 Rugby Road in Binley Woods, a main rural settlement of Rugby Borough. It is close to the boundary of the Borough with Coventry. The site comprises mainly hard surfaces and structures including at 60-62 the garage forecourt with a flat canopy covering the former petrol pumps which has been used as a hand car wash, building containing sales kiosk and car showroom and behind is located the vehicle repair workshop. Car and van hire and MOT services are also provided at the site. 64 Rugby Road is a two-storey dwelling house with large front and back garden. Both accessed directly from the A428.

2.2 The surrounding area of Rugby Road is residential properties. There is a wide variety of housetypes and design in the streetscene.

### 3.0 Description of proposals

3.1 This application seeks full planning consent for the demolition of the existing single and two-storey car sales, workshop and car wash premises and demolition of the existing two storey dwelling No.64 Rugby Road for the erection of the residential redevelopment of the site consisting of two apartment buildings 28 units in total and associated external works. There has been a reduction in the number of units proposed from 32 to 28 from the original submission.

3.2 The design of the proposed apartment blocks was amended during the processing of the application and changes to the site layout. The site will have one access point from Rugby Road with visitor cycle parking to the front of the site. Each apartment block contains 14 apartments. The 28 units include 16 1-bedroom/studio units and 12 2-bedroom units. Covered cycle parking and bin store for residents is proposed to the rear with the majority of the car parking spaces also provided in this area.

#### Planning History

R08/0296/PLN		Continuation of use of property for car sales and
hand	car	wash area.
Withdrawn by Planning Dept		20/03/2011
R11/2183		Retention of fascia signs and repositioning of totem
sign		
Approval		08/12/2011

#### 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  
GP3: Previously Developed Land and Conversions  
GP5: Neighbourhood Level Documents  
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  
SDC9: Broadband and Mobile Internet  
SDC6: Sustainable Drainage  
SDC4: Sustainable Buildings  
SDC2: Landscaping  
SDC5: Flood Risk Management  
SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology  
D5: Airport Flightpath Safeguarding  
D4: Planning Obligations  
D2: Parking Facilities

National Planning Policy Framework, 2021 (NPPF)

Climate Change and Sustainable Design and Construction SPD 2023

Binley Woods Parish Plan, 2013

Binley Woods Parish Plan Village Design Statement, 2013

### **Technical consultation responses**

Environment Agency No response

NHS Property Services No response

NHS Clinical Commissioning Group CWCCG making no requests

Warwickshire County Council Planning Infrastructure Team Contribution requests provided

WCC Archaeology No response

Warwickshire Police No objection, design comments provided

Coventry Airport No objection, will need contacted before any cranes used for construction.

RBC Environmental Health No objection subject to conditions and informatives

RBC Housing Comment on location and implications on types of provision

RBC Trees and Landscaping No objection subject to condition

National Air Traffic Services Ltd Proposed development does not conflict with safeguarding criteria

Severn Trent No response

RBC Work Services No objection

Building Control No response

WCC Ecology Bat survey prior to determination following submission no further surveys required.

Conditions and informatives provided

WCC FRM Initial objection following submission of further detail no objection subject to conditions

WCC Highways Initial objection following submission of further detail no objection subject to conditions and informatives with contribution requested

Warwickshire Fire and Rescue No objection subject to informative

### **Third party comments to original proposal**

MP Mark Pawsey Objection:

- Inappropriate density on site
- Significant increase to traffic movements, with material impact on traffic flow and unreasonable strain on local infrastructure
- Housing need met at Sherwood Farm and development not in line with Binley Woods Neighbourhood Plan

Councillor Timms Objection:

- Overdevelopment of the site
- Lack of parking
- Incompatibility with the street scene and community concerns

Parish Council Objection:

- Intrusive and overbearing on streetscene
- Out of character of the village
- Overstretch infrastructure

- Overdevelopment of site
- Height causing loss of privacy
- Impact on 45degree line of sight
- Housing need provided in village
- Impact on A428
- Inadequate parking facilities and increased traffic movements
- Parking bays too small
- Rear parking noise impact
- Access and egress issues
- Flood risk and surface water problems
- Potential ground contamination
- No outdoor space or amenities
- Loss of amenities through business closures
- Lack of bin provision and impact of bin collection
- Cycle rack impact on street scene
- Limited planting proposals

Neighbour responses

1 neighbour letter of support of residential redevelopment of site

30 objections

- Out of character
- Insufficient parking
- Insufficient waste storage
- Overdevelopment of site
- Access and number of vehicle movements impact on highway safety
- Impact on sewage system
- Lack of services and infrastructure in village
- Poor design and layout
- Overlooking and loss of privacy
- Flooding
- No outdoor space for residents
- Housing need met elsewhere in village
- Loss of 4 businesses
- Noise and disturbance
- Loss of light
- Impact on current residents

### **Third party comments to amended proposal:**

Parish Council wished to maintain their objection on the grounds that even though the proposal has been reduced from 32 to 28 dwellings, the plans still constitute over development of the site.

Neighbour responses:

10 objections were received to the amended scheme of 28 units and these outlined a reiteration of the previous comments made outlined above.

## **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 The application site is located within the settlement boundary of the main rural settlement of Binley Woods as defined in Policy GP2 of the Local Plan. Development is permitted within the existing boundaries of all Main Rural Settlements and on allocated sites.

5.6 This application complies with Policy GP2 of the Local Plan.

## 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 The design of apartment buildings initially proposed appeared large and bulky and the scale and form was not considered acceptable. The initial design of the buildings was much taller.

6.4 In the amended plans the height of the proposed apartment blocks has been reduced and is in line with the surrounding properties on Rugby Road. The height reduction led to the number of units proposed being reduced. There have also been alterations to the roof types across the

apartment blocks. The development is spread over two and three floors with the third floor built into the roof. In order to minimise the buildings impact the height cascades to two storey height in respect of the adjacent properties. Features such as Juliet balconies and changes in materials have been used to break up the building and provide a more contemporary appearance.

6.5 To ensure all the materials used are considered acceptable by the Local Planning Authority and in character with the area **Condition 3** is included in the draft decision subject to the granting of any permission for the submission of all new materials and samples of bricks and roof tiles. This application is assessed as complying with Policy SDC1 of the Local Plan.

## 7 Impact on Residential Amenity

7.1 Section 12 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy SDC1 of the Local Plan states that proposals need to ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

7.2 When considering the proposal RBC Environmental Health provided a response of no objection subject to conditions. The site has a long established use dating back to the 1950s associated with car repairs and servicing. The use today comprises car sales, car repairs, car wash and MOT station. The reports in relation to contaminated land and noise are accepted by RBC Environmental Health and conditioned subject to the granting of any planning approval in **conditions 21 and 22** in the draft decision. A demolition and construction management plan is also required to protect those in the surrounding area during the proposal development (**condition 19**)

7.3 The proposed development of the site would change the use of the site to residential in line with the surrounding area removing any conflict from the sui generis use currently. In line with Policy SDC1 there is off-street bin storage proposed. This is to the rear of the site with the design specification of the bin store subject to granting of any approval to be submitted under **condition 7** in the draft decision. The refuse collection will be carried out by a private contractor.

7.4 In order to ensure the living conditions of future occupiers of the proposed development each unit proposed meets the national space standard.

7.5 In relation to the surrounding properties of the site based on the separation distance of over 20 metres between the proposed apartments and the existing properties in Oakdale Court and on the opposite side of Rugby Road it is considered the separation distance combined with the existing and proposed boundary treatment ensures that there will be no materially adverse impacts on the occupiers of the dwellings in terms of loss of light, over bearing impact and overlooking. While the rear parking area will adjoin the garden areas of the surrounding properties as proposed within an existing residential setting is not considered to cause a detrimental impact from noise. RBC Environmental Health have raised no objection to the proposal.

7.6 The two properties adjacent to the proposed development are 58 Rugby Road and 66 Rugby Road. Block B proposed is adjacent to 58 Rugby Road, there are side elevation windows proposed which face towards the existing property. Based on the blank elevation of the extended property and position of the proposed windows these factors are considered to mitigate any impact of overlooking. In the original design of the scheme there was windows proposed that would have overlooked into 66 Rugby Road. In the amended scheme these windows were removed to prevent impact on privacy or overlooking. There is some conflict with the proposed Block A and 66 Rugby Road in terms of the 45degree guideline and potential loss of light. With

the proposal the three-storey element is set further away from the existing property with the lower level two storey section in closest proximity to the existing property. Based on the existing property orientation and site layout any loss of light will be impact a limited section of the dwelling and rear garden for only the latter part of the day. It is considered that for the majority of time a loss will not be an impact.

7.7 It is therefore considered that the amenity of neighbouring residents on balance is maintained and compliant with Policy SDC1.

## 8 Ecological Considerations

8.1 Section 15 of the NPPF 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.

8.2 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.

8.3 WCC Ecology assessed the preliminary ecological appraisal and preliminary soft landscaping provided with the application. Based on the current site and the soft landscaping proposed with bird and bat boxes included it is considered a biodiversity net gain can be achieved at the site.

8.4 A habitats and species **condition (4)** is requested and is included in the draft appended decision notice.

8.5 In the assessment of the application prior to determination a further bat survey was requested. Following a Preliminary Ecological Appraisal (PEA) for bats and nesting birds undertaken by Midland Ecology (February 2022), which found two buildings, B1, (main service station building) and B4 (office building) were assessed as having Low potential to support roosting bats, one dusk activity survey was undertaken by Arbtech on 8th June 2022. No bats were observed emerging from either building during the survey. No further surveys are required by WCC Ecology. Enhancement measures for bats should be included to support discharge of the habitats and species enhancements condition recommended previously.

8.6 No evidence of nesting birds from the surveys carried out was detected. Hedgehogs are recorded nearby and mitigation required. Hedgehog highways can be provided and general trench note provided in relation to clearance works.

8.7 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 NPPF.

## 9 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 introduces new boilers and includes car parking. Therefore, there will be a material increase of emissions from the proposed development compared with the emissions of the existing use/development. 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 In this instance the following on site mitigation measures are proposed including 28 electric charging points, 80 number of cycle parking spaces a mixture of covered and secure and visitor parking and each boiler to be ultra-low emission boilers (gas-fired boilers that meet a minimum standard of <40 mgNO<sub>2</sub>/kWh).

9.5 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 (20)**.

## 10 Impact on Highway Safety

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

10.2 WCC Highways, has undertaken a full assessment of the planning application. They had originally provided a response of objection to the initial proposed scheme layout. Based on the assessment and appraisal of the revised development proposals the Highway Authority has no objection to the planning application subject to **conditions (14-19)** and planning obligations (discussed later in this report).

10.3 WCC Highways is currently working with partners to develop a scheme to provide an improved cycle connection between Binley Woods and destinations in the City of Coventry to the north. Given the substantial reconfiguration of access to the site that would take place as part of the proposed development, it is considered that the site frontage should be comprehensively designed to tie into any scheme. Furthermore, it is considered that the highway scheme for the development access should continue the footway/cycleway fronting the site to the junction of Rugby Road and Oakdale Road in order to provide residents a cycle link to access quieter roads within the village.

10.4 Conditions are requested to achieve the above. It is advised that the applicants/developers should discuss requirements with the Highway Authority prior to any design to discharge the conditions, and that highways technical approval will be required prior to discharging the conditions. It is recommended that when designing the reconfigured access, consideration should be given to continuous side road treatment.

10.5 The proposal includes provision of 36 car parking spaces and covered secured cycle parking for residents to the rear of the site with visitor cycle parking at the front of the site. The

parking provision outlined in the submitted plans meets the Local Plan parking standards of the proposed accommodation within the apartment blocks in the low access zone. While car parking spaces will include provision for electric charging they will be available to all vehicles.

10.6 Objections to the proposal raised the issue of no visitor parking spaces proposed. The Local Plan policies or appendices do not require provision of visitor parking for any residential development. Therefore, this follows the Local Plan.

10.7 It is therefore considered that this proposal will not have an adverse impact on highway safety and complies with Policy D2.

#### 11.0 Open Space, Sport Facilities and Recreation

11.1 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 may be necessary as part of this scheme. The contribution, together with the details of the relevant projects could be secured via a S106 contribution. The contribution is calculated based on the units proposed.

11.2 Following consultation with both the Local Authority they had no projects that the proposed funding could be used for relevant to the proposal nor was any request agreed by the Parish Council.

#### 12.0 Flooding

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

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

12.2 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.

12.3 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 (23-25)**.

#### 13.0 Housing

13.1 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.

13.2 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.

13.3 The shape and size of the site is considered to justify the delivery the mix of units provided at the proposal. The proposal is therefore considered in accordance with Policy H1.

#### 14.0 Affordable Housing

14.1 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.

14.2 In compliance with the policy 6 units are proposed for affordable rent. The exact mix of units that will be allocated has not been decided at this stage. It is anticipated that suitable clauses can be inserted into a Section 106 agreement to fully comply with policy H2 and secure permanent affordable housing at 20%.

#### 15.0 Sustainable Buildings

15.1 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.

15.2 In line with the Climate Change and Sustainable Design and Construction SPD a **condition (26)** 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.

#### 16.0 Broadband

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

16.2 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.

#### 17.0 Fire and Rescue

17.1 Warwickshire Fire and Rescue have suggested an informative associated with compliance with Building Regulations which is suggested in informative. This is included in the draft decision notice (informative 11).

## 18.0 Landscaping

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

18.2 A mixture of hard and soft landscaping with native species planting is proposed in the submitted landscape scheme and the retention of the existing hedging at the rear adjacent to 2-4 Oakdale Court is proposed.

18.3 The landscape scheme has been assessed by the Local Authority Arboricultural Officer and they have provided no objection subject to the implementation of the scheme as conditioned (8) subject to the granting of any approval. The proposal is therefore considered in accordance with Policy SDC2 of the Local Plan.

## 19.0 Airport Flight Safeguarding

19.1 Policy D5 of the Local Plan outlines the Council will safeguard the Coventry airport flight paths and the Daventry (Pailton) radio technical site, in accordance with the requirements of the civil aviation authority.

19.2 Both Coventry Airport and NATS responded with no objection to the proposal. The application complies with Policy D5.

## 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. No relevant projects or schemes could be identified for the funding contribution. 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.

#### 20.4 *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 Wolston Library or the mobile library service which serves Binley Woods. The level of contribution is calculated on the basis of 16 one bedroom dwellings and 12 two bedroom dwellings. The contribution request is £339.

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

#### 20.5 *Public Rights of Way*

Warwickshire County Council sought a financial contribution to mitigate the increase in the Highway Authority's maintenance liability resulting from the increase in use of local public rights of way by new residents from this development and would be used towards improvements to public rights of way within a 1.5 mile radius of the development site. Only estimated figures and non-specific details of how funding may be spent were provided. 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.

#### 20.6 *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.

#### 20.7 *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 (11)** in the draft decision.

#### 20.8 *Affordable Housing*

20% of unit numbers proposed (6 units for affordable rent) 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*

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



<b>Obligations</b>	<b>Requirement</b>	<b>Trigger</b>
Affordable Housing	20% of total units	Upon first occupation of the development
WCC Libraries	£339	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
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

20.10 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.

20.11 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.

20.12 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.

20.13 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, adding to the accommodation types within the main rural settlement. 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, providing a biodiversity net gain at the site, while providing residential units at the most sustainable location in the Borough. The site will also benefit from the direct access onto the cycleway between Rugby and Coventry.

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 R22/0207 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 Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

## DRAFT DECISION

**REFERENCE NO:**  
R22/0207

**DATE APPLICATION VALID:**  
25-Mar-2022

**APPLICANT:**

Auto Easy Network, 60 - 62 Rugby Road, Binley Woods, Coventry, CV3 2AX

**AGENT:**

George Smith, Marrons Planning, Bridgeway House, Bridgeway, Stratford-upon-Avon, CV37 6YX

**ADDRESS OF DEVELOPMENT:**

Binley Woods Service Centre and 64 Rugby Road, Binley Woods, Coventry CV3 2AX

**APPLICATION DESCRIPTION:**

Demolition of the existing single and two-storey car sales, workshop and car wash premises, demolition of the existing two storey dwelling (No. 64 Rugby Road) for the residential redevelopment of the site consisting of two apartment buildings (28units) and 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:**

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:

- Proposed ground floor plan Dwg No. 4290\_BWSS-RA-00-DR-A-113\_P07 received by the Local Planning Authority on 11th May 2023
- Proposed first and second floor plans Dwg No. 4290\_BWSS-RA-01-DR-A-114\_P04 received by the Local Planning Authority on 11th May 2023
- Proposed roof plan Dwg No. 4290\_BWSS-RA-03-DR-A-115\_P03 received by the Local Planning Authority on 17th March 2023
- Proposed block plan Dwg No. 4290\_BWSS-RA-03-DR-A-112\_P03 received by the Local Planning Authority on 17th March 2023
- Proposed elevations Dwg No. 4290\_BWSS-RA-03-DR-A-116\_P03 received by the Local Planning Authority on 17th March 2023
- Flood Risk Assessment – 8133-60-64 , Rev P03 dated February 2022 by Couch Consulting Engineers received by the Local Planning Authority on 12th October 2022
- Preliminary Soft Landscape Proposals Dwg No. 1970\_050\_PL01 Rev A received by the Local Planning Authority on 12th June 2023
- Topographical Survey – 38557CVLS-01

- Private Drainage Layout Dwg No. 8133-210-P4 received by the Local Planning Authority on 12th October 2022
- Site Location Plan Dwg No. BWSS-RA-ZZ-DR-A-101-P03 received by the Local Planning Authority on 5th April 2022
- Storm water calculations by Couch Consulting Engineers 8133\_-\_Storm\_Water\_Calcs\_-\_07.10.22 received by the Local Planning Authority on 12th October 2022
- Flow Exceedance Plan Dwg No. 8133-211-P0 received by the Local Planning Authority on 15th September 2022
- Greenfield Run-off Calculations by HR Wallingford received by the Local Planning Authority on 15th September 2022
- Severn Trent Developer Enquiry Response dated 18th January 2022 received by the Local Planning Authority on 15th September 2022
- Severn Trent Water Sewer Record Plan received by the Local Planning Authority on 15th September 2022
- Drainage comments by Couch Consulting Engineers October 2022 received by the Local Planning Authority on 7th October 2022
- CCTV Drainage\_Survey Dwg No. 38557NGUG-01 Rev A received by the Local Planning Authority on 1st November 2022
- CCTV Report by Survey Solutions 38557CCTV-01 dated 12/08/2022 received by the Local Planning Authority on 1st November 2022
- Storm Water Connection Evidence dated 5/12/22 received by the Local Planning Authority on 12th December 2022
- Preliminary Ecological Appraisal 18th February 2022 by Midland Ecology received by the Local Planning Authority on 14th March 2022
- Bat Emergence and Re-entry Surveys by Arbtech 10/06/2022 received by the Local Planning Authority on 13th June 2022
- Noise Assessment by Noise Consultants February 2022 J20-13086A-20 received by the Local Planning Authority on 14th March 2022
- Geoenvironmental Risk Assessment Report Number AG3358-21-AN62 by Applied Geology received by the Local Planning Authority on 23rd March 2022
- Transport Statement by David Tucker Associates 9th March 2022 DN/KJ/23568-01b received by the Local Planning Authority on 14th March 2022
- Stage 1 Road Safety Audit by RSC Ltd RSC/EB/KKS/21168 received by the Local Planning Authority on 24th August 2022
- Road Safety Audit Response Report by David Tucker Associates 23568-02 received by the Local Planning Authority on 24th October 2022

**REASON:**

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

**CONDITION 3:**

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

**REASON:**

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

**CONDITION 4:**

The development hereby permitted shall not commence until a detailed schedule of enhancement measures (to include all aspects of landscaping including native species planting and details of any habitat creation such as ponds and species specific enhancements such as hedgehog highways, bird and bat boxes provided) has been submitted to and approved in writing by the Local Planning Authority. Such approved enhancement measures shall thereafter be implemented in full and remain in perpetuity.

**REASON:**

In accordance with NPPF, ODPM Circular 06/2005.

**CONDITION 5:**

No above ground development shall commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted across the site and especially to the boundaries and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

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

**REASON:**

In accordance with NPPF, ODPM Circular 06/2005

**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:**

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 apartment.

**REASON:**

In the interest of visual and residential amenity.

**CONDITION 8:**

The landscaping scheme, as detailed on the approved plans, shall be implemented no later than the first planting season following first occupation of the development. If within a period of 10 years from the date of planting, of any tree/hedge/shrub that tree, or any tree/hedge/shrub 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/hedge/shrub of the same species and size originally planted shall be planted at the same place.

**REASON:**

To ensure the proper development of the site and in the interest of visual amenity and to maintain and enhance continuity of tree/hedge/shrub cover within the site and local landscape.

**CONDITION 9:**

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

**REASON:**

In the interests of sustainability and water efficiency.

**CONDITION 10:**

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:**

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 12:**

No removal of any vegetation onsite shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nest immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protected nesting bird interest onsite. Any such written confirmation should be submitted to the local planning authority.

**REASON:**

To ensure protected species are not harmed by the development.

**CONDITION 13:**

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 14:**

The development shall not be occupied until the existing vehicular access to the site has been remodelled so as to provide an access of not less than 5.5 metres in width for a distance of 15 metres as measured from the near edge of the public highway carriageway, in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interest of highway safety.

**CONDITION 15:**

The proposed new access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway.

REASON:

In the interest of highway safety.

**CONDITION 16:**

The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb, footway and verge have been reinstated in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interest of highway safety.

**CONDITION 17:**

The development shall not be occupied until the southern footway of the public highway A428 Rugby Road has been improved so as to provide for a shared use footway/cycleway for the frontage of the site and extending to the junction with Oakdale Road in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interest of highway safety.

**CONDITION 18:**

The development shall not be occupied until space has been provided within the site for the parking and manoeuvring of vehicles, and the parking of bicycles, in accordance with Proposed ground floor plan Dwg No. 4290\_BWSS-RA-00-DR-A-113\_P07 received by the Local Planning Authority on 11th May 2023.

REASON:

In the interest of highway safety.

**CONDITION 19:**

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

- the control of noise and vibration emissions from demolition and construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the demolition and construction phase
- the control of dust including arrangements to monitor dust emissions from the development site during the demolition and construction phase
- measures to reduce mud deposition offsite from vehicles leaving the site
- an HGV Routeing Plan
- suitable areas for the parking of contractors and visitors and the unloading and storage of materials

Development shall be carried out in compliance with the approved Demolition and Construction Method Statement.

If piling is to be used then a piling specific risk assessment and management plan including for vibration monitoring, shall be produced and submitted, Continuous Flight Auger or other methods shall be prioritised for use over driven piling methods.

**REASON:**

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

**CONDITION 20:**

The on-site measures relating to air quality to meet the mitigation requirements of policy HS5 of installation of ultra-low emission boilers meeting the minimum standard of less than 40mgNO<sub>x</sub>/kWh for each apartment, cycle parking spaces and electric parking spaces shall be implemented prior to occupation of the first apartment and maintained in perpetuity.

**REASON:**

In the interests of air quality.

**CONDITION 21:**

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.

Reference shall be had to the 'Applied Geology Desk Study Report for Binley Woods Service Centre, Binley Woods, Coventry reference AG3358-21-AN62, status Validated Issue 1, January 2022' as the basis for further site works. 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 22:**

The recommendations in 'Noise Consultants Noise Assessment 60-64 Rugby Road, Binley Woods, February 2022 report no. J20-13086A-20 /F1, date 4 February 2022, status Final' Sections 5.4 and 5.5 for glazing and attenuated ventilation, as well as the section 6 Conclusion details shall be completed prior to occupation of the development and shall be maintained thereafter.

**REASON:**

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

**CONDITION 23:**

The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (8133-60-64 Rev P3) and all approved documents detailed in this response. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

**REASON:**

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

**CONDITION 24:**

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (8133-60-64 Rev P3) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects

**REASON:**

To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

**CONDITION 25:**

No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. 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 26:**

No above ground development shall commence until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The Energy Statement shall have regard to Rugby Borough Council Climate Change and Sustainable Design and Construction SPD.

**REASON:**

To reduce carbon emissions and energy demands. In the interests of air quality, residential amenity and the visual amenities of the area.

**INFORMATIVE 1:**

Particular care should be taken when clearing ground prior to development, and if evidence of badgers, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badger snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Concrete should not be left unset overnight, or suitable barriers erected to prevent animals accessing the concrete. Pipework with a diameter greater than 120mm should have the ends closed off overnight to prevent entrapment. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089

**INFORMATIVE 2:**

Condition numbers 14-17 require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

**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 to ensure all fire precautions are considered where there are mixed sleeping and kitchen facilities.

**INFORMATIVE 4:**

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

**INFORMATIVE 5:**

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 6:**

Any external lighting should be installed to ensure there is no glare or excessive light spill that may affect any properties off site. Information can be obtained from the Institute of Lighting Professionals on types and positioning of lighting to minimise off site effects.

**INFORMATIVE 7:**

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 8:**

The Energy Statement included in Condition 26 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 9:**

Bats can be found in many buildings, even those that initially appear to be unsuitable or have been subject to a bat survey and found no evidence. Therefore, if any evidence of bats is found on site, work should stop while a bat survey is carried out by an experienced bat worker, and any recommendations made following the survey are undertaken. It should also be noted that as bats are a mobile species and can move into a property with potential access at any time. A further survey may be required if the works are not undertaken within two years. 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).

**INFORMATIVE 10:**

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

**INFORMATIVE 11:**

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](http://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 12:**

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 13:**

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 14:**

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 15:**

This development is subject to a s106 legal agreement.

**INFORMATIVE 16 :**

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

**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.

DRAFT

**Reference: R23/0078**

**Site Address: LAND ADJACENT TO CROWN INN, 2 MAIN STREET, RUGBY CV21 1HW**

**Description: Erection of 2 no. three-bed semi-detached dwellings (Use C3) on land adjacent to the public house accessed from Main Street, with associated parking and landscaping, including reconfiguration of beer garden and car park.**

### **Recommendation**

Planning application R23/0078 be refused.

### **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 and it has been called to Committee by Councillor Rabin.

### **2.0 Description of site**

2.1 The application site is located in Newbold, to the northwest of Rugby and within the Rugby borough urban edge. The application site occupies a corner plot at a busy crossroads where four roads intersect; Brownsover Road, Parkfield Road, Newbold Road and Main Street.

2.2 The Crown Inn is a large, detached building constructed from brown brick with a hipped roof finished with concrete pantiles. The main building is two-storey with a single storey extension to the eastern side. The property has a beer garden to the rear, and the car parking area is located to eastern side of the site.

2.3 To the southwest and opposite the Crown Inn there are local shops and facilities. To the southeast there is an assisted living care home and residential properties are located to the north, east and west of the site.

### **3.0 Description of proposals**

3.1 The application seeks consent for the construction of a pair of semi-detached two-storey dwellings. These would be located to the eastern area of the site which currently provides the car parking for the pub.

3.2 In the original submission the dwellings were shoe-horned into the northeast corner of the site, which created a number of problems. Following officer concerns the scheme was amended to bring the new dwellings forward and revise the gardens and car parking spaces. This revised scheme was re-consulted on for 21 days.

3.3 The amended scheme has repositioned the proposed dwellings to the east and further south within the car park of the Crown Inn. The two-storey dwellings would have 3 bedrooms, and associated gardens and car parking. The built form would have a width of 12.7 metres and a depth of 10 metres. The height to the roof ridge would be 8.7 metres.

### **Planning History**

R07/1048/PLN – Erection of two canopies (patiola) to rear (north) of public house. Approved 31/07/2023

R15/2390 – Display of 1no.externally illuminated fascia sign, 1no.double sided non-illuminated freestanding sign with poster frame fitted below, and 4no.non-illuminated hoarding signs. Approved 04/01/2016.

### **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.

#### National Planning Policy Framework, 2021

Section 2: Achieving sustainable development.  
Section 8: Promoting healthy and safe communities.  
Section 9: Promoting sustainable transport.  
Section 12: Achieving well-designed places.

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

Policy GP1: Securing Sustainable Development.  
Policy GP2: Settlement Hierarchy.  
Policy GP3: Previously Developed Land and Conversions  
Policy SDC1: Sustainable Design and Construction.  
Policy SDC2: Landscaping.  
Policy SDC4: Sustainable Buildings.  
Policy HS3: Protection and Provision of Local Shops, Community Facilities and Services  
Policy HS5: Traffic Generation and Air Quality.  
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets.  
Policy NE3: Landscape Protection and Enhancement.  
Policy D2: Parking Facilities.

#### Supplementary Planning Documents

RBC Climate Change & Sustainable Design and Construction SPD January 2023; including Residential Design Guide  
National Design Guide 2021  
Air Quality SPD, 2021.

### **Technical consultation responses**

WCC Ecology – Conditions and advisory notes requested.  
WCC Highways – Objection.  
WCC Fire & rescue – Informative for the development to comply with Approved Document B, Volume 1, Section B5 – Access and Facilities for the Fire Service.  
WCC Archaeology – Condition requested.  
Canals and River Trust – no comments to make.  
RBC Parks and Open Space – no comments to make.  
RBC Works Unit – no objection.  
RBC Environmental Health – no objection subject to conditions.

### **Third party comments**



Ward Councillor Rabin – Refer to planning committee for the determination for the following reasons and concerns:

1. Residential amenity, loss of privacy (noise, overshadowing, overlooking)
2. Highway safety, traffic, adequacy of parking and access problems
3. Overdevelopment.

Campaign for Real Ale – Objection for the following reasons:

- Disturbance to trade, putting the pub's future in jeopardy.
- Potential loss of a valuable community asset.

Neighbours notified and 29 objections have been received for the following reasons:

- Loss of light and privacy to gardens
- Disturbance from the build -disabled children
- Depreciation on value of neighbouring house
- Impact on local on street parking
- Impact on an existing busy traffic junction
- Loss of parking and outdoor seating at the pub
- Loss of garden at pub and impact on ecology
- Potential pub closure and loss of pub as a community facility
- Impact on local traffic and busy junction
- Overlooking and loss of privacy to neighbouring properties
- Noise from pub upon occupants of new dwellings
- Local schools oversubscribed.
- Impact on local health provision; GPs and Hospitals already under pressure
- Impact on a mature tree.

A petition with 307 names objecting to the development was received, although the material reasons for the objection are not stated.

#### **4.0 Assessment of proposals**

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

5. Principle of Development
6. Character and Design
7. Impact on Residential Amenity
8. Air Quality and Noise
9. Biodiversity
10. Parking
11. Other Matters
12. Climate Change and Sustainable Design

#### **5.0 Principle of development**

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

5.2 This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.

5.3 Paragraph 11 of the NPPF states that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.

5.4 The Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing. The latest Annual Monitoring Report (AMR), published in October 2021, confirms this position. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.

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

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

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

## 6.0 Character and Design

6.1 Policy SDC1 of the Local Plan states that all development will demonstrate high quality, inclusive and sustainable design. New development will only be supported where the proposals are of scale, density and design that responds to the character of the area in which they are situated, and developments should aim to add to the overall quality of the areas in which they are situated.

6.2 In the originally submitted Scheme, the houses were shoe-horned into the far northeast corner of the site. The garden designs were small and back to back distances were not achievable.

6.3 Following amendments, the houses were repositioned to sit alongside the side elevation of West house, placing them away from this neighbours rear garden. The garden sizes for the proposed dwellings were improved and the parking arrangements were moved from the front of the new houses to the rear.

6.4 The proposed plans show a standard design three bedroomed house design with gable roof and canopy porch over the main entrances. Proposed materials are red brick, concrete roof tiles and white wooden painted timber framed windows, which can be secured by condition.

6.5 The height of the proposed units would be 8.7 metres to the ridge and has been shown in context on drawing number 22.3393.103 Revision P5 Proposed Elevations. Whilst the height relates to the Crown Inn, taking into account the slight rise in the land level, it sits above the neighbouring property at West House by over a metre.

6.6 The surrounding streetscene contains a mixture of residential property types including houses, flats and a care home. Local shops are located to the southwest and opposite the application site, given the variety of property types the additional height does not cause significant harm in visual terms.

6.7 The Crown Inn occupies a prominent site on a busy junction. The inn is offset to the west within its plot and the car parking area to the eastern side offers a visual break within the street scene between the residential built form and this community building. This sense of openness within this part of the public realm is supported by the care home to the southeast whose main outdoor space sits adjacent to the junction and crossroads. The public highway in the immediate locality is wide, and the block of flats opposite, is also set back with an area of grass and planting within the public realm to the front. Overall, the area that surrounds this busy highways intersection has a strong verdant quality, with planting, grass, and trees.

6.8 The proposed dwellings would infill the area to the southeast part of the car park, and this would encroach into the open and verdant character of the street scene, failing to add to the overall quality of the area they will be located in.

6.9 As such, the proposed dwellings do not accord with Policy SDC1 of the Local Plan.

#### 7.0 Impact on Residential Amenity.

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 Policy SC1 also states that proposals for housing will not be permitted near to or adjacent sites where there is potential for conflict between the uses. Such proposals must be accompanied by supporting information demonstrating that the existing and proposed uses would be compatible and that the proposal has addressed any potential effects of the existing use on the amenity of the occupiers of the proposed development.

7.3 The space around the Crown Inn provides good separation with neighbouring properties on all sides and the car park and rear beer garden area help in this regard. In the originally submitted scheme the distances between the proposed dwellings and the residential properties to the rear were too small and the amended design now achieves the recommended back to back distances between dwellings.

7.4 Also in the originally submitted scheme, the built form would have caused loss of light and had an overbearing impact upon the garden of West House. The revised scheme has addressed this concern but has created a different impact towards West House as the east side elevation will now be built adjacent to the garage at West House and in close proximity to the side elevation. This elevation has a good sized window serving the landing and stairwell for West House.

7.5 Appeal concerning J Lenaghan and Kettering Borough Council, (Inspectorate reference APP/L2820/D/18/3195489) 72 Pennine Way, Kettering, Northants, NN16 9AX, for a large two

storey rear extension which was proposed to the southeast of the neighbouring property, was dismissed in 2018. This extension would have run across the window serving the landing and stairwell of this neighbour. The inspector acknowledged that although the window did not serve a habitable room, the open aspect materially enhanced the living conditions of occupiers of said neighbouring property; that the landing was light-filled and sunny for much of the day, and this would be lost along with the open aspect from the window which compounded the harm. The inspector concluded that the development would have a materially harmful effect on the living conditions of neighbouring occupiers.

7.6 The proposed dwellings would sit over 1 metre higher than the neighbouring property West House, dominating and overbearing this property. Similarly to the appeal case, the proposed dwelling would offer up a blank walled elevation containing a small obscure glazed window, which would run across the landing window of the neighbour at West House. Due to its oblique building line this neighbour's side elevation faces southwest. The separation distance provided by the garage between West House and the proposed dwelling of approximately 5 metres, is acknowledged. However, as the current aspect from the first-floor window at West House is very open, the considerable contrast between this openness and the proposed enclosed outlook onto a brick wall would be oppressive and overbearing. Therefore, the impact upon this window from the new dwellings is considered to pose a materially harmful effect on the living conditions of the occupiers at West House. The current open aspect would be lost and daylight and sunlight to the window would be blocked.

7.7 The proposed development also raises concerns regarding the mixing of uses at the site. As stated at paragraph 7.3, the space around the Crown Inn provides good separation with neighbouring properties on all sides. The building of residential property so close to a public house, raises concerns regarding impacts of noise from music or live entertainment, which requires an element of judgement.

7.8 Environmental health have provided a response and Section 8 of this report sets out their response in regard to noise and air quality. In terms of the policy position, it is clear that a judgement needs to be made in order to weigh this within the planning balance. As such, the issue of noise in respect of residential amenity impacts must be considered.

7.9 Paragraph 185 of the National Planning Policy Framework requires planning decisions to ensure that that new development is appropriate for its location and before permission is granted and makes it clear that applicants for proposals must ensure suitable mitigation is provided, where relevant, to avoid significant adverse impacts from noise. New development needs to be integrated effectively with existing businesses and community facilities which includes pubs. (paragraph 187). Existing businesses must not have unreasonable restrictions placed on them as a result of development which arrives after them.

7.10 Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. (Paragraph 187). To provide mitigation that would work, requires noise to be thoroughly assessed.

7.11 Notwithstanding the response from Environmental Health, the LPA shares the significant concerns expressed by them in their response received on 5<sup>th</sup> July 2023; the potential impact of the noise climate; the gardens that will remain affected and the 'agent of change' principle.

7.12 Noise effects can be significant, causing harm to human health and wellbeing and can constitute a statutory nuisance which would necessitate enforcement action. It is therefore critical to assess the effects of noise and disturbance upon future occupants of the proposed development. This includes noise affecting balconies and gardens. When assessing it is important to consider a number of relevant factors, including the noise level, its duration, how often it occurs, the time of day or night that it occurs and the 'character of the locality'.

7.13 It is the responsibility of the applicant (or 'agent of change') to assess the effects of noise and disturbance and provide suitable mitigation before the development is completed. It is acknowledged that the noise assessment provided has been accepted by Environmental Health and the mitigation includes the closing off of mechanical ventilation to turn the residential dwelling into an airtight box, to reduce potential noise nuisance to an acceptable level. Whilst this 'mitigation' would work inside the dwelling it would not mitigate the ambient noise nuisance in the residential gardens.

7.14 The noise assessment was carried out over one 48 hour period. Section 8 of the noise report records that values of 84dBA were recorded twice during the time period and these levels are described as excessive for the venue. Whilst this must be taken in context, the context is one set of measurements taken over a 48 hour period. This raises concerns that the testing has been very limited and does not provide a clear indication of the frequency of this type of noise occurring. Assessment of noise needs to include the frequency of noise nuisance, and this has not been evidenced as part of the testing. The snapshot taken over a single 48 hour period is not considered to be sufficient to establish the potential frequency of noise nuisance at the site.

7.15 Whilst the methodology and report are acceptable from an Environmental Health perspective, when weighed in the planning balance the evidence is lacking. Section 15 of the report states that 'the noise associated with the local area, public house garden and the car park will not have an adverse impact on the residential dwellings providing the 'mitigation measures are undertaken at the site.' Thus, in order for the mitigation to work, future occupiers must shut themselves inside the house and close all the windows. From a design perspective this is unacceptable. The occupants are required to shut out the noise by shutting windows, which means being unable to ventilate rooms. Also, the national design guide states that well-designed homes should provide external spaces that are fit for purpose and support the health and well-being of the users. There is a potential for the gardens to be unusable due to levels of noise from the Crown Inn.

7.16 Overall it is considered that there is a significant risk of harm to future occupants from noise and disturbance and thus the development would not provide satisfactory living conditions. In addition, the development would impact the occupants of West House resulting materially harming the open aspect and provision of light to the first floor southwest side elevation window.

7.17 As such, the proposed dwellings do not accord with Policy SDC1 of the Local Plan or Section 12 of the National Planning Policy Framework.

## 8.0 Air Quality and Noise

8.1 Policy HS5 of the Local Plan requires that development within the Air Quality Management Area as defined in Appendix 8 of the Local Plan that would generate any new floorspace must achieve or exceed air quality neutral standards. 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. 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."

8.2 Section 15 of the NPPF states that decisions new development should not be adversely affected by unacceptable levels of noise (paragraph 174 e).

8.3 Environmental Health have provided comments and hold significant concerns over the proposed development with the potential impact of the existing ambient noise climate requiring detailed noise attenuation measures including mechanical ventilation for the dwellings, the gardens that will still be affected by normal use of the licensed premises and the 'agent of change' principle in the NPPF.

8.4 They have considered the '1260 – Newbold Crown, Rugby Airtight & Noisecheck Limited Acoustics Testing Report for Punch Partnerships (PML) Limited, The Newbold Crown Public House 2 Main Street Newbold-on-Avon Rugby CV21 1HW, 28th April 2022' and found this to be acceptable in regard to the acoustic attenuation measures proposed.

8.5 They have also considered the change of land use and advised it would introduce new, more sensitive receptors to the development. This response is made from the professional viewpoint of environmental specialism taking into account those specific requirements. They do not object to the development subject to conditions for noise, air quality mitigation, a construction management plan and contaminated land, should consent be given.

#### 9.0 Biodiversity.

9.1 Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. Policy NE1 seeks to safeguard priority habitats/species of conservation concern and requires developers to take mitigating measures for their protection.

9.2 WCC Ecology has been consulted and have requested that in order to secure enhancements a condition for a Landscape and Ecological Management Plan be applied to any consent give, along with a condition to secure the timing of the development to ensure that protected species are not harmed.

9.3 Subject to this the development would mee the requirements of Policy NE1.

#### 10.0 Parking and Highways

10.1 Section 9 of the NPPF states that development should achieve a safe and suitable access to a site for all users. Policy D2 of the local plan states that permission will only be granted for development incorporating adequate and satisfactory parking facilities including the provision for motorcycles, cycles and for people with disabilities.

10.2 The existing car parking provision for the Crown Inn provides 17 spaces plus 1 disabled. The revised scheme reduces the car parking to 10 spaces with 1 disabled. WCC Highways responded to the first consultation with an objection and required more information to be submitted.

10.3 Following the submission of the amended scheme and a re-consultation, WCC Highways maintained their objection requiring further information required. A response was provided to

address these concerns and a further re-consultation carried out with WCC Highways. At the time of writing this report the response from WCC Highways to the additional information has not been received.

10.4 Notwithstanding this, the submitted technical note has assessed the parking based on the existing arrangements of 17 spaces with 1 disabled. The survey period was undertaken over the course of one weekend in April. The results show that the peak occupancy during this period was 13 to 15 cars. The Technical note then argues in favour of on-street parking availability, in order to provide for any overflow parking requirements for the pub and goes on to evidence the availability of off-street parking near the site. In the most recent response from WCC Highways, they have stated that 'the removal of off-street parking, resulting in on-street parking to accommodate development should not be relied upon'.

10.5 Policy D2 The Rugby Borough Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motorcycles, cycles and for people with disabilities (or impaired mobility). And that this is based on the Borough Council's Standards included at Appendix 5 of the Local Plan. The supporting text at paragraph 11.10 does state that the need for flexibility is appreciated and the importance of local factors in determining the level of car parking provision is recognised. However, these factors need to relate to the need to revitalise an area, the extent to which an area is environmentally sensitive, the availability of infrastructure for cyclist and pedestrians, and the availability of public parking facilities.

10.6 The parking standards set out in Appendix 5 as referred to by Policy D2 set out what would normally be required and for this use the requirements are based on gross floorspace area. For the Crown Inn this is in the region of 300m<sup>2</sup> and the requirements are set out as 1 space per 3m<sup>2</sup> which would equate to 100 spaces. This clearly demonstrates the need to be pragmatic, and the standards allow for a site to be considered on its own merits.

10.7 In the case of the Crown Inn, the parking survey has shown that the existing parking provision of 17 spaces is adequate. In reducing the available parking there would clearly be an overflow onto on-street parking. Parking in and around this busy junction would by reason of common sense, lead to highway problems in terms of visibility for other road users and pedestrians. There is also a small shopping provision not far from the Crown Inn which has its own parking area to the front. There is concern that this could potentially be taken up by customers for the pub, removing parking spaces for users of the shops.

10.8 In addition, there are no proposals for cycle parking proposed at the site. The ability for a goods vehicle to be able to turn and manoeuvre within the site, exiting in forward gear has been shown in a plan at appendix C of the technical note. However, this looks extremely tight and relies on the car park being empty. It is also noted that one of the required spaces for the new dwellings is located to the front the dwelling in the public car park area and outside of the residential curtilage for the new houses, as shown on the land use plan 22.3393.801 revision P1.

10.9 It has been clearly evidenced by the technical note, that the existing parking at the Crown Inn is adequate and a reduction would lead to the use of on-street parking. Whilst it accepted that the assessment of the highway authority is outstanding at this time, it is considered that to reduce parking at the Crown Inn is unacceptable as it will result in inadequate and unsatisfactory parking facilities for the pub which fails to accord with Policy D2 of the Local Plan.

## 11.0 Other Matters

11.1 Section 8 of the National Planning Policy Framework sets out the importance of promoting healthy and safe communities. Paragraph 92c states that decisions should guard against the unnecessary loss of valued facilities and services.

11.2 Many of the objections expressed concerns that the building of the dwellings could be a precursor to the complete loss of the pub and result in more houses on the site. Whilst the LPA can only consider and determine what has been submitted, it is prudent to consider the impact upon the Crown Inn and the community service it provides.

11.3 The application does not propose the closing or loss of the public house. However the impacts from the reduction of the car parking are considered relevant and have therefore been discussed fully at Section 10 of this report.

11.4 The potential for noise nuisance complaints to cause problems for the business, could potentially lead to a curtailment of the functioning of the venue by way of unreasonable restrictions placed upon the business from other legislative regimes. The NPPF refers to this at paragraph 182 and it is the responsibility of the LPA to ensure that new development can be integrated effectively. In this particular case it is considered that the development would not achieve this integration and therefore conflicts with Section 15 of the National Planning Policy Framework.

## 12.0 Climate Change and Sustainable Design

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

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

12.3 It is considered that the applicant has not demonstrated how energy efficiency and sustainability has been incorporated within the development and therefore the development does not comply with Policy SDC4

## 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 The application proposes the rection of a pair of two-storey semi-detached dwellings within the car park of a functioning public house. Whilst this will provide for job creation during construction, the housing provision will not benefit the Crown Inn economically when built.

13.3 The social objective in the NPPF refers to the need to provide homes and the development will provide 2 dwellings. Currently Rugby has a five year housing land supply of 5.6 years for the period 2022/23 to 2026/27. Therefore, the provision of an additional 2 houses is not needed as a consistent supply of dwellings significantly above the annual requirement is expected.

13.4 I acknowledge that the proposal would contribute towards housing supply and future occupants of the dwellings would provide support for local services. Being for two dwellings,



however, it would only make a very limited contribution, and this significantly limits the weight I attach to this consideration.

13.5 The location of the dwellings will have an adverse impact upon the occupiers of West House and lead to the use of public streets for on-street parking following the reduction of parking facilities on the site.

13.6 The reduction of parking for the Crown Inn does not accord with Policy D2 and the use of on-street parking is not supported in this location.

13.7 It is therefore concluded that the factors against the proposal outweigh any benefits of the development and the application is contrary to Policies SDC1, SDC4, D2 of the Rugby Local Plan and Sections 12 and 15 of the National Planning Policy Framework.

#### **14.0 Recommendation**

Planning application R23/0078 be refused

## DRAFT DECISION

**REFERENCE NO:**  
R23/0078

**DATE APPLICATION VALID:**  
28-Feb-2023

**APPLICANT:**

Punch Partnership (PML) Limited Punch Partnership (PML) Limited, c/o agent, c/o agent, c/o agent, PO18 8NF

**AGENT:**

Ms Jenna Lai Unit 3, Broadbridge Business Centre, Delling Lane, Bosham, PO18 8NF

**ADDRESS OF DEVELOPMENT:**

Land Adjacent to Crown Inn, 2 Main Street, Rugby CV21 1HW

**APPLICATION DESCRIPTION:**

Erection of 2 no. three-bed semi-detached dwellings (Use C3) on land adjacent to the public house accessed from Main Street, with associated parking and landscaping, including reconfiguration of beer garden and car park.

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

**REASON FOR REFUSAL 1:**

The proposal runs parallel with the side elevation of West House, and it is considered that the design, scale and location of the dwellings are such that they would result in an overbearing impact upon West House. In addition, the existing first floor level southwest facing window of West House is the primary and only source of light serving the stairway and landing and due to the path of the sun, the height of the proposed dwellings and location of the window, the proposal will result in a reduction of light to an unacceptable level. The amenities of neighbouring residential occupiers would be adversely affected contrary to Section 12 of the National Planning Policy Framework and Policy SDC1 of the Rugby Local Plan.

**REASON FOR REFUSAL 2:**

The building of 2no. dwellings in the proposed location would encroach into the open and verdant character of the street scene, failing to add to the overall quality of the area in which they are situated. This is contrary to Section 12 of the National Planning Policy Framework and Policy SDC1 of the Rugby Local Plan.

**REASON FOR REFUSAL 3:**

The reduction to off street parking at the Crown Inn would result the requirement to rely upon on-street parking for users of the pub. The proposed level of parking is not in accordance with RBC parking standards and the development would result in inadequate and unsatisfactory parking facilities for the pub. As such the application fails to accord with Policy D2 of the Local Plan.

**REASON FOR REFUSAL 4:**

The mitigation measures supplied by the agent of change do not address the potential for noise nuisance within the residential gardens and require the future occupiers of the dwellings to shut themselves inside the house and close all the windows. The use of mechanical ventilation to mitigate noise is not considered acceptable as this imposes restrictions upon the way the development functions which fails to meet good design standards and fails to safeguard the

living conditions of future occupiers. It is therefore contrary to Section 12 of the National Planning Policy Framework and Policy SDC1 of the Rugby Local Plan.

#### **RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

##### National Planning Policy Framework, 2021

Section 2: Achieving sustainable development.  
Section 8: Promoting healthy and safe communities.  
Section 9: Promoting sustainable transport.  
Section 12: Achieving well-designed places.

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

Policy GP1: Securing Sustainable Development.  
Policy GP2: Settlement Hierarchy.  
Policy GP3: Previously Developed Land and Conversions  
Policy SDC1: Sustainable Design and Construction.  
Policy SDC2: Landscaping.  
Policy SDC4: Sustainable Buildings.  
Policy HS3: Protection and Provision of Local Shops, Community Facilities and Services  
Policy HS5: Traffic Generation and Air Quality.  
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets.  
Policy NE3: Landscape Protection and Enhancement.  
Policy D2: Parking Facilities.

##### Supplementary Planning Documents

RBC Climate Change & Sustainable Design and Construction SPD January 2023; including Residential Design Guide  
National Design Guide 2021  
Air Quality SPD, 2021.

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site [www.rugby.gov.uk](http://www.rugby.gov.uk) .

#### **STATEMENT OF POSITIVE ENGAGEMENT:**

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

**Reference: R23/0282**

**Site Address: BIART PLACE, RUGBY**

**Description: Erection of 100no. dwellings with associated access, roads, car parking and landscaping.**

**Recommendation**

1. Planning application R23/0282 be approved subject to:
  - a. the conditions and informatives set out in the draft decision notice appended to this report; and any additional conditions recommended by Warwickshire County Council Highways 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 and any additional planning obligations recommended by Warwickshire County Council Highways.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chairman) 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.

**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 and is an application submitted by the Council.

**2.0 Description of site**

2.1 The application site is approximately 1.39 Hectares in size and is located to the eastern edge of the Rugby urban area, within the Eastlands Ward. The site is situated along Clifton Road with access from both Clifton Road and South Street.

2.2 The site rises from Clifton Road as you enter the site. Across the site land falls from the south-east close to Clifton Road, towards the western and northern boundaries.

2.3 The central part of the site is relatively flat with very shallow gradients over the extent of the site. Towards the northern and western boundary there is a steeper gradient as the land falls towards the rear of the properties on South Street and East Street.

2.4 The nearest conservation area is to the west and includes properties on Clifton Road, Hillmorton Road and Whitehall Road, however, the conservation area is located approximately 0.8 kilometres away from the application site.

2.5 The site was previously occupied by two brutalist high-rise apartment blocks (124 flats (shared across the two blocks)) and a low rise 2- storey block (8 maisonettes). The high-rise apartment blocks have recently been demolished in preparation for development.

Previous Development - 124 flats and 8 maisonettes.			
	Total	Maximum Occupancy (people)	Total Maximum Occupancy (people)
1-bed maisonettes	8	2	16
1-bed flats	40	2	80
2-bed flats	84	4	336
	132 units		432 people

2.6 The site is positioned adjacent to the Victorian Terraced residential properties located on South Street, East Street and Winfield Street, and the Edwardian 2 & 3 storey housing located on Clifton Road.

2.7 To the north (north/east) of the site is the railway network and beyond that a later 20<sup>th</sup> century residential development, to include the housing located on Furrow Close, Braids Close and Ridge Drive and the Butler's Mews Care Home. To the east (beyond the railway network) is the Rugby Golf Course.

2.8 To the south is Clifton Road and beyond the highway, Whinfield Recreational Ground and the residential properties located on Lawrence Road, Eastlands Road and Sheriff Road. To the south/east are the early/mid-20<sup>th</sup> century properties located on Butlin Road and Townsend Road.

2.9 The site is located in a strategic location with access to schools, commerce, parks and other amenities within walking distance.

### 3.0 Description of proposals

3.1 The proposed development is for the erection of 100no. dwellings with associated access, roads, car parking and landscaping.

3.2 Once completed the development will provide 100% affordable rented low-rise housing and apartments retained and managed by Rugby Borough Council. The development will provide the following mix of dwellings to achieve a mixed community.

3.3 The development will include 4 Flat/Apartment Blocks, 10 Maisonettes and 20 Houses. Which will provide.

Dwelling Type	Beds	Total Units
Flats/apartment	1 bed/2 person	52
Flats/apartment	2 bed/3 person	8
Maisonette	1 bed/2 person	20
House	2 bed/4 person	7
House	3bed/5 person	9
House	4bed/6 person	4
Total		100

The Housing mix reflects the current need for one and two-bed dwellings, which equates to approximately 60% of the current need within the Borough.

3.4 The development will utilise the entire site and includes properties in a variety of scales, with the taller flats/apartment blocks to the front of the site, adjacent to Clifton Road and residential properties to the rear, adjacent to the rear gardens of the properties on South Street and East Street.

3.5 The development will include, 4 flats/apartment blocks, which are 3-storey in height. Adjacent to the flats/apartments are 4 parking areas, to provide unallocated parking and will include bin stores and cycle storage.

3.6 There are 10 maisonettes, to provide 20 separate residential units. Each unit is 2-storey and will incorporate a garden area, an area for storing refuse/recycling bins, a shed (to allow cycle storage) and a car parking space.

3.7 There are 20 dwelling houses, which are 2-storey and will incorporate a garden area, an area for storing refuse/ recycling bins, a shed (to allow cycle storage) and a car parking space(s).

3.8 Each of the properties will include an Air Source Heat Pump (for heating), which will be located within the rear gardens of the houses and on the roof of the apartments. Photo Voltaic panels will be installed on each dwelling house and again on the roof of the apartments.

3.9 The existing access road off Clifton Road, will be used and extended to provide a loop, to prevent dead-ends and provide easy vehicular movement throughout the site. The existing access to Clifton Road is to be retained and upgraded to the current highway standards. The existing South Street vehicular access will be retained as a footpath and cycleway, to allow access to the school and railway station.

3.10 The site will incorporate a full integrated landscape scheme.

### **Planning History**

R19/1479 - Prior notification for the demolition of two eleven storey high rise apartment blocks, one two storey apartment block and 30 associated garages – Not Required - 06/01/2020.

### **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.

Relevant policies and guidance:

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

GP3: Previously Developed Land and Conversions

H1: Informing Housing Mix

H2: Affordable Housing Provision

HS1: Healthy, Safe and Inclusive Communities

HS2: Health Impact Assessments

HS4: Open Space, Sports Facilities and Recreation

HS5: Traffic Generation and Air Quality, Noise and Vibration

NE1: Protecting Designated Biodiversity and Geodiversity Assets

NE3: Landscape Protection and Enhancement

SDC1: Sustainable Design

SDC2: Landscaping

SDC4: Sustainable Buildings

SDC5: Flood Risk Management

SDC6: Sustainable Drainage

SDC7: Protection of the Water Environment and Water Supply

SDC9: Broadband and Mobile Internet

D1: Transport

D2: Parking facilities

D3: Infrastructure and Implementation

D4: Planning Obligations

Guidance

National Planning Policy Framework, 2021 (NPPF)

Department for Communities and Local Government - Technical housing standards – nationally described space standard - March 2015

SPD Climate Change and Sustainable Design and Construction January 2023

SPD Planning Obligations

Air Quality - Supplementary Planning Document July 2021

### **Technical consultation responses**

Rugby Borough Council Works Services Unit – No objection, subject to informative notes.

Rugby Borough Council Parks & Cemeteries – No response

Rugby Borough Council Trees and Landscape – Request for additional information/amendments

Rugby Borough Council Environmental Health Department – No objection, subject to conditions and informative notes.

Rugby Borough Council Corporate Property Department – No response

Warwickshire County Council Ecology – Request for a Biodiversity Net Gain Assessment

Warwickshire County Council Flood Risk Authority – (Lead Local Flood Authority) – Objection, request for further information

Warwickshire County Council Highways Department – Objection, request for further information

Warwickshire Police – No objection, subject to an informative note.

Warwickshire Fire & Rescue – No objection, subject to an informative note.

Environment Agency – Response of ‘no comment’.

Severn Trent Water Asset Protection – No response

National Grid c/o Cadent Gas Limited (gas and electric) – No objection, subject to an informative note.

Stagecoach – No response

Rugby Borough Council Housing Department – No response

Warwickshire CC Planning Infrastructure Team – No response

Warwickshire CC Planning – No response

NHS Property Services – No response  
UHCW NHS Trust – Request for a financial contribution.

**Amended/Additional plans & information – responses:**

Rugby Borough Council Trees and Landscape – No objection, subject to conditions  
Warwickshire County Council Ecology – No objection, subject to conditions and planning obligations.  
Warwickshire County Council Flood Risk Authority (Lead Local Flood Authority) – no objection, subject to conditions  
Warwickshire County Council Highways – Awaiting final comments.

**Third party comments**

None

**4.0 Assessment of proposals**

4.1 The Key issues relating to this application are: the principle of development, the requirement for the development to provide a healthy, safe, and inclusive community, provision of open space, sports facilities and recreation, dwelling type, tenure and design and appearance, residential amenity, sustainability, environmental health matters, air quality, landscape, ecological considerations, flood risk and drainage, highway safety and parking, developer contributions and the final consideration, as to whether the proposed development is acceptable.

**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 The Local Plan Policy GP2 states that development will be allocated and supported in accordance with a settlement hierarchy. The application site is located within the Rugby Town Area, which is the main-focus and most sustainable location for all development in the Borough. With the urban area outside the town centre being the primary focus for new residential and



employment development. It is therefore considered the proposed development complies with Policy GP2, providing all other planning matters are properly addressed.

5.6 The Local Plan Policy GP3: Previously Developed Land and Conversions seeks to support the redevelopment of previously developed land providing that redevelopment does not result in any unacceptable impact; to include, visual impact and impact on biodiversity; the potential intensification of the land; and that consideration is given to other policies within the development plan. Any potential impact resulting from this development, which are material planning considerations, will be addressed within the report.

## **6.0 Healthy, safe, and inclusive communities**

6.1 The Council recognises the important role that spatial planning has in the creation of healthy, safe, and inclusive communities.

6.2 Local Plan Policy HS1 Healthy, Safe and Inclusive Communities advises that developers must consider the potential and opportunity for creating healthy, safe, and inclusive communities.

6.3 The development is within the urban area, which provides residents with good access to recreational facilities (for example, the park and sports centre), employment, local shops, services, schools and community facilities. Many of the facilities are accessible by foot or bicycle and will provide opportunity for social interaction, thus, contributing to individual health and wellbeing and the health and wellbeing of the borough, in compliance with Policy HS1.

## **7.0 Health Impact Assessments**

7.1 Local Plan Policy HS2 states that Health Impact Assessments (HIAs) are an important tool for understanding the potential impacts upon wellbeing arising from development proposals. Development above certain thresholds will need to demonstrate that it would not generate adverse impacts on health and wellbeing.

7.2 The development does not meet the threshold where a Health Impact Assessment would be required.

## **8.0 Informing Housing Mix**

8.1 The Local Plan Policy H1 states that a mix of market houses and types should be provided consistent with the latest Strategic Housing Market Assessment (SHMA), although an alternative mix will be considered where market factors demonstrate this would better meet market demand.

8.2 The development will provide 100% affordable rented housing and apartments, there will be no market housing. As there is no proposed market housing, the development cannot be assessed against Policy H1.

## **9.0 Affordable Housing Provision**

9.1 Policy H2 states that on housing developments of this size on previously developed land sites a target of 20% affordable housing will be sought. This policy also sets out that the proposed mix of dwellings, sizes and tenures should accord with the latest Strategic Housing Market Assessment.

9.2 The supporting text to the policy sets out the recommended size mix and states that the starting point for discussions will be 84% social or affordable rent and 16% intermediate products.

9.3 The Strategic Housing Market Assessment (SHMA) recommends the following strategic mix of affordable housing (see table below). There is a predominant long-term marginal requirement for future affordable housing for three-bed properties relative to the Housing Market Area as a whole, but in general a greater need identified for the smaller properties, as indicated in the table below.

	1-bed properties	2-bed properties	3-bed properties	4+ bed properties
Target	30-35%	30-35%	20-25%	5-10%
Actual	72%	15%	9%	4%

The development does not adhere with the recommended size and tenure of property, providing predominately 1 bed properties, and fewer 2, 3 and 4+ bedroom properties.

9.4 The policy advises that the tenure and mix of the affordable housing units should comply with the latest SHMA guidance. However, the development will provide 100% affordable rented housing and apartments, with 72% of the properties being 1 bed properties and 87% being 1 and 2 bed properties, the property types with the greatest identified local need. Additionally, the mix of dwellings sizes and tenures, has been requested by the Local Authorities Housing Team, based on the current and projected demand of the Borough’s social housing needs and regarding the previous on-site social housing provision.

9.5 It is therefore considered that the affordable housing provision, to include the tenure and mix is acceptable and the proposal development accords with Policy H2.

## **10.0 Sustainable Design**

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

10.2 Policy SDC1 states that all development will 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.

10.3 All developments should aim to add to the overall quality of the areas in which they are situated.

10.4 The NPPF within Section 12 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

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

### ***Design and Appearance***

10.7 The proposed development comprises a range of residential units. To the front of the site, adjacent to Clifton Road, are the three storey flats/apartments, which provide a strong prominent frontage, similar to the other properties located on Clifton Road. Towards the rear of the site, are

the two-storey residential houses and maisonettes, which are of similar size and scale to the adjacent properties on South Street and East Street

10.8 The flats/apartments incorporate, projecting metal surround details with grey brick stack bond panels to reflect the Edwardian bays of Clifton Road; window hierarchy, cast stone heads and cills, brick and stone band courses, together with feature brick work around the entrances. A brick parapet will hide the Air Source Heat Pumps and Photo Voltaic Panels, which are located on the roof.

10.9 Although the dwelling houses and maisonettes will incorporate traditional material and detailing, they also comprise modern design features, to include large grey framed windows to re-image the Victorian housing in a contemporary style. A hierarchy of windows, brick banding, brick eaves and verge detailing, chimneys, cast stone heads and cills complement the design sympathetic to the adjacent neighbouring properties.

10.10 The prominent material use will be two variations of brick and a grey tile (on the dwelling houses/maisonettes – the apartment/flats incorporate a flat roof). Properties will have a mix of blue, black or green front doors.

10.11 The design features and variation of construction will provide active frontages, which will add visual interest to the street scene.

10.12 Car parking is located to either the front or side of the dwelling houses and maisonettes. The flats/apartments' parking provision is located within one of four larger car parking areas. The positioning of the car parking and the integrated landscaping scheme, will help reduce the prominence of parked cars, as viewed within the context of the street scene.

10.13 The applicant has provided a material distribution plan and samples, to include the bricks, window surrounds tiles and cladding. It is considered the materials are acceptable and would add variety and visual interest.

10.14 A boundary treatment plan has been provided. Brick walls are proposed at prominent locations within the street scene with close boarded fences to other boundaries, usually towards the rear of the properties, where they are less visible.

10.15 The site is previously developed land, which included two high-rise apartment blocks, it is considered that the proposed development will have a much improved and positive impact on the visual amenity of the area.

10.16 It is considered that the proposals are acceptable in relation to the design and impact on the character of the area in accordance with policy SDC1.

10.17 New dwellings should provide an adequate amount of garden space that is in keeping with the character of the area. As a guide a garden should be at least the size of the ground floor footprint of the dwelling, with a minimum garden length of 7 metres being encouraged, as well as 60 sqm area for a 2-bedroom property and 80sqm for a 3-bedroom property.

10.18 The majority of the dwelling houses all have a garden that is at least 7 metres in length and the size of the ground floor footprint of the dwelling. Regarding the garden area, all seven of the 2-bed properties have a garden area of at least 40 square metres, with 4 of the 7 properties achieving the guide target of 60 square metres.

10.19 The 3+ bed properties all have a garden area of at least 50 square metres, with 3 of the properties achieving the target figure of 80 square metres.

10.20 The Maisonettes each have a small garden area, positioned adjacent to the property. The dwelling houses and Maisonettes also have access to the nearby Whinfield recreational park.

10.21 The flats/apartments do not include either communal garden space or balconies, however, residents will have safe and easy access to the Whinfield recreational park, which is located nearby, across the Clifton Road.

10.22 The development will provide each of the dwelling houses and maisonettes with access to their own garden area. To include an area for storing bins and a shed for the storage of a cycle(s). The garden sizes, accord with the guidance being of a similar size to the footprint of the dwelling house and being 7 metres in length. Although the area of several of the gardens is smaller than the guidance figure (square meterage), they are generally of an acceptable size.

10.23 Although the apartments/flats, will not have their own garden area, or communal area, they are a short walk/cycle to the recreational ground. The future occupiers of the dwellings houses and maisonettes, will all have their own private garden, where-as the previous occupiers of the high-rise flats, had no private gardens.

10.24 There are 6 cycle stores, in 4 locations, which will serve the flats/apartments. They are of an acceptable design (safe, secure and undercover) and are located to allow easy storage and access for cycles.

10.25 There are 7 bin stores, to include 1 for each of the flats/apartments. The bin stores will be constructed of brick and timber and will be positioned to allow residents easy access for disposing of waste, recycling and garden waste.

10.26 The cycle and bin stores are all set-back from the main road (Clifton Road) and screened by landscaping, which will minimise any potential visual impact on the streetscene.

**Space standards**

10.27 The Design and Construction SPD advises, development that provides a satisfactory amount of space in line with the National Space Standards will help secure sufficient amenity and quality design.

10.28 The proposed development has been assessed against the standards (see table below). In conclusion the development will provide at least the recommended minimum gross internal floor area (m2) for each property and will be in general accordance with the other recommended technical requirements.

<b>Recommended and actual gross internal floor area (m2)</b>			
<b>House Type</b>	<b>Beds</b>	<b>Recommended (SQM)</b>	<b>Actual (SQM)</b>
Flat Type A1	1bed/2people	50	50
Maisonette J Ground Floor	1bed/2people	50	50.5
Maisonette J First Floor	1bed/2people	50	62.14
Maisonette K Ground Floor	1bed/2people	50	50.7
Maisonette K First Floor	1bed/2people	50	62.19

Maisonette L Ground Floor	1bed/2people	50	50.5
Maisonette L First Floor	1bed/2people	50	62.14
Flat Type B	2bed/3people	50	77.4
House Type D	3bed/5people	93	94.4
House Type E	4bed/6people	106	108.48
House Type F	2bed/4people	79	80.2
House Type H Wide	3bed/5people	93	94
House Type H1 Wide	3bed/5people	93	94

Providing a satisfactory amount of space in line with the standards, which will help secure sufficient amenity and quality design in accordance with SDC1.

### **Residential amenity**

10.29 The development, when completed, will utilise the whole site. There are existing residential properties adjacent, on the north, south and west boundary. There are no residential properties to the north/east boundary. Regarding separation distances between the existing and proposed dwellings, the Local Planning Authority (as per the guidance within the Sustainable Design and Construction SPD) would recommend a separation distance of approximately 21 metres, and 14 metres if the rear of the dwelling is facing onto a blank side elevation. Where the SPD does not provide a guidance figure, a separation distance of approximately 21 metres would usually be applied. However, this is a guidance figure, and must be viewed in conjunction with other factors, to include the relationship between the properties being assessed and in regard to the context of the overall site.

10.30 The proposed dwellings and the existing dwellings on South Street and East Street, will face rear elevation to rear elevation. The proposed flats/apartments will be facing front elevation to front elevation with the properties on the other side of Clifton Road. There is a separation distance of approximately 21 metres between the existing and proposed dwellings. Regarding the properties, 9 and 10 Golding Court, they will be closer, however, the nearest elevation of the properties on Golding Court are positioned at an angle of 90 degrees, with no windows within the nearest existing side elevation. The proposed flats/apartments (Plots 41-55) could potentially have views towards the rear of The Clifton Inn and the rear garden of 329 Clifton Road, however, any windows within the nearest facing elevation will be obscured glazed (at first-floor level and above). A condition will be included to ensure the windows remain obscure glazed (**Condition 9**). In conclusion, the separation distances are considered acceptable and would not be beyond those usually associated with this type of development within an urban area, regarding loss of privacy, overlooking and in relation to the proposed development creating an overbearing impact on existing neighbouring properties.

10.31 Regarding the relationship between the proposed properties, consideration must be given to the physical constraints on site and the requirement to provide adequate replacement affordable dwellings, of a similar amount to those provided within the high-rise blocks, which previously occupied the site.

10.32 The dwelling houses to the north of the site face the properties within the central area (bounded by the internal highway). The separation distance, elevation-to-elevation, is at least 17 metres, across the public highway.

10.33 Accounting for the separation distance between the properties, and the highway being a public area, which will typically mean there is less privacy to the rooms. It is considered that the

potential degree of overlooking, loss of privacy and the sense of overbearing, is of an acceptable level and not beyond those associated with properties of this type of development within an urban area.

10.34 The flats/apartments are 3-storey. Generally, there is acceptable separation distance between the 3 flats/apartments (over 21 metres) which front the application site, except for the following the Plots:

10.35 Plots 56-to-70 and 71-to-85 incorporate windows within the side elevation which serve a kitchen/dining/living area and face each other. The separation distance between the properties, is approximately 13 metres (elevation-to-elevation). A kitchen/dining/living area would be considered a habitable room. However, all the rooms have additional windows within another elevation (either the front or rear elevation) and could therefore be considered secondary windows, which (if necessary) could be screened by other means, for example blinds, obscure glazing etc. Therefore, there would be less reason to protect the privacy to these rooms, as viewed through these windows.

10.36 Plots 71-to-85 incorporate 2 small windows within the side elevation, which serve a kitchen and face towards the front elevation of Plots 86-to-100. There is a separation distance of approximately 15 metres, elevation-to elevation. It is considered that the small windows are secondary and therefore would offer only limited occasional views towards the front elevation of the facing elevations, of the flats/apartments, Plots 86-to-100.

10.37 The fourth flats/apartment block, plots 41-55, rear and side elevation have views towards the front elevation of the maisonettes Plots 25, 26, 27 and 28. The flats/apartment block, plots 71-85, front elevation faces towards the front elevation of the maisonette Plots 22 and 23 and the side elevation of the dwelling, plot 24.

10.38 The windows within the flats/apartment serve bedrooms and kitchen/dining/living rooms and the rooms within the maisonettes serve kitchen/living areas. The windows within the side elevation of the dwelling serve a living room at ground floor and a bedroom and bathroom at first floor level. All the rooms are habitable rooms, except for the bathroom.

10.39 The separation distances between the properties are between (approximately) 12 metres and 20 metres (elevation-to-elevation). Any views would be across the highway, a public area and therefore would be less private, and would subsequently be less protected.

10.40 It is therefore considered that any views from the apartments and those from the adjacent properties (the maisonettes and dwellings) would not create adverse overlooking or loss of privacy beyond that associated with this type of properties, in context with the development and within an urban area. The separation distances, between the properties would prevent there being a perception of the apartments being overbearing.

10.41 In regarding to the properties within the Central area (bounded by the internal highway). There are 2 houses and 6 maisonettes.

10.42 The separation distances between the properties: side elevation-to-side elevation is between (approximately) 6 metres and 14 metres; rear elevation-to-rear elevation is (approximately) 10 metres and side elevation-to rear elevation is between (approximately) 3 metres and 15 metres.

10.43 The layout of the properties prevents overlooking and loss of privacy to a level which would be considered as being unacceptable. Properties with a window that serve a habitable room at first floor level will look on to a blank elevation or a blank elevation at first floor, or there would be an acceptable separation distance. Plot 25/26 incorporates windows at first floor level, to the rear elevation, however the windows are obscured glazed, to prevent overlooking towards Plots 31 to 34. A condition will be included for the windows to remain obscured glazed (Condition 10).

10.44 Regarding any views from the ground floor windows. All the properties have a garden area to the rear and a parking area to the side. Any views, at ground floor level, would be partially screened and obscured by the boundary treatment or by parked vehicles.

10.45 There is a greater separation distance between the proposed dwellings and the existing established dwellings adjacent to the site, which is in general compliance with the guidance figure of approximately 21 metres. The separation distances of the proposed dwellings within the site are below the guidance figure of 21 metres, however, it is only a guidance figure. Furthermore, due to the existing physical constraints on site, and to accommodate the number of dwellings at a level similar to the previous development (the high-rise apartment blocks and the low rise 2-storey block), it is considered that the potential loss of privacy and overlooking is not at a level which is regarded as being unacceptable. Due to the separation distances between the properties, it is considered that the development will not cause the perception that a neighbouring property is overbearing.

10.46 The dwellings and flats/apartments that are located outside of the central area, are positioned so the rear of the dwelling and flats/apartments do not have direct views onto a blank side elevation. The only exception is Plot 8, which faces onto the side elevation of 10 Golding Court. However, the separation distance between the properties is 10 metres, with the properties located at Golding Court being positioned on a lower ground level. Therefore, accounting for the separation distance between the property and the properties on Golding Court being on a lower land level, it is considered that the views from the proposed dwelling would not be overly oppressive.

10.47 Within the central area, there are a few examples where windows within the rear elevations of the properties (plots 22, 23, 24, 27 and 28) face onto side elevations. However, the windows within the rear elevation of plots 22, 23, 27 and 28 are positioned to allow views beyond the nearest side elevation and the windows within the rear elevation of plot 24 serve non-habitable rooms, to include a utility room and a landing area.

10.48 It is recognised that the land levels vary across the site and beyond the application site boundary. Notably, in comparison to the existing neighbouring properties, especially to the rear of the site on the northern boundary. However, the proposed dwellings positioned to the rear of the site are all 2-storey, with acceptable separation distances between the proposed dwellings and the existing neighbouring properties. It is therefore considered that any impact caused by the development, regarding any potential loss of sunlight and daylight and in terms of the proposed dwellings creating the impression of being overbearing, is not beyond those normally associated within an urban area.

10.49 Due to the constraints on site, to include the relatively small gardens, site ground levels (especially to the northern boundary) and the close proximity of properties, and to protect future occupiers and existing neighbouring properties, it has been considered necessary to remove permitted development rights for the 20 dwellings houses to allow extensions (Class A) and roof alterations (Class B). To protect the design and character of the properties, the permitted

development right to allow porches (Class D) has also been removed (to the 20 dwelling houses). (Condition 21)

## **11.0 Environmental Health**

11.1 The application includes supporting information to include the Design and Access Statement, an Environmental Noise Survey, a Geoenvironmental Investigation Report, and an Air quality Assessment.

11.2 The Environmental Health Department have been consulted, regarding the proposed development, and have raised no objection to the development should approval be granted.

11.3 Conditions will be included for a Construction Management Plan (Condition 6), to control noise and vibration emission from construction activities, dust emissions and mud deposition offsite, from vehicles. A Contaminated Land Condition (Condition 7), relating to actions to be taken in the event of previously unidentified contamination being identified. And a noise condition (Condition 8), regarding the prevention of adverse noise levels from the Air Source Heat Pumps.

11.4 Informative notes will be included: for construction hours, impacts from existing activities (the railway and highway), piling, compliance with the Housing Act 2004 and smoke control.

11.5 The applicant has provided additional information regarding piling. Due to the location of the proposed scheme and the surrounding residential areas, in order to reduce noise and vibration to acceptable levels during the works, the applicant is recommending the use of a replacement piling method for the development, such as either bored or Continuous Flight Auger piling. Environmental Health are satisfied that the proposed method of piling is acceptable, providing a piling risk assessment document is submitted and agreed by the Rugby Council Commercial Regulation Team.

11.6 It is therefore considered that once any additional information, in relation to any conditions, is received to the satisfaction of the Local Planning Authority, the development will comply with Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031

## **12.0 Air Quality**

12.1 Policy HS5: Traffic Generation and Air Quality, Noise and Vibration Development proposals should promote a shift to the use of sustainable transport modes and low emission vehicles (including electric/hybrid cars) to minimise the impact on air quality, noise and vibration caused by traffic generation.

12.2 Development of 10 or more dwellings or development within the Air Quality Management Area should achieve or exceed air quality neutral standards or address the impact of poor air quality due to traffic.

12.3 The Environmental Health Officer has advised that the Air Quality Assessment, which accompanies this application, is acceptable. However, to control dust levels at the construction phase, the mitigation measures within the Air Quality Assessment, should be implemented in conjunction with a Construction Management Plan (Condition 6).

12.4 Air quality impact during the operational phase is, in most cases, predicted to be below the annual average air quality objectives. A condition was initially requested for the applicant to provide a full air quality assessment to be undertaken following receipt of traffic survey data. The



traffic survey has been completed, and found to be acceptable, therefore the condition is no longer considered to be necessary.

12.5 The application site is located within the Rugby Air Quality Management Area. The Road Transport Assessment, which accompanies this application, predicts a net reduction in vehicle trips, in comparison to the previous flats which were located on this site.

### ***Air quality neutral***

12.6 The Design and Access Statement advises that no gas is to be used for the development, with energy been provided by Air Source Heat Pumps and Solar Photovoltaic Panels. Electric Vehicle Charging Points will be provided for each house and maisonette, with 1 charging space for every 10 apartments. There will also be provision for cycle storage.

12.7 The Environmental Health Officer has, based on the report and recommendations to be implemented, concluded that the development will meet the recommended air quality neutral standards. It is therefore considered that the development will not have an adverse impact on Air Quality and the proposed development complies with Policy HS5.

## **13.0 Sustainable Buildings & Climate Change and Sustainable Design**

13.1 Local Plan Policy SDC4 – Sustainable Buildings: requires all new dwellings to meet the Building Regulations requirement of less than 110 litres of water-per-person-per-day unless it can be demonstrated that it is financially unviable. A condition, (Condition 5), will be included to ensure the target limit is not breached.

13.2 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.

13.3 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.

13.4 The application is accompanied by an energy statement and a sustainability checklist which provides details of how the development proposes to reduce carbon emissions. The property will incorporate Solar Photovoltaic Panels, Air Source Heat Pump and a fabric first approach. It is concluded that the proposed energy saving strategy, will provide a 43.49% carbon reduction over a development built to comply with the CO<sub>2</sub> targets under the latest revision of the Building Regulations, Part L1 2021. This also represents a 52.5% energy demand reduction.

13.5 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

## **14.0 Broadband and Mobile Internet**

14.1 Local Plan Policy SDC9 - Broadband and Mobile Internet: requires developers to facilitate and contribute towards the provision of broadband infrastructure suitable to enable the delivery of broadband services. A condition, (Condition 4), will be included within the decision notice to ensure each dwelling is provided with the facility to enable broadband internet connection. It is considered once the condition has been complied with satisfactorily, the proposed development will comply with Policy SDC 9.

## **15.0 Landscape and Visual**

15.1 Policy NE3 Landscape Protection and Enhancement states new development which positively contributes to landscape character will be permitted.

15.2 Policy SDC2 Landscaping states that landscape aspects of a development proposal will be required to form an integral part of the overall design, to include the identification and retention of Important site features.

15.3 The application is accompanied by a Soft Landscaping Scheme, and at the request of the landscape officer, an Arboricultural Impact Assessment. The documentation will provide guidance as to; existing vegetation to be retained, the incorporation of new landscaping and how the existing and new landscaping will enhance the amenity value of the site and tree protection.

15.4 The Tree and Landscaping Officer has been consulted and initially requested additional information, to include amendments to the soft landscaping scheme and a request for an Arboricultural Impact Assessment. On receipt of the information, the Officer provided a comment of no objection to the proposed development, subject to a condition for the implementation of soft landscaping (Condition 14), and a condition, regarding tree protection (Condition 15).

15.5 Once the conditions are complied with, it is considered that the development will accord with Policy NE3 and SDC2

## **16.0 Ecological Considerations**

16.1 Part 15 of the NPPF (Conserving and Enhancing the Natural Environment) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, amongst other things.

16.2 In addition, Policy NE1 Protecting Designated Biodiversity and Geodiversity Assets of the Rugby Borough Council Local Plan 2011-2031 states that the Council will protect designated areas and species of international, national, and local importance for biodiversity and geodiversity. In addition, development will be expected to deliver a net gain in biodiversity.

16.3 The Warwickshire County Council Ecology Unit have been consulted, to ensure the development provides a net gain for biodiversity, it has been recommended that the applicant submits a Biodiversity Net Gain (BNG) assessment. The BNG assessment will demonstrate whether the development indicates a biodiversity loss. In this circumstance, the applicant would need to offset the loss, by providing biodiversity enhancement measures elsewhere within the district.

16.4 On receipt of the BNG assessment, ecology have provided a response of no objection, subject to conditions; requiring the applicant to provide a Biodiversity Enhancement and Management Plan (BEMP), to include details of habitat features to be retained/created/enhanced and their long-term management; details of a wildlife enhancement scheme (to be implemented) and for the development be carried out in full accordance with the recommended mitigation measures for protected and priority species contained in the Ecological Impact Assessment.

16.5 Additionally, ecology have requested for the offsetting of the habitat unit loss, generated by the development to be secured through a Section 106 agreement. (See the Planning Obligations section below).

16.6 It is therefore considered that once the conditions (Condition 22, 23 and 24) have been discharged and the Biodiversity Net Gain enhancement has been implemented, the development will comply with Policy NE1 of the Rugby Borough Council Local Plan 2011-2031

## **17.0 Flood Risk and Drainage**

17.1 Policy SDC5 Flood Risk Management aims to steer new development to areas with the lowest probability of flooding, to minimise the flood risk to people and property and manage any residual risk. Additionally, the policy requires the submission of a Flood Risk Assessment for sites over 1 hectare in Flood Zone 1.

17.2 Policy SDC6 requires Sustainable Drainage Systems to be used on major developments.

17.3 Policy SDC7: Protection of the Water Environment and Water Supply requires adequate water supply to serve existing and proposed developments.

17.4 The application is accompanied by a Flood Risk Assessment and Drainage Strategy.

17.5 The Lead Local Flood Authority (LLFA) were consulted and initially objected to the development, relating to flood risk and surface water drainage matters. The LLFA considered the details provided relating to the surface water drainage were insufficient and would subsequently not allow for a suitable assessment.

17.6 In response to the objection, the agent has provided additional supporting information. The LLFA were reconsulted and maintained their objection.

17.7 Additional supporting information was provided and the LLFA removed their objection.

17.8 Whilst the LLFA does not consider the proposed drainage strategy to be as sustainable in comparison to the industry best practice standards, they understand that as the development is subject to grant funding for social housing and the site was previously brownfield, there is limited scope to improve the sustainable drainage design.

17.9 In terms of best practice for sustainability, the LLFA would normally expect development to include above ground Sustainable Drainage Systems (SuDS) features (e.g. ponds, swales, rain gardens) that would provide water quality, biodiversity and amenity benefits in addition to managing water quantity. Therefore, delivering on the three pillars of sustainability: Environmental – water quality & biodiversity, Social – Greenspace and aesthetic benefits for wellbeing, Economic – reduced water treatment costs, easier to access and maintain in the long term compared to tanks. The LLFA appreciate that efforts were made to consider these options during project design and that this was not possible to deliver on the social housing requirements and access funding.

17.10 The LLFA have requested conditions for a Verification Report (Condition 12) for the installed surface water drainage system and details of a maintenance plan (Condition 13)

17.11 The Environment Agency have been consulted regarding planning related matters which fall under their jurisdiction, to include flood management, the regulation of land and water pollution, and conservation. The Environment Agency provided a response of 'no comment' to the proposed development. It is therefore considered that it is unlikely that the development will have a detrimental impact on any of the above material considerations, which fall directly under the jurisdiction of the Environment Agency.

17.12 Severn Trent were consulted on the application and have provided no representation.

17.13 It is considered once the drainage infrastructure is in place and the conditions have been discharged, to the satisfaction of the LPA and the LLFA, the proposed development will comply with policies SDC5, SDC6 and SDC7.

## **18.0 Access, Traffic and Transport**

18.1 The Local Plan 2011-2031 Policy D1 Transport states that development should address, amongst other things, whether safe and suitable access to the site can be achieved. Additionally, development will only be permitted where sustainable transport methods are prioritised and measures to mitigate the transport impacts are provided.

18.2 The application is accompanied by a Transport Assessment, to include details of the existing site (to include pedestrian access, cycle access, public transport etc), the development proposal (to include vehicular access, parking etc) trip generation and transport impacts.

18.3 Warwickshire County Council Highways have been consulted. Based on the assessment and appraisal of the development proposals the Highway Authority considers that insufficient information has been provided to fully assess the highways impacts of the proposals, and therefore objects to the planning application pending receipt of further information.

18.4 Highways have requested additional information in relation to the following highway matters, to include:

- The Transport Assessment (TA)
- A request for amendments and additions to the walking and cycling provision proposed.

18.5 Following resolution of the above issues, Highways have also advised that the applicants should commission a Stage 1 Road Safety Audit (RSA) of the proposed access and site layout including any proposed off-site works.

18.6 In response, the applicant has provided amended plans to address the initial concerns raised by WCC Highways to include:

- Additional dropped kerbs with tactile paving.
- Lockable gates to the cycle stores.
- All houses and maisonettes to be provided with a lockable garden shed.

18.7 Regarding the Highways request to provide a safe and legible off-street cycle route between the existing off-street cycle paths at Whinfield Park. To Include

- The upgrade of the puffin crossing to a toucan crossing.
- Provision of a cycle track on the south side of Clifton Road.
- Measures to prevent pavement parking.

18.8 The agent has provided a response to Highways request to provide a cycle route.

- Fewer people, residing at Biart place, will use the cycle way.

- The cycle way would take away space from motorists or pedestrians who use the footway/carriageway.
- Vehicles are currently parked to the south side of the highway to use the shops and services within the parade.
- The proposed location includes mature trees, utility boxes, street lighting columns and lamp posts.
- The implementation of the cycleway would likely make the development unviable.

18.9 Regarding the cycle improvements to the access to and from the site by bicycle and for the land to the front of the site being dedicated as highway for proposed access works by the Highway Authority. The applicant has advised:

- The area is currently included within the landscaping scheme.
- There is insufficient land available for adoption, for future cyclist infrastructure provision.
- The introduction of a proposed cycle route has no eastbound direction due to the existing bridge arrangement.

18.10 In addition to the applicant's own response, the local planning authority would consider the following:

18.11 The NPPF within Paragraph 55 states that 'otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.' Paragraph 56 requires 'planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted'. Paragraph 57 requires Planning Obligations 'to be necessary to the development, to make it acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.'

18.12 The development will replace the recently demolished two high-rise apartment blocks and 8 maisonettes - which provided 132 residential units for a maximum of 432 people. The proposed development will provide 100 residential units for a maximum of 265 people.

18.13 There is already provision for safe crossing for cyclists via the existing puffin crossing to access the off-street cycle paths at Whinfield Recreation Ground. The likelihood is that there will be an overall reduction in residents who would use the cycle way, in comparison to the previous development. Additionally, residents would need to cross the road to access the cycle way.

18.14 Furthermore, this development is relying on government funding, to provide the 100% affordable social housing to the local community. There is a realistic prospect that the cost implications of adding the construction of a cycleway, could make the scheme unviable.

18.15 Whilst it is appreciated that the Council would always seek to provide improvements connected to any new development, it is considered that, in this instance the additional cycleway improvements would be unreasonable and would not comply with the NPPF, which requires the use of planning conditions to be kept to a minimum and only imposed where they are necessary or planning obligations to only be used when they are fairly and reasonably related in scale and kind to the development.

18.16 Highways have responded to the above comments and agree that that there is no requirement at present for off-site cycle works beyond the current proposals. Amendments to the

pedestrian and cycle arrangements may however be required as part of the Road Safety Audit (RSA) process.

18.17 The RSA has been completed and has identified the following issues. In response, the applicant has provided mitigation measures:

Location	RSA recommendation	Applicant's response
Former South Street link to Biart Place	Insufficient manoeuvring.	Updated the site layout – includes extended driveway, accessible from South Street.  Sub-station vehicle tracking plan indicates a large panel van is able to manoeuvre in and out of the driveway.
Former South Street link to Biart Place	Risk of injudicious access	A dead-end sign to be provided upon entrance from south street.
Shared Driveways	Insufficient manoeuvring space	Delivery vehicles are unlikely to enter private drives given short distance from the main carriageway to the front doors of the proposed flats and plots.
Plots 009-010, 011-012	Reduced visibility	Visibility is available between cars given the large parking spaces provided.  The speed of a motorised cars will be low in these areas and therefore have a low risk of probability
Proposed junction and bends	Insufficient manoeuvring space	Identified within the refuse vehicle tracking drawing
Cycleway link between South Street and Biart Place	Risk of conflict and incursion at South Street interface	Updated Layout to include added chicane at both ends of cycleway.

18.18 Highways are currently assessing the RSA and will provide comments, which will be presented at planning committee.

18.19 It is therefore considered that providing the RSA is acceptable and any conditions are discharged to the satisfaction of the LPA, the proposed development will comply with Policy D1 Transport.

### **Parking**

18.20 The Local Plan 2011-2031 Policy D2 Parking Facilities states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities.

18.21 The application site is located within the Low Access Zone, approximately 400 metres from the High Access Zone boundary (the outer boundary edge being Cambridge Street). The High Access Zone is the area (to include the town centre and immediate area) considered to be the most sustainable, within walking and cycling distances of services and facilities as well as a been accessible to public transport.

18.22 Although, not directly within the High Access Zone, it is reasonable to apply the High Access Zone car parking standards, to ensure there is not an unnecessary overprovision of car parking and to encourage people to travel by healthy/sustainable modes.

- The application site is within walking distance to local facilities and amenities, to include a convenience store, post office, public house and recreation ground (all within 100 metres of the site) and a nearby primary school and secondary school.
- Rugby town centre is accessible within a 20-minute walk or a five-minute cycle ride.
- The development site is also located close to good public transport, to include bus and rail links.

18.23 The table below provides details of the recommended parking provision.

<b>Residential Dwellings</b>				
<b>Type of unit</b>	<b>Car Parking Standards</b>		<b>Cycle Parking Standards (minimum)</b>	
	<b>Low Access Zone</b>	<b>High Access Zone</b>	<b>Long Stay – Residents</b>	<b>Short Stay – Visitors</b>
<b>Residential Dwellings</b>				
1-2 bed units	1.5 spaces/unit	0.75 spaces/unit	1/unit secure & undercover	Considered on own merit
3 bed units	2 spaces/unit	1 space/unit	1/unit secure & undercover	Considered on own merit
4 bed units	3 spaces/unit	1.5 spaces/unit	1/unit secure & undercover	Considered on own merit
<b>Dwelling Apartments</b>				
Studio units	1 space/unit	0.5 spaces/unit	1/unit secure & undercover	1 loop/hoop per unit
1-2 bed units	1.5 spaces/unit	0.75 spaces/unit	1/unit secure & undercover	1 loop/hoop per unit
3+ bed units	2 spaces/unit	1 space/unit	2/unit secure & undercover	1 loop/hoop per unit

18.24 Electric and hybrid vehicle charging points are required to be provided as part of development. One charging point per dwelling plus one charging point per 10 unallocated parking spaces. Passive charging points are to be provided for dwellings whilst active charging points are required for unallocated spaces.

18.25 Parking provision for people with disabilities is required for development which incorporates over 50 spaces. 4% of spaces should be designated for use by people with disabilities.

18.26 The table below provides details of the proposed on-site parking provision.

	No. of bedrooms and occupation	No. of Dwellings	Parking spaces per dwelling	Cycles per dwelling
Apartment	1 bed - (2 people)	52	0.75 (unallocated)	1 unit per apartment
Apartment	2 bed - (3 people)	8	1 (unallocated)	1 unit per apartment
Maisonette	1 bed - (2 people)	20	1	Houses & Maisonettes have individual rear private gardens for cycle storage
House	2 bed - (4 people)	7	1	
House	3 bed - (5 people)	9	2	
House	4 bed - (6 people)	4	2	

18.27 The car parking standards (as a guide), would require development within a High Access Zone to provide the following:

18.28 Regarding the 60 apartments (52 x 1-bed and 8 x 2-bed), the development would need to provide a total of 45 spaces. There are 47 spaces, positioned adjacent to the apartments, to include 5 ambulant disability spaces. (The target provision is for 4% of the parking provision to be designated for use by people with disabilities, the 5 spaces will provide 10.6%). There will be one active vehicle charging point per 10 unallocated car parking spaces for the apartments and at least 1 long-term (secure/undercover) cycle unit per apartment block, located within the adjacent carpark(s).

18.29 The 1 bed maisonettes and 2 bed houses meet the requirement to provide 1 space per unit and the 3 bed and 4 bed houses to provide 2 spaces per unit. Each residential unit (houses and maisonettes) will be provided with an active electric vehicle charging point. The houses and maisonettes have their own private gardens, with a shed, which will enable safe cycle storage.

18.30 The applicant has provided additional justification relating to car parking provision.

18.31 Data provided from a comparable social housing site (Rounds Gardens), indicated that the development had an average of 0.3 cars per unit across 1 and 2-bedroom dwellings, which demonstrates that the social housing tenant base (for 1 and 2-bedroom properties) has significantly less demand for parking than the Local Plan standards. The former Biart Place development had a similar demographic and also had underutilised car parking on site.

18.32 Warwickshire County Council recommend the size of a parking space as a minimum of 2.4m width by 4.8m length. The car parking spaces all measure 2.5 x 5.5 metres. (disability-parking spaces are 0.9 metres wider).

18.33 The proposed car parking, cycle storage provision and electric vehicle charging points adheres with the guidance provided for the development typology, within a high access zone. It is therefore considered that suitable parking facilities can be provided in accordance with policy D2.

**19.0 Other Matters**

19.1 Cadent Gas/National Grid have been consulted regarding the development. Cadent have provided a response of no objection. However, due to the site being in close proximity to their medium and low-pressure assets, to ensure any necessary assets are properly protected, Cadent have requested an informative be included within the decision notice, advising the applicant/developer to register the development details at Line-search, prior to commencement.



19.2 Regarding the electricity pipeline, Cadent have also advised the applicant/developer to register the development at Line-search. The details will be included within the same informative.

19.3 The Fire Service provided a response of no objection, subject to the development meeting the fire safety criteria, as required by Approved Document B, Volume 1, Requirement B5 – Access and Facilities for the Fire Service. An informative note will be included to notify the applicant/developer's responsibility to fire safety. The applicant has provided details that the proposed development will comply with the Fire Safety guidance.

19.4 Warwickshire Police have been consulted and have provided a response of no objection, subject to an informative note to be included within the decision notice, relating to Crime Reduction and Community Safety matters.

19.5 The Rugby Borough Council Works Service Unit were consulted and provided a response of no objection, providing refuse collection vehicle can access the site and the refuse bins can be accessed and transferred to the refuse collection vehicle. Additionally, future applicants of the domestic dwellings need to be informed that refuse bins need to be presented at the kerbside by 7.30 a.m. on morning of collection. An informative note will be included within the decision notice.

19.6 Rugby Borough Council Corporate Property Department and Stagecoach (local bus company) have provided no representation.

## **20.0 Planning Obligations**

20.1 Paragraphs 55, 57 and 58 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.

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.

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

## **21.0 Ecological Considerations**

21.1 Warwickshire County Council Ecology advise that both Policy NE1 of the Local Plan and paragraph 174 of the NPPF promote development that provides a net gain for biodiversity. As the development indicates a biodiversity loss, the applicant will be required to offset the habitat unit loss generated by the development, which at present is 2.81 units, but will be higher as the trading rules need to be satisfied. The final unit score will need to be agreed prior to the signing of the S106, and the wording will require an offsetting plan to be presented to WCC prior to the development commencing.

21.2 It is considered that the above request from WCC Ecology meets the necessary tests and is CIL compliant.

## **22.0 Access, Traffic and Transport**

22.1 It is unlikely that Warwickshire County Council Highways will require any additional works necessary to make the development acceptable, however, if any are requested, they can be covered by way of a section 106 agreement.

## **23.0 Open Space, Sports Facilities and Recreation**

23.1 Local Plan Policy HS4: Open Space, Sports Facilities and Recreation states that all Residential development of 10 dwellings and above, shall provide or contribute towards the attainment of the Council's open space.

23.2 The development meets the threshold for providing or contributing towards open space provision, however, consideration must be given to the fact that the proposal is for redevelopment and the previous use of the land, being residential. The previous development included 2 high-rise apartment blocks and a low rise 2-storey block of maisonettes, which provided a total of 132 units. The current proposal will provide fewer units (100 units in total).

23.3 The applicant has confirmed that the previous development could provide residential accommodation for a maximum of 432 people. The current proposal could provide accommodation for a maximum of 265 people, which equates to fewer overall residents, and subsequently, less people using the current nearby open space and recreational areas. Therefore, it would be considered unreasonable for the Council to request for additional provision or a contribution towards the attainment of the council's open space.

23.4 It is considered that this request would not meet the necessary tests and subsequently, would not be CIL compliant.

## **24.0 NHS Contributions**

24.1 University Hospitals Coventry and Warwickshire – NHS Trust initially requested a sum of £179,777.00 to be secured through a Section 106 agreement, to go towards the gap in the funding created by each potential patient from this development. The NHS advise that without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development.

24.2 As previously stated, the replacement development will provide fewer residents, which would impact less on NHS services. Subsequently, the request would not comply with the Policy D4: Planning Obligations, which seeks to address the unacceptable impacts of development.

24.3 The NHS Trust has been made aware of the council's position and have been reconsulted, they have provided no further response or provided a final/revised request for contributions.

24.4 It is considered that this request would not meet the necessary tests and subsequently, would not be CIL compliant.

## **25.0 Heads of Terms**

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

<b>Obligations</b>	<b>Requirement</b>	<b>Trigger</b>
WCC Ecology	Provide habitat units to offset the habitat loss generated by the development and an offsetting plan.	To be agreed

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25.2 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. A viability report has not been submitted as part of this application.

25.3 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.

25.4 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.

25.5 Subject to the completion of a section 106 agreement the development would be in accordance with Policy D3 and D4 of the Local Plan.

## **26.0 Planning Balance**

26.1 The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The NPPF (Paragraph 7) identifies the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

26.2 Paragraph 8 continues to advise that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning systems three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The three objectives are an Economic, Social and Environmental objective.

## **27.0 Economic**

27.1 From an economic perspective, sections 5 & 6 of the NPPF refer to “Delivering a sufficient supply of homes” and “Building a strong, competitive economy” and highlights the Government’s commitment to securing positive economic benefits from development and growth together with circumstances where additional emphasis is provided to finding solutions for future housing provision.

27.2 The government, through the NPPF encourages sustainable growth and places “significant weight” when making planning decisions for proposals which secure economic growth and the delivery of housing.

27.3 It is acknowledged that the Council currently has a strong housing land supply position, however, this should not diminish the important aspect of affordable housing delivery in a sustainable location.

27.4 Given the acknowledged sustainability of the site and the ability to access services and facilities, balanced with the pressing need to provide new homes, the reuse of a brownfield site

and deliver construction related employment, there will be a clear economic benefit associated with this development.

27.5 This will be accrued by using local trades and building suppliers to provide materials, labour to construct the development, and the expenditure by future residents, towards shops, businesses and services (to include the nearby parade of shops and services) in the local area.

27.6 The proposed development accords with the economic dimension of sustainable development and should therefore be afforded positive weight in the determination of this application.

## **28.0 Social**

28.1 From a social perspective the NPPF sets out the “social role” in achieving sustainable development, which states that the role will: “support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”

28.2 The application site is previously developed land and will contribute towards meeting identified local need for housing, 100% affordable rented housing and apartments, within a sustainable, inclusive and mixed community. Providing future residents with the ability to access services, open space and recreational areas and facilities by means other than the private car.

28.3 It is considered that the clear social benefits carry substantial weight in favour of the proposed development.

## **29.0 Environmental**

29.1 From an environmental perspective, the NPPF sets out the “environmental role” in achieving sustainable development, which states that the role will:

29.2 “Contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.

29.3 The potential adverse impacts of the proposed development in relation to the creation of healthy, safe, and inclusive communities, provision of open space, sports facilities and recreation, dwelling type, tenure and design and appearance, residential amenity, sustainability, environmental health matters, air quality, landscape, ecological considerations, flood risk and drainage, highway safety and parking have all been considered.

29.4 Specifically, the scheme has provided notable environmental benefits to include the provision of Air Source Heat Pumps for heating, instead of gas. Photo Voltaic panels provided on each dwelling house and on the roof on the apartments. Ecological enhancements by way of bird and bat boxes will be incorporated into the buildings, together with hedgehog holes and bug hotels throughout the landscaping, permeable block paving with underground water attenuation tanks to reduce flood risk and electric vehicle car charging points for each house and maisonette and 1 charging point for every 10 parking spaces for the apartments.

29.5 Subsequently it has been demonstrated that there would be no adverse impacts in most instances. However, in other instances where potential adverse impacts are identified, it would be possible to mitigate against this impact through different measures and strategies, to include conditions or by planning obligations. This carries significant weight in favour of the proposed development.

29.6 The development would result in significant social and environmental benefits as well as economic benefits.

### **30.0 Conclusion**

30.1 In conclusion, it is considered that the development is acceptable, regarding the key material planning considerations, to include, the principle of development, the creation of healthy, safe, and inclusive communities, provision of open space, sports facilities and recreation, dwelling type, tenure and design and appearance, residential amenity, sustainability, environmental health matters, air quality, landscape, ecological considerations, flood risk and drainage, highway safety and parking.

30.2 Whilst the key material planning considerations relating to this application are acceptable for this development, it is recognised that the proposed layout, and onsite landscaping, could have been improved.

30.3 However, consideration must be given to the physical constraints of the site, the previous development, and the recognised need within the borough for social housing.

30.4 The previous development provided, and the proposed development will provide, affordable social housing.

30.5 The previous development included two blocks of high-rise flats and maisonettes. The flats, incorporated multi-storeys and was able to accommodate many residents, more than the proposed development, on a much smaller footprint. The high-rise flats were demolished, as they were an unsuitable and outdated type of residential accommodation.

30.6 The pressing need for affordable housing, and to try and provide a similar number of units, means that the development will occupy a larger footprint across the site, however, there will be less opportunity to include landscaping, and in some circumstances, the separation distance, between properties, is less than the recommended guidance figure.

30.7 However, the proposed units are an identified, more energy-efficient and desirable mix of 2-storey housing and maisonettes and 3-storey apartments, with the occupiers of the residential housing and maisonettes all having access to their own private garden.

30.8 On balance, it is concluded that the proposed development will provide much needed social housing, based on the current and projected demand of the Borough's social housing needs, with regard to the previous on-site social housing provision. The benefits of the development far outweigh any identified harm that would arise for the future occupiers of the dwellings or neighbouring properties. Moreover, it has been demonstrated that the development would result in significant social and environmental benefits as well as economic benefits.

30.9 Planning obligations set out in a Section 106 agreement will address adverse impacts of the development, ensuring it is acceptable in Planning terms.

30.10 In view of the above, the proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal would comply with policy GP1 of the Local Plan.

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

### **Recommendation**

1. Planning application R23/0282 be approved subject to:
  - a. the conditions and informatives set out in the draft decision notice appended to this report; and any additional conditions recommended by Warwickshire County Council Highways 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 any additional planning obligations recommended by Warwickshire County Council Highways.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chairman) 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:**  
R23/0282

**DATE APPLICATION VALID:**  
02-Mar-2023

**APPLICANT:**

C/O Agent, Rugby Borough Council, Town Hall, Evreux Way, Rugby, CV21 2RR

**AGENT:**

Mr John Roberts, RG+P, Waterloo House, Princess Road West, Leicester, LE1 6TR

**ADDRESS OF DEVELOPMENT:**

Biart Place, Rugby

**APPLICATION DESCRIPTION:**

Erection of 100no. dwellings with associated access, roads, car parking and landscaping.

**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:

The Design and Access Statement

The Application Form

Listers Geo - Geoenvironmental Investigation Report: 18.11.011 - January 2019

Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment - April 2019

Ridgeway Ecology - Phase 2 Bat Survey - 19th August 2019

Noise.co.uk - Environmental Noise Survey - 19450A-1-R1 - 20th February 2023

Micro Drainage - AAC5786 - Storm Sewer Design

MPV Tracking - AAC5786-RPS-XX-XX-DR-C-114-02 - AAC5786 - S4 - P02

Fire Tender Tracking - AAC5786-RPS-XX-XX-DR-C-114-03 - AAC5786 - S4 - P01

S38 Layout - AAC5786-RPS-XX-XX-DR-C-801-01 - AAC5786 - S4 - P01

Applied Geology - Ground Investigation - AG3254-21-AM75 - Issue 1 - August 2021

Applied Geology - Supplementary Ground Investigation - AG3254A-22-AP67 - Issue 2 - February 2023

Barton Hyett Associates - Arboricultural Survey Report - June 2022

RPS - Flood Risk Assessment and Conceptual Drainage Strategy - HLEF84095 - 2 February 2023

RPS - Travel Plan - JNY11431-03a - Version 03a - 28 February 2023

Planning Statement - M00481-RGP-ZZ-XX-T-A-0003 P01 - PROJECT NUMBER: 100-993

Peakecology Limited - Ecological Impact Assessment - Project No: WilDi27 - Client: Willmott Dixon - Date: 29/09/2021

Received by the Local Planning Authority on the 1st March 2023

The Letter - Re: WCC002745/FRM/GF/001 - Street Record, Biart Place, Rugby - 17th April 2023

AAC5786 - Flood risk from surface water

AAC5786 - Issue Sheet - 230417

AAC5786 SWS Calculations 230417

ACC5786 Half drain down time graph 1 & 2

Received 17th April 2023

RPS - Transport Assessment - JNY11431-02b - Version 03 - 6 April 2023

Received on the 19th April 2023

Tetra Tech - Biart Place, Rugby, CV23 3RF - Air Quality Assessment - 784-B040231 - 11th May 2023 - Issue 2 - dated 11/05/2023

Received on the 12th May 2023

Flood Routing Plan - M00481-RPS-xx-xx-DR-C-111-01 - AAC5786 - S3 - P02

Engineering Layout - M00481-RPS-xx-xx-DR-C-100-01 - AAC5786 - S3 - P04

Flood Risk - AAC5786 - Graph 1 to 7

Received on the 19th May 2023

Barton Hyett Associates - Arboricultural Impact Assessment - March 2023

Received on the 7th June 2023

Peakecology Limited - Biodiversity Net Gain Assessment - Project No: WilDi27.1 - Client:

Willmott Dixon - Date: 12/06/2023

The Biodiversity Metric 4.0 Calculation Tool

Received on the 12th June 2023

Refuse Vehicle Track - M00481-RPS-xx-xx-DR-C-11401 - S3 - P04

Existing Sub Station Vehicle Tracking - M00481-RPS-xx-xx-DR-C-11404 - S04 - P01

Received on the 21st June 2023

M00481-RPS-XX-XX-DR-L-9001 - Detailed Soft Landscape Proposals (Sheet 1 of 2) - JSL4637 - S3 - P08

M00481-RPS-XX-XX-DR-L-9002 - Detailed Soft Landscape Proposals (Sheet 2 of 2) Planting Schedule & Specification - JSL4637 - S3 - P08

M00481-RPS-XX-XX-DR-L-9003 - Soft Landscape BNG Measurements - JSL4637 - S3 P07

Received on the 22nd June 2023

M00481-RGP-ZZ-XX-DR-A-0026 P04 - Type D - 3b5p Elev. Style B - Plots 006-007 & 012-013

M00481-RGP-ZZ-XX-DR-A-0027 P04 - Type D - 3b5p Elev. Style B - Plots 038-040

M00481-RGP-ZZ-XX-DR-A-0028 P04 - Type E - 4b6p - Elev. Style B & C Plots 008-009 and 010-011

M00481-RGP-ZZ-XX-DR-A-0029 P04 - Type F - 2b4p Elev. Style B - Plots 014-015 and 016-017

M00481-RGP-ZZ-XX-DR-A-0030 P04 - Type F - 2b4p Elev. Style B - Plots 003-005

M00481-RGP-ZZ-XX-DR-A-0031 P04 - Type H1 - 3b5p Elev. Style A - Plot 024

M00481-RGP-ZZ-XX-DR-A-0032 P04 - Type J - 1b2p Maisonette Plots 001-002 and 025-026

M00481-RGP-ZZ-XX-DR-A-0033 P04 - Flats - Plots 041-55; 071-085 & 086-100

M00481-RGP-ZZ-XX-DR-A-0034 P04 - Flats - Plots 056-70



M00481-RGP-ZZ-XX-DR-A-0037 P04 - Type L - 1b2p Maisonette  
M00481-RGP-ZZ-XX-DR-A-0038-P04 - Bin Stores  
M00481-RGP-ZZ-XX-DR-A-0039 P04 - Dwellings - Type J - 1b2p Maisonette OP - Plots 027-28  
11401  
M00481-RGP-ZZ-XX-DR-A-0040 P04 - Type J - 1b2p Maisonette OP - Plots 029-030  
M00481-RGP-ZZ-XX-DR-A-0041 P04 - Type K - 1b2p Maisonette Angled - Plots 032-33  
M00481-RGP-ZZ-XX-DR-A-0045 P04 - Type H - Plot 035  
M00481-RGP-ZZ-XX-DR-A-0048 P03 - Type JJ - 1b2p Maisonette - Plots 018-021  
M00481-RGP-ZZ-XX-DR-A-0049 P02 - Type J - 1b2p Maisonette Plots 022-023  
M00481-RGP-ZZ-XX-DR-A-0050 P02 - EV Charging Plan  
M00481-RGP-ZZ-XX-DR-A-0051 P02 - Boundary plan  
M00481-RGP-ZZ-XX-DR-A-0052 P02 - External Materials  
M00481-RGP-ZZ-XX-DR-A-0054 P01 - Site Sections 1/2  
M00481-RGP-ZZ-XX-DR-A-0055 P01 - Site Sections 2/2  
M00481-RGP-ZZ-XX-DR-A-0056 P02 - Cycle Stores  
M00481-RGP-ZZ-XX-DR-A-0057 P01 - Location Plan  
M00481-RGP-ZZ-XX-DR-A-0058 P01 - Site Fire Strategy  
M00481-RGP-ZZ-ZZ-DR-A-0011 P07 - Material Distribution Plan  
Received on the 23rd June 2023

Briary Energy - The Energy Strategy Statement - June 2023  
Received on the 26th June 2023

Site Layout - M00481-RGP-ZZ-XX-DR-A-0015 P18  
Received on the 27th June 2023

**REASON:**

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

**CONDITION 3:**

The facing materials to be used on the external walls and roof of the dwellings, maisonettes and flats/apartments shall be as specified within the application form, and the samples received by the Local Planning Authority.

Bricks - The Bespoke Brick Co - Armada Red Multi  
Bricks - Taylor Maxwell - Cadeby Red Multi  
Bricks - Ibstock Brick - Grey  
Roof Tile - Marley Duo Edgemere - Slate Grey  
Cladding - Valcan cermapanel - Natural Textures Raw 1021 Light Slate  
Pitched Roof Covering - IKO Armourplan P - Mid Grey  
Doors - Doorco RCSP - Colour 085 Blue, 085 Black and 086 Green  
External Window Frames - Nationwide UPVC 7016 Smooth  
Feature boarder to flat/apartments elevations - Dales 14G aluminium window surround - 7016  
Matt

**REASON:**

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

**CONDITION 4:**

Prior to the first occupation of the dwellings, each dwelling shall be provided with the facility to enable broadband internet connection.

**REASON:**

To ensure there is appropriate facility for broadband internet connection.

**CONDITION 5:**

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

**REASON:**

In the interests of sustainability and water efficiency.

**CONDITION 6:**

**Construction Management Plan**

Prior to the commencement of any works, a Construction Management Plan shall be submitted in writing to, and approved by, the Local Planning Authority. The recommendations from the Tetra Tech Biart Place, Rugby, CV21 3RF Baseline Air Quality Assessment 784-B040231 11th May 2023 - Construction phase controls 5.3 Dust section 7.0 Mitigation with 7.1 construction phase with highly recommended measures in table 7-1 should be incorporated into the CMP.

This shall include details relating to:

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

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

**REASON:**

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

**CONDITION 7:**

**Contaminated land**

No development other than that required to be carried out as part of an approved scheme of remediation shall commence [in any phase of the development] until condition (b) to (d) below have been complied with [for that phase]. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination. Condition (a) has been met with the submission of the following reports however remains due to actions to be taken should previously unidentified contamination be found:

Listers Geo Geoenvironmental investigation report No. 18.11.011 January 2019 issue 3 8th February 2019 Final

Applied Geology AG3254-21-AM75 Report on ground investigation at Biart Place, Rugby status Validated issue 1 date August 2021 and Applied Geology AG3254A-22-AP67-Issue 2 report status Validated Issue 2 date February 2023

(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 8:**

Prior to installation of the air source heat pumps (ASHP's) it shall be demonstrated that the noise from such plant will not adversely affect residential amenity in the area. Prior to installation a scheme of works shall be submitted to and approved by the Local Planning Authority and any

mitigation kept for the operation of the ASHP. Reference shall be had to BS4142:2014+A1:2019 due to the nature of the equipment.

**REASON:**

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

**CONDITION 9:**

The window(s) to be created in the south-west elevation of the flats/apartment blocks - Plots 41 and 55 - at first-floor level or above, shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

**REASON:**

In the interest of residential amenity.

**CONDITION 10:**

The window(s) to be created in the rear elevation, at first-floor level; of Plots 25 and 26 shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

**REASON:**

In the interest of residential amenity

**CONDITION 11:**

This permission shall be implemented by Rugby Borough Council, or a Registered Social Landlord only, for the provision of affordable housing.

**REASON:**

The proposal is only acceptable because of the application is for the provision of affordable housing.

**CONDITION 12:**

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (HLEF84095 - February 2023) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects

**REASON:**

To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

**CONDITION 13:**

No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should

1. Provide the names of the parties responsible, including contact names, addresses, email addresses and phone numbers
2. Provide evidence of a section 104 agreement with the appropriate water management company to demonstrate that relevant drainage features and reuse of the existing connection to the public sewer will be adopted and maintained in perpetuity.
3. Include plans showing the locations of features requiring maintenance and how these should be accessed.
4. Provide details on how surface water each relevant feature shall be maintained and managed for the life-time of the development.
5. 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 14:**

All proposed landscape planting detailed within the final approved detailed soft landscape proposal must be planted in the 1st planting season following completion of construction. If within a period of 5 years from the date of planting of any tree/hedge/shrub that tree, or any tree/hedge/shrub planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/hedge/shrub of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

**REASON:**

To maintain and enhance continuity of tree/hedge/shrub cover within the site and local landscape.

**CONDITION 15:**

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 LPA. 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 16:**

The bin and cycle stores shall be provided, in accordance with the approved details, prior to the first occupation of the dwelling(s) it serves.

**REASON:**

In the interest of visual and residential amenity.

**CONDITION 17:**

Prior to occupation, each dwelling will be provided with access to electric vehicle charging point - in accordance with the plans EV Charging Plan - M00481-RGP-ZZ-XX-DR-A-0050 P02

**REASON:**

To ensure the proper development of the site, to reduce air pollution and to encourage sustainable travel methods.

**CONDITION 18:**

Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any order amending, revoking or re-enacting that Order, other than those fences, walls and gates shown on the approved plans, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of, or to the side of the dwellings hereby approved including driveways, without the prior permission of the Local Planning Authority.

**REASON:**

In the interests of the visual amenities of the locality.

**CONDITION 19:**

Notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any order amending, revoking or re-enacting the Order, no hard surface shall be constructed within the landscaped areas in front of, or to the side of the dwelling houses and no new means of vehicular or pedestrian access constructed to the adjoining public highway or shared/private drive without the prior permission of the Local Planning Authority.

**REASON:**

In the interests of the visual amenities of the locality.

**CONDITION 20:**

No dwelling shall be occupied until the parking areas has been provided for that plot in accordance with the approved details listed in this decision. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

**REASON:**

To ensure adequate parking provision, to ensure the proper development of the site and in the interest of visual amenity.

**CONDITION 21:**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting those orders, no

development shall be carried out, at Plots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 , 15, 16, 17, 24, 35, 38, 39 and 40 (dwelling houses) within which comes within Classes A, B and D of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

**REASON:**

In the interest of residential amenity.

**CONDITION 22:**

Prior to the progression of the development hereby permitted above slab level, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the local planning authority. The plan is to cover both the development site and the habitat offset area referred to in the Biodiversity Net Gain Assessment report by Peak Ecology Limited (report dated 12/06/2023) and shall include details of habitat features to be retained/created/enhanced and their long-term management, as well as information on the body or organisation responsible for implementation plan. Thereafter, the BEMP shall be implemented and managed/maintained in full accordance with the approved details for no less than 30 years.

**REASON:**

To enhance the biodiversity value of the site.

**CONDITION 23:**

Prior to the progression of the development hereby permitted above slab level, a wildlife enhancement scheme shall be submitted to and approved in writing by the local planning authority. The scheme is to include provision for bats, nesting birds and access gaps for hedgehogs in suitable new fencing. Such approved scheme shall thereafter be implemented in full.

**REASON:**

To enhance the biodiversity value of the site.

**CONDITION 24:**

The development hereby permitted shall be carried out in full accordance with the recommended mitigation measures for protected and priority species contained in section 5.2.2 of the Ecological Impact Assessment by Peak Ecology Limited, report dated 29/09/2021.

**REASON:**

To ensure protected species are not harmed by the development.

**INFORMATIVE 1:**

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](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, and regarding electrical assets, to ensure the protection of lives, cables and pipes, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

#### INFORMATIVE 2:

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 3:

The development is required to comply with Approved Document B, Volume 1, 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-commercial-domestic-planning](http://www.warwickshire.gov.uk/fireguidance-commercial-domestic-planning)

Where compliance cannot be met, the developer/applicant should provide details of alternative measures they intend to put in place.

Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18; Access for Emergency Vehicles.

#### INFORMATIVE 4:

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.

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

#### INFORMATIVE 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](https://www.rugby.gov.uk/info/20084/planning_control/76/street_naming_and_numbering) .

#### INFORMATIVE 6:

Warwickshire Police have provided the following advice

- If the proposed development includes homes where there is rear access to multiple dwellings, evidence shows that the distribution of burglary in terraced housing with open rear access footpaths shows that up to 85% of entries occurred at the back of the house. Where there is rear access to multiple rear gardens this access needs to be gated at the front of the building line and with a self-closing spring, and a snap shut lock, that needs a key to release.
- All perimeter fencing should be 1.8 metre high close boarded fencing however where it backs onto open space it should be topped with 0.2 trellis, so the overall height is 2 metres in height.
- Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2020. A Uo value of 0.4 or 40% is recommended to ensure



that lighting installations do not create dark patches next to lighter patches where our eyes would have difficulty in adjusting quickly enough for us to see that it was safe to proceed along any route.

- Fencing or similar be considered along the open space areas and balancing pools, this will refrain vehicles driving onto the open space causing anti-social behaviour or injuring someone who is using the space for play
- Footpaths and emergency routes that lead onto the development should have staggered bollards installed to stop motor bikes riding onto the site.

Warwickshire Police ask that the applicant/ agent adopts the principles of 'secured by design' and evidence how they have designed in features to deter crime and anti-social behavior as per Sustainable Design and Construction Supplementary Planning Document 2020

[https://www.securedbydesign.com/images/downloads/HOMES\\_BROCHURE\\_2019\\_update\\_May.pdf](https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_update_May.pdf)

Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be made as secure as possible. All plant and machinery should be stored in a secure area. Tools and equipment should be marked in such a way that they are easily identifiable to the company. Consideration should be given to the use of security patrols. Developers are now requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for us in the case of an emergency. A grid reference for the site should be provided. This will help to reduce the possibilities of a delayed response.

[CONSTRUCTION\\_SITE\\_SECURITY\\_GUIDE\\_A4\\_8pp.pdf \(securedbydesign.com\)](#)

#### INFORMATIVE 7:

Rugby Borough Council Works service require the development to comply with the following.

- The doors to the refuse/bin stores, which serve the flats, must open outwards, and there must be a dropped kerb at the end of the path, to allow refuse/bins to be transferred to the refuse collection vehicle.
- The highway must comply with Highway Standards to allow access for a 26-tonne refuse collection vehicle.
- All domestic properties will need to present their bins kerbside by 7.30 a.m. on morning of collection.

#### INFORMATIVE 8:

Construction hours

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

Monday – Friday                      7.30 a.m. – 6.00 p.m.

Saturday                                  8.30 a.m. – 1.00 p.m.

**NO WORK ON SUNDAYS & BANK HOLIDAYS.**

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

#### INFORMATIVE 9:

Impacts from existing activities.

The development is close to the railway line and busy road, so will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with them. Works on the railway may in particular extend into the night-time period.

**INFORMATIVE 10:**

**Piling**

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 11:**

**Private sector housing team comments**

This development will be subject to separate enforcement regimes including, but not limited to, the Housing Act 2004, building regulations and Council's Standards of Amenity. Advice may be sought from Housing Enforcement on (01788) 533857 prior to any work commencing. All fire precautions should be considered to ensure an effective means of escape from the property.

**INFORMATIVE 12:**

**Smoke control area**

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

**INFORMATIVE 13:**

Wherever possible the applicant is encouraged to use sustainable and environmentally friendly construction and work practices, to include the sourcing of materials, during the construction phase, and when removing, recycling, and disposing of waste from the site.

**INFORMATIVE 14:**

This development is subject to a s106 legal agreement.

**AGENDA MANAGEMENT SHEET**

**Report Title:** Diversion of footpath R222 Leamington Hastings

**Name of Committee:** Planning Committee

**Date of Meeting:** 19 July 2023

**Report Director:** Chief Officer - Legal and Governance

**Portfolio:** Growth and Investment

**Ward Relevance:** Leam Valley

**Prior Consultation:** Yes

**Contact Officer:** Marian Allen, Senior Legal Officer,  
marian.allen@rugby.gov.uk

**Public or Private:** Public

**Report Subject to Call-In:** No

**Report En-Bloc:** No

**Forward Plan:** No

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

**Summary:** Confirmation of Public Path Order.

**Financial Implications:** None

**Risk Management/Health and Safety Implications:** None

**Environmental Implications:** None

<b>Legal Implications:</b>	None
<b>Equality and Diversity:</b>	None
<b>Options:</b>	Confirm unopposed Public Path Order.
<b>Recommendation:</b>	Confirmation of Borough of Rugby (Part of Bridleway R222 Leamington Hastings) Public Path Diversion Order 2023.
<b>Reasons for Recommendation:</b>	No objections.

**Planning Committee - 19 July 2023**

**Diversion of footpath R222 Leamington Hastings**

**Public Report of the Chief Officer - Legal and Governance**

**Recommendation**

Confirmation of Borough of Rugby (Part of Bridleway R222) Public Path Order 2023.

On 17 August 2021, planning permission R21/0887 was approved for the demolition of existing dwellinghouse and construction of a replacement dwellinghouse, conversion and extension of barns to a dwellinghouse including demolition of agricultural buildings, construction of a building for ancillary use, construction of stable block at Malvern Hall Farm, South Road, Leamington Hastings. Part of the development requires the diversion of part of footpath R222.

On 19 April 2023, an Order under the provisions of Section 257 of the Town and Country Planning Act 1990 was made and advertised. The effect of the Order is to stop up part of bridleway R222 and create a replacement bridleway as shown on the attached plan and described in the attached Order.

The Committee is therefore asked to confirm the Public Path Order unopposed.

**Name of Meeting:** Planning Committee

**Date of Meeting:** 19 July 2023

**Subject Matter:** Diverison of part of footpath R222 Leamington Hastings

**Originating Department:** Legal and Governance

**DO ANY BACKGROUND PAPERS APPLY**  YES  NO

**LIST OF BACKGROUND PAPERS**

<b>Doc No</b>	<b>Title of Document and Hyperlink</b>

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

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Exempt information is contained in the following documents:

<b>Doc No</b>	<b>Relevant Paragraph of Schedule 12A</b>

**RUGBY BOROUGH COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**  
**THE BOROUGH OF RUGBY**  
**(PART OF BRIDLEWAY R222 LEAMINGTON HASTINGS)**  
**PUBLIC PATH ORDER 2023**

This Order is made by the Rugby Borough Council (“the Council”) under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up part of **Bridleway R222** and create a new **bridleway** to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 by the Council for demolition of existing dwellinghouse and construction of a replacement dwellinghouse, conversion and extension of barns to a dwellinghouse including demolition of agricultural buildings, construction of a building for ancillary use, construction of stable block Reference Number R21/0887

**BY THIS ORDER**

1. Part of the bridleway R222 shown by a continuous black line on the attached map and described in Part 1 of the Schedule to the Order (“the Schedule”) shall be stopped up as provided below.
2. There shall be created to the reasonable satisfaction of the Council an alternative **bridleway R222** for use as a replacement for the said part of bridleway R222 provided in Part 2 of the Schedule and shown by black dashes on the attached map
3. The stopping up of the **bridleway** shall have the effect on the date on which the Council certify that the terms of Article 2 above have been complied with.

4. Where immediately before the date on which the **bridleway** to be stopped up there is apparently under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they had
5. The following works shall be carried out in relation to the highway described in Part f the Schedule
6. The **bridleway** will be 4 metres wide of natural/grass surface

## **SCHEDULE**

### **PART 1**

#### **DESCRIPTION OF SITE OF EXISING BRIDLEWAY**

##### **Between Points A-B**

**Stop up part of bridleway** from Point A (Grid Reference 444185 265981) south for approximately 212 metres to Point B (Grid Reference 444158 265725)

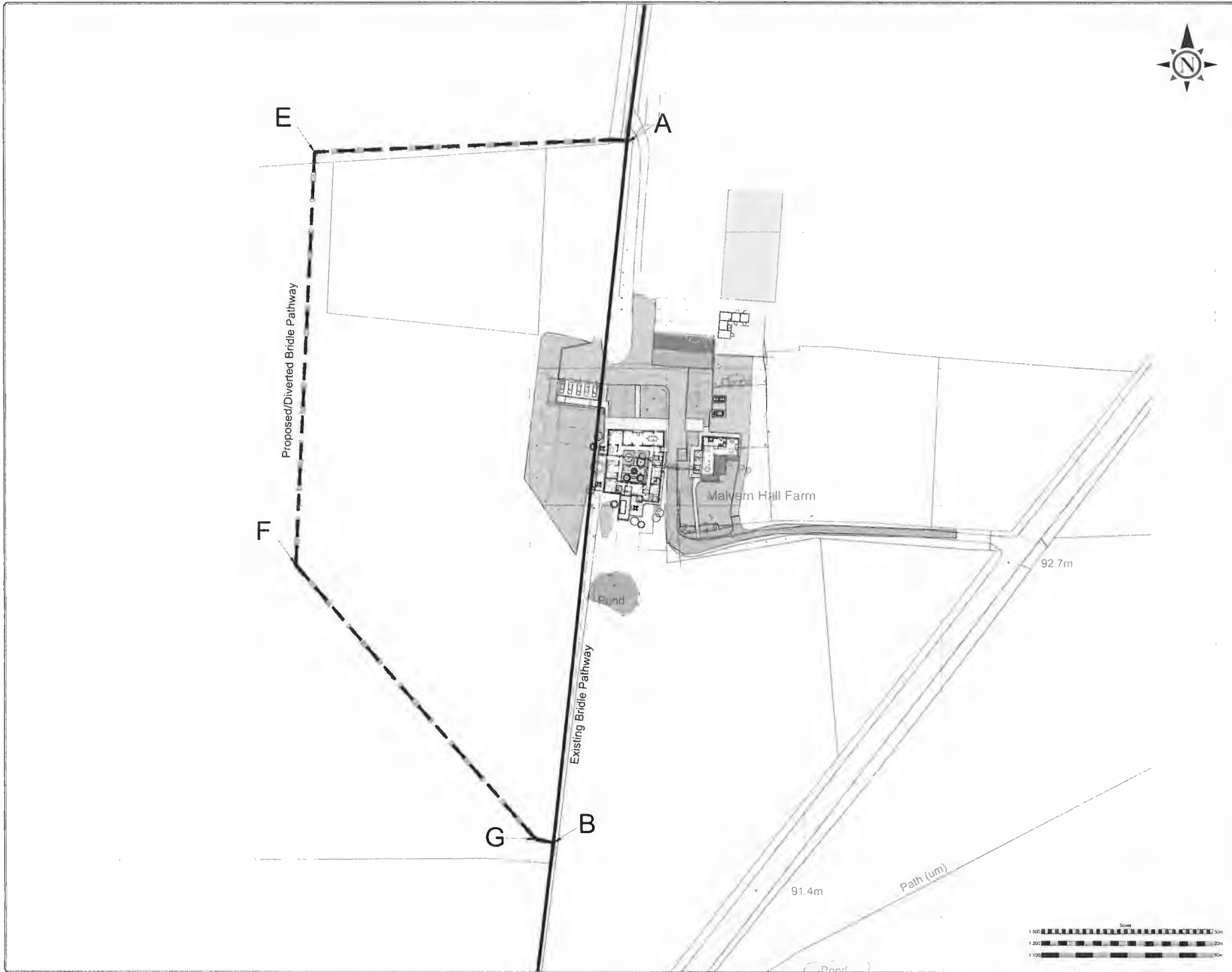
### **PART 2**

#### **DESCRIPTION OF SITE OF NEW BRIDLEWAY**

##### **Between Points A-E-F-G-B on the Order Plan**

Create a new **Bridleway** turning west from Point A (Grid Reference 444185 265981) for approximately 114 metres to Point E (Grid Reference 444071 265977) turning south for approximately 150 metres to Point F (Grid Reference 444064 265826), turning south easterly for approximately 118 metres to Point G (Grid Reference





**Legend**

Proposed/Diverted Bridle Pathway	Existing Bridle Pathway	Malvern Hall Farm	Boundary
...	...	...	...

**Station Table**

Station	UTM Easting	UTM Northing

**Drawing Notes**

**TheWigleyGroup**

Project Name:  
 Malvern Hall Farm  
 Leamington Hastings  
 Rugby  
 CV23 8EY

Proposed Bridle path Diversion

DT	DT	DT	DT	DT	DT

Project Number: UM22-1228-WGY      1 OF 1      0



44151 265727) turning east for approximately 6 metres to rejoin the existing  
bridleway at Point B (Grid Reference 444158 265725)

THE COMMON SEAL OF  
RUGBY BOROUGH COUNCIL  
was hereunto affixed  
the 19 day of April 2023  
in the presence of




Sarah Chapman  
Legal and Governance Manager  
Authorised officer on behalf of the Chief Officer for Legal and  
Governance  
(The Officer appointed for this purpose)

57/23

DATED 19 April 2023

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**

**THE RUGBY BOROUGH COUNCIL**  
**PART OF BRIDLEWAY R22 LEAMINGTON HASTINGS)**

**PUBLIC PATH ORDER 2023**

**AGENDA MANAGEMENT SHEET**

<b>Report Title:</b>	Delegated Decisions - 1 June to 28 June 2023
<b>Name of Committee:</b>	Planning Committee
<b>Date of Meeting:</b>	19 July 2023
<b>Report Director:</b>	Chief Officer - Growth and Investment
<b>Portfolio:</b>	Growth and Investment
<b>Ward Relevance:</b>	All
<b>Prior Consultation:</b>	None
<b>Contact Officer:</b>	Chief Officer - Growth and Investment
<b>Public or Private:</b>	Public
<b>Report Subject to Call-In:</b>	No
<b>Report En-Bloc:</b>	No
<b>Forward Plan:</b>	No
<b>Corporate Priorities:</b>	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) <a href="#">Corporate Strategy 2021-2024</a> <input type="checkbox"/> This report does not specifically relate to any Council priorities but
<b>(C) Climate</b> <b>(E) Economy</b> <b>(HC) Health and Communities</b> <b>(O) Organisation</b>	
<b>Summary:</b>	The report lists the decisions taken by the Chief Officer for Growth and Investment under delegated powers.
<b>Financial Implications:</b>	There are no financial implications for this report.
<b>Risk Management Implications:</b>	There are no risk management implications for this report.

<b>Environmental Implications:</b>	There are no environmental implications for this report.
<b>Legal Implications:</b>	There are no legal implications for this report.
<b>Equality and Diversity:</b>	There are no equality and diversity implications for this report.
<b>Options:</b>	
<b>Recommendation:</b>	The report be noted.
<b>Reasons for Recommendation:</b>	To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers.

**Planning Committee - 19 July 2023**

**Delegated Decisions - 1 June to 28 June 2023**

**Public Report of the Chief Officer - Growth and Investment**

**Recommendation**

The report be noted.

**Name of Meeting:** Planning Committee

**Date of Meeting:** 19 July 2023

**Subject Matter:** Delegated Decisions - 1 June to 28 June 2023

**Originating Department:** Growth and Investment

**DO ANY BACKGROUND PAPERS APPLY**  YES  NO

**LIST OF BACKGROUND PAPERS**

<b>Doc No</b>	<b>Title of Document and Hyperlink</b>

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

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Exempt information is contained in the following documents:

<b>Doc No</b>	<b>Relevant Paragraph of Schedule 12A</b>

## Delegated

### 8 Weeks Advert

#### Applications Approved

R23/0431	36A, HIGH STREET, RUGBY,	New external Signage
8 Weeks Advert	CV21 3BW	
Approval		
12/06/2023		

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### 8 Weeks PA Applications

#### Applications Refused

R22/0797	CHESTNUT COTTAGE, POST	First-floor extension and ground-
8 Weeks PA	OFFICE ROAD, LEAMINGTON	floor refurbishment of Chestnut
Refusal	HASTINGS, RUGBY, CV23 8DZ	Cottage, Leamington Hastings
12/06/2023		

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R23/0529	5, Edyvean Close, Rugby,	PROPOSED CHANGE OF USE
8 Weeks PA	Warwickshire, CV22 6LD	OF EXISTING GARAGE TO
Refusal		ANNEX, PLUS NEW ATTACHED
15/06/2023		SINGLE GARAGE

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R23/0351	Land to the rear of 62-70,	Erection of an Agricultural Barn
8 Weeks PA	SCHOOL STREET, WOLSTON,	
Refusal	COVENTRY, CV8 3HF	
21/06/2023		

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## Delegated

### 8 Weeks PA Applications

#### Applications Refused

R23/0403

8 Weeks PA

Refusal

27/06/2023

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

Retention of children's  
playground, security barrier and  
gatehouse for a temporary period  
of 18 months

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#### Applications Approved

R22/0636

8 Weeks PA

Approval

02/06/2023

20, SHILTON HOUSE,  
LEICESTER ROAD, SHILTON,  
COVENTRY, CV7 9HT

Retrospective application for  
replacement timber gates to the  
main access and reinstate lion  
statues.

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R23/0357

8 Weeks PA

Approval

02/06/2023

117, NEWBOLD ROAD, RUGBY,  
CV21 2NZ

Proposed ancillary basement  
storage to serve apartments  
approved by planning permission  
R19/0902 (Variation of Condition  
2 of Planning Application  
R17/2113(Approved Plans)-  
Residential development  
comprising part-3/part-4 and  
part-5 storey building  
incorporating 98no. apartments,  
reconfiguration of existing  
access, provision of 61 parking  
spaces, cycle and refuse  
provision planting and  
landscaping) and subsequent

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## Delegated

### 8 Weeks PA Applications Applications Approved

application R19/1496 - The extension of the approved scheme at 117 Newbold Road, Rugby from 98 apartments to 122 apartments including the provision of 73 parking spaces, secure cycle and refuse storage and new planting and landscaping

R23/0073  
8 Weeks PA  
Approval  
07/06/2023

48, CHAPEL STREET, LONG  
LAWFORD, RUGBY, CV23 9BH

Extensions and alterations to outbuilding (part retrospective) for incidental use to the residential dwelling

R22/1205  
8 Weeks PA  
Approval  
09/06/2023

8, Pennington Mews, Rugby,  
CV21 2RG

Single storey rear extension and car port conversion to habitable room

R23/0279  
8 Weeks PA  
Approval  
09/06/2023

3, GRANGE ROAD, RUGBY,  
CV21 1EJ

Demolition of the existing garage and proposed erection of 1 (no) dwelling (resubmission of previously approved application R20/0910)

R23/0405  
8 Weeks PA  
Approval

42 JACKSON ROAD,  
HILLMORTON, RUGBY, CV21  
4LS

Single storey rear extension

## Delegated

### 8 Weeks PA Applications

#### Applications Approved

09/06/2023

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R23/0332 8 Weeks PA Approval 12/06/2023	3 , Main Street, Birdingbury, Warwickshire, CV23 8EL	Driveway and parking area
R23/0347 8 Weeks PA Approval 13/06/2023	STONE COTTAGE, VICARAGE LANE, DUNCHURCH, RUGBY, CV22 6QP	Install of a log cabin within the rear of the property
R23/0402 8 Weeks PA Approval 13/06/2023	27, EDEN ROAD, RUGBY, CV21 4HS	RECONSTRUCTION OF SINGLE STOREY ATTACHED OUTBUILDING WITH REAR EXTENSION
R23/0511 8 Weeks PA Approval 13/06/2023	11, WINDMILL CLOSE, Rugby, CV21 4EJ	New porch to the front of the house
R22/1281 8 Weeks PA Approval 14/06/2023	Land to the rear of The Old Forge, Main Street Thurlaston Rugby CV23 9JS	Erection of 1 no. detached dwelling with garage and access off Biggin Hall Lane. (Revised Scheme R20/0188)

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## Delegated

### 8 Weeks PA Applications Applications Approved

ROMAN VIEW, GREEN LANE,  
WIBTOFT, LUTTERWORTH,  
LE17 5BB

R23/0309  
8 Weeks PA  
Approval  
14/06/2023

Alteration to previous planning application by removing the side extension and extending the rear extension all the way across.

R23/0333  
8 Weeks PA  
Approval  
14/06/2023

11 , Pine Grove, Hillmorton,  
Rugby, Warwickshire, CV21 4BL

Dormer Extension to First Floor and single storey rear extension

R23/0342  
8 Weeks PA  
Approval  
14/06/2023

51, HAWLANDS, RUGBY, CV21  
1JR

Erection of ground floor bedroom and en suite.

R23/0302  
8 Weeks PA  
Approval  
16/06/2023

224, RUGBY ROAD, BINLEY  
WOODS, COVENTRY, CV3 2BD

Erection of single-storey rear extension, new porch and dropped kerb to front of property.

R23/0455  
8 Weeks PA  
Approval  
16/06/2023

122 PYTCHLEY ROAD, RUGBY,  
CV22 5NF

Proposed Side & Rear Extension.

## Delegated

### 8 Weeks PA Applications Applications Approved

R23/0534 8 Weeks PA Approval 16/06/2023	8, GARDENERS END, RUGBY, CV22 7RQ	PROPOSED SINGLE STOREY REAR EXTENSION TO DWELLING.
R23/0263 8 Weeks PA Approval 19/06/2023	246, DUNCHURCH ROAD, RUGBY, CV22 6HX	Retrospective application for retaining boundary walls and proposed outbuilding
R23/0372 8 Weeks PA Approval 20/06/2023	9, KILBRACKEN HOUSE, BARBY ROAD, RUGBY, CV22 5DX	Proposed internal refurbishment of the existing boarding house and the erection of a three-storey extension, a first-floor extension, and associated landscaping.
R23/0591 8 Weeks PA Approval 20/06/2023	1, HORNBEAM CLOSE, RUGBY, CV21 1RB	Single storey rear extension to dwelling.
R21/1241 8 Weeks PA Approval 21/06/2023	MULBERRY LODGE, BIRDINGBURY ROAD, LEAMINGTON HASTINGS, RUGBY, CV23 8DY	Erection of a first floor front extension, open porch, two storey side and front extension, single storey rear extension and detached carport

## Delegated

### 8 Weeks PA Applications Applications Approved

65, Gibson Drive, Rugby, CV21  
4LJ

R23/0076  
8 Weeks PA  
Approval  
23/06/2023

Removal of earth, the installation  
of gabion walls and other  
associated landscaping works  
(retrospective).

R23/0554  
8 Weeks PA  
Approval  
27/06/2023

CROSSWAYS FARM, CICEY  
LANE, BURTON HASTINGS,  
NUNEATON, CV11 6RJ

Proposed Timber outbuilding/  
barn structure for the use of  
Machinery, Classic Car and  
Storage.

R22/1217  
8 Weeks PA  
Approval  
28/06/2023

150B, Railway Terrace, Rugby,  
Warwickshire, CV21 3HN

Change of use of existing  
building from retail (Class E) to  
residential (Class C3) with first  
floor rear extension to create 4  
no. residential units.

R23/0411  
8 Weeks PA  
Approval  
28/06/2023

97, HALFWAY LANE,  
DUNCHURCH, RUGBY, CV22  
6RD

Erection of an outbuilding to the  
front of the property

### Conditions Applications Approved

Brinklow Waterside and Marina,

## Delegated

### Conditions

#### Applications Approved

Cathiron Lane, Brinklow, CV23  
0JH

R23/0457  
Conditions  
Approval  
07/06/2023

Approval of details in relation to conditions 3, 4 and 6 attached to R22/1037 - Proposed Change of Use of 30 existing leisure moorings to residential moorings at Brinklow Waterside and Marina, Cathiron Lane, Brinklow, CV23 0JH.

R23/0461  
Conditions  
Approval  
07/06/2023

LAND NORTH OF COVENTRY  
ROAD, COVENTRY ROAD,  
LONG LAWFORD

Travel plan in relation to Schedule 1 Clause 5.1 of the S106 agreement of R17/1089 (Development of 149 residential dwellings with associated infrastructure).

R23/0632  
Conditions  
Approval  
08/06/2023

PLOT 5, ANSTY AERODROME  
(PROSPERO ANSTY), COMBE  
FIELDS ROAD, COOMBE  
FIELDS, COVENTRY, CV7 9JR

Application for approval of details relating to condition 7 (parts a and b) (Contamination) of R21/0525 (Plot 5, Prospero Ansty) for the erection of a building and use for Class B8 (storage and distribution).

R23/0520  
Conditions  
Approval  
14/06/2023

GILWOOD HOUSE, MAIN  
STREET, FRANKTON, RUGBY,  
CV23 9PB

Condition 6: Bat Box and Bird Box scheme.  
Two storey side extension to form Study and Sitting area of the

## Delegated

### Conditions Applications Approved

ground floor and an En-suite on the first. Single storey Porch to front elevation. Overall exterior aesthetic upgraded with new materials.

R22/0864  
Conditions  
Approval  
16/06/2023

LAND NORTH OF COVENTRY  
ROAD, COVENTRY ROAD,  
LONG LAWFORD

Approval of details in relation to condition 10 and 11 attached to R17/1089 - Construction Environmental Management Plan and Construction Method Statement

R22/1351  
Conditions  
Approval  
19/06/2023

130, ASHLAWN ROAD, RUGBY,  
CV22 5EP

Approval of details related to condition 3- Construction Method Statement, 4- landscaping scheme, 6- floor levels, 7- materials, 8- air quality, 9- surface water drainage, 10- bin storage and 14- vehicular access of R21/0872 (PROPOSED 3 NO. NEW BUILD DWELLINGS WITH DETACHED GARAGES AND ASSOCIATED CAR PARKING AND LANDSCAPING)

R23/0522  
Conditions  
Approval  
21/06/2023

LAND NORTH OF COVENTRY  
ROAD, COVENTRY ROAD,  
THURLASTON

Details in relation to condition 21: boundary treatment to A45/M45 of R16/2569 (Outline application Use Class B8 buildings with



## Delegated

### Conditions Applications Approved

associated infrastructure).

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R22/1061 Conditions Approval 23/06/2023	Units 1 & 2 LAND NORTH OF COVENTRY ROAD, COVENTRY ROAD, THURLASTON	Details in relation to condition 27: pedestrian/cycle route from Windmill Lane/existing National Cycle Route 41 into the site of R20/1026 (Erection of 2 logistics units with associated infrastructure)
R22/1082 Conditions Approval 26/06/2023	PARCEL D (MULBERRY HOMES), KEY PHASE 3, RUGBY RADIO STATION, WATLING STREET, CLIFTON UPON DUNSMORE, CV23 0AS	Application for approval of details relating to condition 14 (external lighting) of R21/0873 (Parcel D, Key Phase 3) for the erection of 147 dwellings.
R22/1129 Conditions Approval 26/06/2023	PARCEL A (FRANCIS JACKSON HOMES), KEY PHASE 2, RUGBY RADIO STATION, WATLING STREET, CLIFTON UPON DUNSMORE, RUGBY, CV23 0AS	Application for approval of details relating to condition 11 (delivery of hard and soft landscaping within the Public Realm) and 12 (electric vehicle charging points) of R21/1099 (Parcel A, Key Phase 2) for the erection of 31 dwellings.
R23/0080 Conditions Approval 26/06/2023	FORMER CATTLE MARKET, CRAVEN ROAD, RUGBY, CV21 3HX	Application for re-approval of details relating to condition 8 (Landscape and Ecological Management Plan) attached to

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## Delegated

### Conditions Applications Approved

R19/0804 - Erection of 360 dwellings in four apartment blocks including vehicular access from Craven Road, car and cycle parking, landscaping, footpaths, public open space and associated infrastructure

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## Committee

### Discharge of Conditions Applications Approved

R20/1026                      UNITS 1 & 2 TRITAX  
SYMMETRY SITE - LAND  
NORTH OF COVENTRY ROAD,  
23/06/2023                      COVENTRY ROAD,  
THURLASTON

Full planning application for the erection of 2 logistics units development comprising a total of 30,435 sqm (327,599 sq.ft.) (measured GEA) of Class B8 floorspace of which 1,817.2 sq.m (measured GIA) (19,560 sq. ft.) comprises Class E(g)(i) ancillary office floorspace (measured GIA) with associated infrastructure including lorry parking, landscaping including permanent landscaped mounds, sustainable drainage details, sprinkler tank pump houses, gas and electricity substations, temporary construction access from

## Discharge of Conditions Applications Approved

Coventry Road, temporary marketing suite and temporary stockpile area for additional soil disposal.

---

## Delegated

### Listed Building Consent Applications Applications Refused

R22/0288                      CAWSTON OLD FARM HOUSE,  
Listed Building Consent    WHITEFRIARS DRIVE, RUGBY,  
Refusal                        CV22 7QR  
12/06/2023

Replacement windows

---

### Applications Approved

R22/0237                      20, SHILTON HOUSE,  
Listed Building Consent    LEICESTER ROAD, SHILTON,  
Approval                      COVENTRY, CV7 9HT  
02/06/2023

Replacement of black timber gates to the main access including electrification and the installation of 2 no. lanterns. Refurbishment of the 2 no. lion heads and reinstatement on the pillars either side of the lanterns on the front boundary wall. Resurfacing of the driveway with buff coloured asphalt including ACO drains. Replacement first floor windows to the front northwest and side northeast elevations, serving the bathrooms. Replacement doors

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## Delegated

### Listed Building Consent Applications Applications Approved

to the ground floor northwest side elevation. All windows to be wood with single glazed casements.

R23/0301  
Listed Building Consent  
Approval  
09/06/2023  
26, RED ROSE COTTAGE,  
SOUTHAM ROAD,  
DUNCHURCH, RUGBY, CV22  
6NL

Re thatch the property Removal of wire Strip off one layer of thatch, Create a thatch at 12-13 inches thick, Re-ridge in combed wheat reed, Dress the thatch, Re-apply wire to the ridge, lime mortar around chimneys and gable end

R23/0387  
Listed Building Consent  
Approval  
20/06/2023  
9, KILBRACKEN HOUSE,  
BARBY ROAD, RUGBY, CV22  
5DX

Listed Building Consent - Proposed internal refurbishment of the existing boarding house and the erection of a three-storey extension, a first-floor extension, and associated landscaping.

### Major Applications Applications Approved

R19/1047  
Major Application  
Approval of Reserved  
Matters  
20/06/2023  
DIPBAR FIELDS, DAVENTRY  
ROAD, DUNCHURCH, RUGBY,  
CV22 6NT

Application for Reserved Matters for up to 86 dwellings and associated works relating to the layout, scale appearance and landscaping against outline planning permission R13/0690

## Delegated

### Major Applications Applications Approved

(for residential development of up to 86 dwellings and associated works including means of access from A45/M45 roundabout and an emergency access from Daventry Road).

### Prior Approval Applications

#### Prior Approval Applications

R23/0362 THE BARN, FIELD HOUSE  
Prior Approval change FARM, BROADWELL LANE,  
of use BROADWELL, RUGBY, CV23  
Required and Refused 8HP  
01/06/2023

Prior approval change of use of agricultural building to 1 no.dwellinghouse (Class Q)

R23/0472 84, Holbrook Avenue, Rugby,  
Prior Approval CV21 2QQ  
Extension  
Not Required  
01/06/2023

PAX - Erection of a single storey rear extension.

R23/0474 60, Longrood Road, Rugby,  
Prior Approval CV22 7RE  
Extension  
Not Required  
02/06/2023

PAX - Erection of a single storey rear extension.

## Delegated

### Prior Approval Applications

### Prior Approval Applications

R23/0500 Prior Approval Extension Not Required 08/06/2023	51, MEADOW CLOSE, STRETTON-ON-DUNSMORE, RUGBY, CV23 9NL	Single Storey Rear Extension
R23/0498 Prior Approval Extension Not Required 12/06/2023	22, Merlin Close, Rugby, CV23 0WH	Prior Approval for a Larger Home Extension
R23/0539 Prior Approval Extension Not Required 14/06/2023	43, NORMAN ROAD, RUGBY, CV21 1DP	Single storey rear extension with lantern over.
R23/0488 Telecoms Prior Approval Required and Refused 23/06/2023	Land adjacent to Bilton Road and Prior Park Road junction, Rugby, Warwickshire	Proposed 15m high 'slim line' phase 9 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works