



24 January 2020

PLANNING COMMITTEE - 5 FEBRUARY 2020

A meeting of the Planning Committee will be held at 6.00pm on Wednesday 5 February 2020 in the Council Chamber at the Town Hall, Rugby.

Adam Norburn
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 8 January 2020.
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. Planning Appeals Update.
6. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
7. Delegated Decisions – 17 December 2019 – 16 January 2020.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

Membership of the Committee:

Councillors Miss Lawrence (Chairman), Bearne, Mrs Brown, Brown, Butlin, Eccleson, Mrs Garcia, Gillias, Picker, Roodhouse, Sandison and Srivastava.

If you have any general queries with regard to this agenda please contact Claire Waleczek, Democratic Services Team Leader (01788 533524 or e-mail claire.waleczek@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

If you wish to attend the meeting and have any special requirements for access please contact the Democratic Services Officer named above.

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

Planning Committee – 5 February 2020

Report of the Head of Growth and Investment

Applications for Consideration

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

- Applications recommended for refusal with the reason(s) for refusal (pink pages on the printed version of the agenda)
- Applications recommended for approval with suggested conditions (yellow pages on the printed version of the agenda)

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R19/0952	Yardleys Meadow, Stretton Road, Wolston Proposed siting of stud manager's temporary dwelling (resubmission of R18/1041).	3

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
2	R19/1164	Oakfield Recreation Ground, Bilton Road, Rugby, CV22 7AL Erection of an extra care retirement development comprising of 62 apartments (C2 Use Class) and associated communal facilities, including vehicular access from Bilton Road, car parking, landscaping, footpaths, public open space and associated infrastructure.	19
3	R18/1811	Herbert Gray College, Little Church Street, Rugby, CV21 3AN Demolition, conversions and extensions to existing buildings, plus construction of new buildings, to provide two-5 storey blocks to form 78 Extra Care Residential Units (Class C2), a 3-storey 52-bed Care Home (Class C2) and an ancillary Well Being Centre (including café, restaurant and leisure/spa facilities), together with associated highway, landscape, drainage and other associated infrastructure and landscaping/public realm works.	63
4	R19/0966	Herbert Gray College, Little Church Street, Rugby, CV21 3AN Listed Building Application for the demolition, conversion, extensions and various internal works to the former Herbert Gray College to facilitate the provision of two-5 storey blocks to form 78 Extra Care Residential Units (Class C2), a 3-storey 52-bed Care Home (Class C2) and an ancillary Well Being Centre (including café, restaurant and leisure/spa facilities), together with associated works, including alterations to boundaries.	104

Reference: R19/0952

Site Address: YARDLEYS MEADOW, STRETTON ROAD, WOLSTON

Description: Proposed siting of stud manager's temporary dwelling (resubmission of R18/1041).

Case Officer Name & Number: Chris Davies, 01788 533627

Recommendation

Refusal, due to conflict with prevailing local and national planning policies.

1. This case has been brought to the Planning Committee for consideration at the request of Councillor Heather Timms, who considers there to be proven exceptional circumstances for provision of a temporary dwelling in the Green Belt.

2. Relevant Planning History

R77/0943/7844/OP	Erection of 1 dwelling with outbuildings.	Refused 09/11/77
R05/0266/07844/P	Construction of ménage, ancillary stables, car park, new vehicular access and associated works.	Approved 19/10/05
R10/1127	Erection of a general-purpose storage buildings storage building and 3no. attached loose boxes, and retention of a vehicular access track.	Withdrawn 01/09/10
R10/1644	Retention and completion of an access track.	Approved 27/10/10
R13/1421	Erection of an agricultural building for the storage of hay and machinery including the provision of 3no. holding/isolation stables.	Approved 29/01/14
R15/1310	Erection of a detached dwelling with car port, tack store and farm office.	Refused 05/11/15
R16/2322	Erection of a detached dwelling with car port, tack store and farm office.	Withdrawn 06/02/17
R18/1041	Proposed siting of a temporary yard manager's dwelling.	Refused 07/11/18

3. Relevant Planning Policies

3.1 Rugby Borough Council Local Plan 2011-2031:

GP1: Securing Sustainable Development	Conflicts
GP2: Settlement Hierarchy	Conflicts
GP3: Previously Developed Land and Conversions	Conflicts
H3: Housing for Rural Businesses	Complies in principle (see below for explanation)
ED4: The Wider Urban and Rural Economy	Complies by association (see below for explanation)
NE1: Protecting Designated Biodiversity and Geodiversity Assets	Complies
NE3: Landscape Protection and Enhancement	Conflicts
SDC1: Sustainable Design	Conflicts

SDC7: Protection of the Water Environment and Water Supply	Complies in principle (see below for explanation)
D1: Transport	Complies in principle (see below for explanation)
D2: Parking Facilities	Complies

3.2 As the application site is not within the Air Quality Management Area, and the development does not meet any of the relevant criteria that would trigger the need for the application of a condition or informative note relating to air quality mitigation, the LPA considers that policy HS5: Traffic Generation and Air Quality, Noise and Vibration of the Rugby Borough Council Local Plan 2011-2031 is not a relevant consideration in this particular instance.

3.3 As the Wolston Parish Plan is now 14 years old, it is no longer a material consideration in planning terms. Whilst Wolston Parish Council are in the process of preparing to submit a draft Neighbourhood Plan, this has yet to be adopted and so carries no significant weight at this time. It is therefore considered that Policy GP5: Neighbourhood Level Documents of the Rugby Borough Council Local Plan 2011-2031 is not a relevant consideration in this particular instance.

3.4 The National Planning Policy Framework February 2019	
Section 2: Achieving sustainable development	Conflicts
Section 11: Making effective use of land	Conflicts
Section 12: Achieving well-designed places	Conflicts
Section 13: Protecting Green Belt land	Conflicts
Section 15: Conserving and enhancing the natural environment	Complies

4 Technical consultation responses

4.1 Rural Consultant -	There is insufficient evidence to support the need for a temporary or permanent dwelling on the site, as the business model would only generate a limited essential/functional need during some but not all of the breeding processes. The business would be unlikely to be financially viable until at least 6 years from commencement, long after the expiry of a temporary consent. He also noted the lack of evidence that the housing need could not be met through availability within existing housing stock in the locality, and thought the financial model for the business was optimistic as it was likely that the breeding attempts would not always be successful or result in live and healthy foals.
Environment Agency -	Specific comments given on groundwater and contamination, heading to a recommendation that a condition be required re previously unidentified contamination investigation, and notes re responsibility for contamination and land stability, and definitions and responsibilities for on- and off-site waste control.
WCC Highways -	No objections. No requested conditions or informatives.
WCC Ecology -	Notes should be applied re external lighting, additional planting opportunities, and provision of bat and bird nesting boxes.
Environmental Health -	Phased condition required re identification and procedures for controlling contamination. Notes recommended re hours of construction, drainage and foul sewage control within the site, external lighting and compliance with Building Regulations.

5 Third Party Responses

5.1 Ward consultation responses:

5.1.1 Councillor Heather Timms

Considers this to be a proven example of a special exceptional circumstance that could allow for a temporary dwelling in the Green Belt. Requested that the case be referred to the Planning Committee.

5.1.2 Councillor Derek Poole

Verbally confirmed his support for the scheme.

5.2 Parish Council Responses

5.2.1 Objections remain as they were for R18/1041

- Location
 - Outside the village boundary in Green Belt land, where there is a presumption against development
 - Proximity to a Scheduled Ancient Monument (late Bronze Age cremation site)
- Access
 - A previous application was refused on visibility splays, and the access hasn't changed.
- Negative environmental impact
 - Lack of information on the implications of the former use of the site for landfill and the installation of the septic tank
 - Risk of contamination if capping breached
 - Concerns over emissions relating to gases associated with decomposing landfill
 - Potential health risks for occupants of temporary dwelling (as a result of the contamination referred to above)
 - Lack of evidence that previous recommendations (made in 2006) for emission and gas monitoring have been acted upon, nor advice sought from the Environment Agency by the applicant.

5.2.2 Also raised additional objections

- Housing need
 - Why is an on-site dwelling needed when existing housing is already available within walking distance in Wolston village?
 - Lack of evidence submitted to show why existing housing availability is not sufficient to meet the need.
- Justification
 - Business model is based on predictions as the applicant does not currently operate the site this way. Existing business has operated for 16 years without on-site accommodation being required or provided.
 - Housing shouldn't be approved on the basis of theoretical functional need that has not yet been tested.
 - Parish Councillors felt that site is unlikely to financially viable or sustainable. What would justify living on site if the business failed?
- The Ian Farmer Associates report "is seen as largely irrelevant"
 - Doesn't relate to the site of the present application
 - Is based on a small data set obtained from a 12-year-old survey
 - Contains clear recommendations for further monitoring to confirm the results obtained, which either has not been undertaken or the results have not been submitted

- Specifies that a watching brief would be required prior to excavation, but does not refer to anything being undertaken prior to the retrospective application referred to RBC by the Environment Agency.
- The Ian Farmer Associates letter dated 12 February 2019 give for options for prevention of egress of gas, one of which would be to include “a 'reinforced concrete cast in-situ floor slab’, and one of precast concrete with all joints and penetrations sealed”, both of which would be excessively permanent for a temporary dwelling. This letter also makes no reference to any findings from the testing that was recommended in 2006.
 - This makes specific reference to measures that should be taken to protect site workers and the environs that would “Surely not necessary if the site is not contaminated”
- Septic tanks referred to a proposed in some documents, but applicant’s letter indicates it has already been installed.
 - What effect would this have had given that it would have required excavation into the protective capping over the landfill?

5.3 Neighbour consultation responses:

5.3.1 Objections (3)

- Another attempt to get a home on the land.
- First step in getting a permanent dwelling.
- Started as a small retirement venture that is now being presented as a full scale breeding enterprise.
- Numerous houses recently for sale in the village would have been suitable
- It is the applicants and not an employee who would be living on the site.
- Inaccuracies in supporting documents
 - Disputes applicant’s involvement historically in horse rearing
 - Bretford business is a riding school
 - Originally [i.e. in previous/similar applications] there was no mention of experience or interest in horse breeding
- Stretton Road and verges constantly being damaged by horse lorries, trailers and the tractors being kept in the barn on the site. It cannot cope with a larger venture.
- Bretford site (Willow Farm) is more suitable for this when the lease expires, and there seems to be variations in when this would be in supporting/historical documents.
- Historical breaches of the tip capping and other operations by the applicant have resulted in the brook being polluted and the land contaminated.

5.3.2 Support (1)

- Sensible idea from a security point of view to have a dwelling on the site.

6 Proposal:

6.1 The applicants seek planning permission to erect a temporary dwelling on the Yardley’s Meadow site, to provide accommodation for a yard manager.

6.2 The proposal has been put forward as a special exceptional circumstance, with the justification being that someone needs to be on site at all times in connection with a business the applicant intends to develop for breeding and foaling horses.

7 Other Relevant Information:

- 7.1 The site lies South of and immediately adjacent to No.20 Stretton Road, near to the village of Wolston. The Wolston village boundary stops after No.20, meaning that the proposal site is entirely within the West Midlands Green Belt.
- 7.2 The area is predominantly rural (excluding Wolston village), with other stables and farm sites further along Stretton Road towards the A45.
- 7.3 The lie of the land is such that it falls away down towards a brook from just behind the stables and the proposed site for the temporary dwelling, whilst the front part of the site is roughly level with Stretton Road.
- 7.4 Adjacent to the highway the site is served by a gated formal vehicular access, and there is a purpose-made vehicle turning/parking area within the site (immediately adjacent to where the proposed dwelling would be sited). A purpose-built stable block, yard and ménage are situated on the opposite side of the parking area to the proposal site, approved in 2005.
- 7.5 The proposal site is currently grassed with a few semi-mature trees planted across it. The rear boundary is currently marked by a 1m high post and rail fence. The front boundary is marked by a beech hedge, with a 2m+ high panelled wooden fence along the side boundary with No.20 Stretton Road.

8 Considerations

8.1 Principle of Development

- 8.1.1 The site lies wholly within the West Midlands Green Belt, and is also in open countryside. Rural sites such as this are generally not considered suitable for residential development, unless the applicant can demonstrate that there are pertinent special exceptional circumstances that would necessitate a dwelling being located within the site.
- 8.1.2 Paragraph 143 of Section 13: Protecting Green Belt land of the NPPF 2019 states that “Inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances”. Paragraph 144 goes on to say that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”
- 8.1.3 Policy GP2: Settlement Hierarchy of the Local Plan reflects this national stance, stating that “New development will be resisted; only where national policy on Green Belt allows will development be permitted”. Paragraph 3.5 elaborates on this by stating that “Green Belt affords the greatest protection of land in planning terms. Therefore development will only be permitted in the circumstances where national policy on Green Belt allows”.
- 8.1.4 Whilst Section 2: Achieving sustainable development of the NPPF states a presumption in favour of development, paragraph 12 still makes it clear that this presumption only applies in cases where there is no local policy conflict; it states that “Where a planning application conflicts with an up-to-date development plan ... permission should not usually be granted”.

- 8.1.5 Section 11: Making effective use of land similarly ring fences its support for development, with its primary focus being development that supports identified needs for housing or community facilities. In its closing paragraph (paragraph 123.c)), it states that “local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework”.
- 8.1.6 Policy GP3: Previously Developed Land and Conversions ties in to elements of both Section 2 and Section 11. Taken holistically, the site would be classified as previously developed due to the non-agricultural buildings, structures and operations on the site relating to the existing equine activities. This must be considered in context, despite the actual location proposed for the dwelling being apparently undeveloped to date. Again though, this carries the proviso that the development accords with the other related policies in the Local Plan. This policy also identified specific areas for consideration when deeming whether or not development is appropriate, stating that “particular consideration will be given to the following:
- The visual impact on the surrounding landscape and properties;
 - The impact on existing services if an intensification of the land is proposed; and
 - The impact on any heritage or biodiversity assets.”
- Paragraph 3.20 of the Local Plan also makes specific reference to the importance of national legislation (i.e. the NPPF) in situations where there are Green Belt implications for developing previously developed sites, stating that “Where redevelopment of previously developed land or conversion of existing buildings is within the Green Belt, guidance is provided on the appropriateness in national policy.”
- 8.1.7 The applicant has owned the application site and the land associated with it for some considerable time, and has already established equine operations there through the erection of the exiting stable building and yard area, the provision of a ménage, and the frequent presence of horses on the site. This established use is not in dispute. They also have a riding school operating from land they own in Bretford, which again is long established. However the justification for requiring on-site residential accommodation relates to the applicant’s intention to expand the business to include breeding horses (at present the LPA understands that the applicant purchases horses from elsewhere as opposed to breeding and foaling themselves at either Yardley’s Meadow or their Bretford site).
- 8.1.8 As the justification relates to a rural business operation, the LPA has enlisted the technical expertise of a rural consultant (Sanham Agricultural Planning Limited) at various stages throughout the consideration process. The consultant has advised that the numerous supporting documents provided indicate that the proposed breeding venture would not be financially viable until up to three years after the maximum period that a temporary planning permission would usually allow for the siting of a dwelling (three years). He also commented on how the NPPF could be and had been interpreted for the purposes of assessing this type of situation.
- 8.1.9 The LPA appreciates that the applicant’s business model requires the presence of specialised personnel from an animal welfare perspective, and the applicant has advised through their submitted documentation that setting up such a business would not be possible if they were not first able to guarantee this 24/7 personnel presence on the site. However, in cases where the need for a dwelling is dependent on the requirements of a business that does not yet exist, the proposed business should be

shown to have been planned on a sound financial basis. Using the proposed venture as the sole basis for justifying on-site residential demand is not sufficient to enable the granting of temporary planning permission on that basis, as it cannot be shown that the business would be in a position to effectively support the cost of a more permanent dwelling by the time the temporary consent would have expired.

- 8.1.10 The Rural Consultant has also raised concern over the ability of the business model to generate a justifiable need for continual residential accommodation on the site, as 24/7 presence would usually only be needed when a) the mares were actually foaling, and b) for a short period after foaling to monitor the health of both mare and foal as they recover from the birth. This could generate periods of need, but it would be unlikely that it would result in a continuous need for a residence.
- 8.1.11 The application focuses on on-site accommodation provision, but insufficient evidence has been submitted to prove that other available accommodation options within the village have been sufficiently explored, even if the outcome was that the applicant had discounted them all as being unsuitable for his needs. The LPA has been monitoring the housing market in Wolston over the duration of applications for residential occupation on this site, and has noted that properties were indeed available at various stages throughout the process of determining these applications. Properties on Stretton Road were available prior to and/or during the application's duration, including one that was only a couple of properties away from the site. When the Case Officer made an online query on 17/01/20, 16 properties were advertised as being available for purchase in Wolston, although none were on Stretton Road at that time.
- 8.1.12 Key to the consideration of the proposals however is the fact that the business is not yet operating from the site. This poses a quandary; whilst the animal welfare requirements of a horse breeding business require the on-site presence of personnel, the Rural Consultant has raised concerns over whether three years would be sufficient time to establish whether or not the business was viable, given that the applicant's own submitted business predictions appear to indicate that it would take twice this long for the business to become profitable enough to cover the costs of a dwelling (and presumably the salary of the employee/s that would occupy it unless the applicant intends to occupy it himself). The applicant indicates in paragraph 5.3 of their Planning Statement that the intended occupant is already employed by the business, but as there is currently no apparent need for a Yard Manager at Yardleys Meadow (as the business has not yet commenced) it is considered reasonable to ask where the employee is currently living whilst carrying out their existing duties for the business, so as to establish why their present accommodation would not be sufficient. As with evidence of existing market availability in the locality, this may have helped to support the applicant's case by demonstrating why existing housing provision is not sufficient.
- 8.1.13 Whilst the LPA appreciates that this puts the applicant in a bit of a "Catch-22" situation, and that finance is not usually a material planning consideration, as the whole proposal is justified on the basis of a business that has not yet begun and a model that puts its success into question for the first six years it raises significant concerns over the viability of the business and therefore the reason for wanting a dwelling. Based on the information provided by the applicant, and following consultation with the LPA's Rural Consultant, it is considered that there is insufficient evidence to support a special exceptional circumstance case that could justify the

erection of a temporary dwelling on this site in the face of a strong presumption against inappropriate development in the Green Belt that is supported by local and national planning policies.

8.1.14 It is noted from the submitted plans that the temporary dwelling model the applicant has chosen is generously proportioned. If the application was being submitted for a permanent dwelling, the LPA may have requested some form of justification for the generous proportions and number of bedrooms when the need is based solely on the need for a single employee (the Yard Manager). However, the LPA accepts that as this is to be a pre-fabricated unit the options for selecting models may be limited, and as we do not yet know the family circumstances of the intended occupant we may see that these generate a need for the provision of accommodation for up to 4 people.

8.1.15 This application therefore conflicts with policies GP2: Settlement Hierarchy and GP3: Previously Developed Land and Conversions of the Rugby Borough Council Local Plan 2011-2031, as well as the principles of Policy GP1: Securing Sustainable Development (due to conflict with other policies within the Local Plan). It also conflicts with guidance set out in sections 2, 11 and 13 of the NPPF 2019.

8.2 The other relevant considerations for this application are the impact of siting a temporary dwelling in this location on a) the character and appearance of the site and the wider setting, b) rural employment, c) residential amenity, d) highway safety and parking, e) sustainability, contamination and environmental factors, and f) biodiversity.

8.3 Character and appearance

8.3.1 This application relates to a part of the Yardley's Meadow site that does not currently have any built structures or areas of hardstanding, although the proposed location for the temporary dwelling does near close to the main parking and turning area. The site is also close the most prominent and active element of built development within the wider site, namely the stables and tack room building.

8.3.2 There are some semi-mature trees immediately in front of the proposal site, which would provide some screening of the temporary dwelling from views via Stretton Road. The steep fall of the land immediately to the rear of the proposal however means that there is potential for a more significant visual impact from this perspective, affecting views from John Simpson Close, Dyers Lane and the adjacent land. Whilst the applicant is now indicating that they would be willing to undertake landscaping to potentially reduce the visual impact, the application includes little detail of what this might entail. The LPA cannot therefore comment on whether or not the applicant could have provided sufficient screening. Further planting around the proposal site may help to mitigate for the visual impact, but the temporary nature of the application must be borne in mind when considering whether or not it would be reasonable to require permanent planting and screening enhancement for a development that, if approved, would only exist for three years. The applicant states in their Planning Statement that they were not asked to consider landscaping as part of their previous applications. As in this case, the LPA did not consider it reasonable to expect the applicant to cover the cost of planning and committing to a planting scheme when there were in principle objections to those proposals at the time they were being considered.

- 8.3.3 In terms of the relationship to the streetscene and pattern of development along Stretton Road, the proposed location for the temporary dwelling is significantly further back from the building line established by existing dwellings along Stretton Road. Whilst this may be tolerable for a limited period of time due to the temporary nature of the application, were permission to be granted and then followed up by an application for a permanent dwelling, this location would not be supported. This is a valid consideration, as temporary consents can often be followed by subsequent applications for more permanent structures on the basis that the location has been tested for suitability by the temporary consent.
- 8.3.4 Focussing on the design of the structure itself, the applicant has opted for what is probably best described as a “log cabin” style unit. This clearly shows consideration towards how the structure would look within the setting, and the LPA recognise this consideration. Given the abovementioned setting close to a group of trees, this design could significantly reduce the impact from the Stretton Road perspective, although the abovementioned need for additional screening (and the need to remember that this would effectively be a permanent requirement to screen a temporary structure) means that the effectiveness of the design in terms of “camouflaging” and reducing its prominence would be limited when viewed from the side or rear.
- 8.3.5 Whilst it may have been possible to work with the applicant to improve on-site screening and possibly relocate the dwelling, the LPA did not think it reasonable to expect the applicant to invest in additional plans or commit to additional costs for planting and screening when there is still an in principle objection to the development.
- 8.3.6 The siting of a temporary dwelling therefore conflicts with policies GP1: Securing Sustainable Development, NE3: Landscape Protection and Enhancement and SDC1: Sustainable Design of the Rugby Borough Council Local Plan 2011-2031 that relate to character and appearance. It also goes against guidance set out in Section 2 of the NPPF 2019.

8.4 Rural Employment

- 8.4.1 Policy ED4 relates to forms of development that take place outside of the urban area, including equine and equestrian related activities. As the basis of this application is that the accommodation is required to support a new equine breeding venture, it could possibly be argued that the principle of it would accord with the ethos of policy ED4, even though the business itself does not require planning permission as it is to be operated on land that already benefits from established equine use through the presence of the stables, tack room and ménage.
- 8.4.2 However, the introduction of a new temporary structure diverges from the aspect of this policy that relates to use of existing buildings, and the policy does not identify temporary or permanent dwellings as being types of development that could be supported by it. The proposal does meet the principle of ED4, in terms of equine and equestrian related activities, but does not meet the element of this policy which encourages the use of existing buildings and structures (although it needs to be emphasised that this is caveated on a ‘where practicable’ basis). It cannot therefore be said that compliance with this policy via the business it would serve would enable the creation of a dwelling, and so this development can at best only comply by

association with the principle of the policy through the equine-related employment of the occupant(s) of the proposed temporary dwelling.

8.4.3 The other policy of relevance is policy H3: Housing for Rural Businesses, which relates to permanent dwellings for persons engaged in an agricultural operation or other rural business within the countryside. Whilst policy H3: Housing for Rural Businesses relates to provision of permanent dwellings, the principles of this policy are still a useful indicator for this type of situation. Presumably, if the business were to commence and develop, the applicant would consider a more permanent accommodation arrangement. In this situation, since the proposal is for a temporary building, a condition could be imposed to remove the structure after an appropriate time period, to ensure the structure does not become immune from enforcement action. Typically there would be a condition imposed limiting the duration of consent to a maximum of three years from the date of determination.

8.4.4 Policy H3 identifies specific criteria against which permanent dwellings should be tested. As stated above the LPA accepts that this application is for a temporary dwelling, but feels that it is reasonable to test the principle of a temporary dwelling in a similar fashion to a permanent dwelling proposal. The four key tests laid down by the policy are that:-

- There is a clearly established essential need for a dwelling;
- The need relates to a full-time worker, or one who is primarily employed in the activity to which the application relates;
- The rural enterprise concerned is currently financially sound, and has a clear prospect of remaining so; and
- The essential need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker concerned.

8.4.5 The main basis on which the applicant has based their proposal is that they will require 24/7 on-site presence in order to adequately care for foaling mares and their foals. This is an important consideration when setting up a horse breeding business, and the LPA understands the applicant's rationale behind the proposal. Whilst not yet established, this potential need would address part of the first policy test.

8.4.6 The applicant states that the business will require a dedicated Temporary Stud Manager, who would take on the responsibility of providing this continuous presence, hence the application. It is not made clear whether this role would be undertaken by an additional employee or the applicant himself, but the role is directly related to the requirements of the new business and therefore presumably does not currently exist. This could therefore theoretically meet the second policy test.

8.4.7 Based on the financial projections of the business, and the Rural Consultant's concerns over the viability and likelihood of the model proposed, it is not clear whether the new business will be financially sound within the maximum three-year period that could be considered. Whilst the LPA accepts that the business cannot be realistically tested until it commences, this raises significant concerns over whether or not this business has the potential to meet the third policy test.

8.4.8 As the applicant considers that on-site accommodation is the only viable solution to meeting the business requirements for on-site presence, and does not indicate that the role would be taken on by himself, this does indicate that the new business would generate limited additional rural employment. However, there has been no marketing evidence to rule out the possibility of existing accommodation being available within close proximity to the site, whilst the LPA has found that in recent time there have been at least two properties available on the same road. Whilst the business model indicates permanent presence is required, this would only presumably be when mares are foaling, and then for a short period after the foal is delivered in order to monitor both mare and foal for signs of complications from the birth. Whilst it is true that horses can foal at any time of year, the approximate timings for births could be anticipated in advance and upcoming accommodation requirements projected accordingly. This does not therefore wholly support a continuous need for on-site accommodation, given the comparatively small size of the facilities and the number of foaling mares indicated in the business projections. The principles of the fourth test are not therefore met.

8.4.7 For the reasons stated above, the principles of policy H3: Housing for Rural Businesses have not been met by the current proposals, but the development does not (strictly speaking) conflict with the policy itself due to the application being temporary rather than permanent. Such concerns would however come into play were a permanent planning application to be submitted for a similar scheme on the same business model basis.

8.5 Residential Amenity

8.5.1 Due to the relationship of the proposed location for the temporary dwelling to nearby dwellings, the potential for any impact on residential amenity is really limited to No.20 Stretton Road and No.44 John Simpson Close. Other dwellings in the locality are either a significant distance from the proposal site or have other structures or natural barriers between them and the proposal site that would mitigate for the impact.

8.5.2 As regards the proximity of the two properties identified above to the proposal site, the distance from the dwelling at No.20 Stretton Road is approximately 25m at the closest point, and the distance from the dwelling at No.44 John Simpson Close is approximately 39m at the closest point.

8.5.3 Objections received from neighbouring residents have not raised any specific concerns over impact on residential amenity, and relate mostly to concerns over the justification for the dwelling, the historical contamination situation, and the possibility that the application may be an attempt to prepare the way for a permanent dwelling.

8.5.4 Given the significant distances between the site of the proposed temporary dwelling and the nearest houses, the LPA does not consider that the siting of a single storey dwelling unit for a temporary period would result in a detrimental loss of privacy for neighbouring residents, nor lead to overshadowing or loss of light. The existing boundary treatments along the boundary between the proposal site and the neighbouring gardens is also considered sufficient to prevent overlooking from future occupants when they are using the outside space around the temporary dwelling. It is not therefore considered that the proposal poses any materially detrimental threat to residential amenity.

8.5.3 The scheme therefore complies with the elements of policies GP1: Securing Sustainable Development and SDC1: Sustainable Design of the Rugby Borough Council Local Plan 2011-2031 that relate to residential amenity. It also accords with guidance set out in Section 2 of the NPPF 2019.

8.6 Highway Safety and Parking

8.6.1 The site already has an established access that is used to serve the existing stables and agricultural building. The width, depth and visibility splays of this access all meet the Highway Authority's requirements, and it is easily capable of accommodating a range of vehicle sizes as it has been specifically designed to allow horse transporters to safely access and leave the site without causing a highway obstruction.

8.6.2 There is already ample parking provision and turning space within the site to meet the needs of both the existing and intended businesses, as well as the limited parking demand generated by the temporary dwelling.

8.6.3 WCC Highways have raised no objections or concerns in response to consultation on this proposal. Nor have they requested any amendments, additional parking provision or conditions.

8.6.4 It is not therefore considered that the temporary siting of a dwelling for a limited period would result in any detrimental impact on highway safety or parking provision. It therefore complied with policy D2: Parking Facilities of the Rugby Borough Council Local Plan 2011-2031.

8.7 Sustainability, Contamination and Environmental Factors

8.7.1 The proposal site does not lie within the Air Quality Management Area as defined by the Local Plan, and the proposal is not of a large enough scale or level of permanence to trigger requirements for identified air quality mitigation details. There are however a number of environmental factors that do need to be considered, particularly given the historical use of the area for landfill and the concerns raised by local residents and the Parish Council over possible releases of contaminants.

8.7.2 The applicant has submitted a Contamination Report undertaken by Ian Farmer Associates. However, this document a) was originally submitted as part of an earlier planning application for a dwelling, b) is dated February 2016, and c) refers in part to earlier investigations carried out ten years' previously to its publication. No updated information appears to have been provided to bring this report up to date.

8.7.3 Whilst it appears (within the abovementioned report) that results indicated no significant concerns in 2016, the report recommended that further investigation be carried out given the residential nature of the application it was undertaken for. This including recommending the undertaking of monitoring for gas emissions. It is not clear from the documents provided whether or not this has been done recently.

8.7.4 The mitigation methods recommended in the 2016 report related to an application for a permanent dwelling on the site and so involved construction and engineering techniques that would not be required for the temporary unit now proposed, so it is unclear whether or not they would still be effective or appropriate for the unit now proposed.

- 8.7.5 Both the Environment Agency (EA) and Environmental Health have recommended the application of conditions in the event of an approval. These could require the applicant to undertake specific contamination investigations, and also to identify how they would control contamination incidents. The EA in particular raised concerns over the impact that contamination could have on the watercourse that runs along the Western edge of the field behind the proposal site.
- 8.7.6 Of particular concern to local residents and the Parish Council seems to be the septic tank, and the implications that installing it could have on contamination. The tank is already in situ, having been installed on the site prior to the submission of the application, and the applicant advises in their Planning Statement that it is already used by the facilities in the existing stable block. It appears from the limited information available that it could have sufficient capacity to accommodate the needs of a temporary dwelling, at least for the limited period required.
- 8.7.7 There is limited information included within the application regarding measures that would be taken to achieve acceptable levels of water efficiency within the temporary dwelling, although it is appreciated that this may be partly restricted by the model chosen for the temporary dwelling. Were the recommendation to have been for approval, this would have been explored further but, given that water efficiency would not counteract the other policy conflicts this report has identified, this would not have materially affected the recommended outcome. Given that the proposal is for a single unit, the LPA consider that it could potentially be possible to attain an acceptable level of water consumption through the fixtures and fitting installed in a temporary unit. However more detailed information of these would be required to confirm this, and it is unclear whether the model that the applicant wishes to purchase would come ready-fitted with such fixtures or whether the applicant would be required to order and pay for them as an additional feature.
- 8.7.8 Unless they were to be housed locally, any additional roles generated by existing or potential new ventures would require the employees to drive to and from the site. Potentially, the on-site provision of a dwelling tied to on-site activities would effectively remove the need for the occupant/employee to travel to and from work. This could therefore result in a negligible impact in terms of any increase in pollution from vehicle movements arising from employment generation. Wolston also benefits from a regular and reliable bus service to Rugby and Coventry, although this would not be of particular use in cases where the Yard Manager may need to be present at times that do not accord with the bus route service. Nevertheless, there is potential here for compliance with policy D1: Transport of the Rugby Borough Council Local Plan 2011-2031.

8.8 Biodiversity

- 8.8.1 The Ecology Unit raised no objections to the proposals, and did not recommend the application of any restrictive or compensatory conditions in the event of an approval.
- 8.8.2 They did however recommend that, if the application were to be approved, informative notes should be included relating to external lighting, additional planting opportunities, and provision of bat and bird nesting boxes.
- 8.8.3 The proposal therefore complies with policy NE1: Protecting Designated Biodiversity and Geodiversity Assets of the Rugby Borough Council Local Plan 2011-2031, and

accords with Section 15: Conserving and enhancing the natural environment of the NPPF 2019.

9 Planning balance and conclusions

9.1 Matters against the proposal

- The applicant has submitted insufficient evidence to adequately support a special exceptional circumstance that would justify the need for a temporary dwelling on this site.
- Although the temporary dwelling is proposed to enable the setting up of a new business, the business model indicates that it would not be financially viable until long after the expiry of the temporary consent period (the usual maximum period would be three years).
- No assessment of the existing housing availability in Wolston has been submitted, even if the assessment found that the available housing options were not adequate to meet the applicant's needs.
- Insufficient relevant and/or up-to-date evidence has been provided to establish
 - a) There are no existing contamination issues on the site, and
 - b) The siting of the dwellings would not pose any contamination risk to either the environment or residents in the locality (the latter including the intended occupant of the temporary dwelling).
- The proposals conflict with policies GP1, GP2, GP3, NE3, SDC1 and SDC3 of the Rugby Borough Council Local Plan 2011-2031, and sections 2, 22, 12 and 13 of the NPPF.

9.2 Matters in support of the proposal

- The applicant is seeking to create a new business that could potentially generate an employment opportunity for one skilled person (the Temporary Yard Manager).
- The new employee would be provided with housing if this application were to be approved.
- There is potential for measures to be taken to improve the environmental footprint of the temporary dwelling through the installation of equipment to reduce water consumption.
- The proposals comply with policies NE1 and D2, and have the potential to comply with policies H3, ED4 and SDC3 of the Rugby Borough Council Local Plan 2011-2031. They also comply with section 15 of the NPPF.

9.3 Planning balance

Whilst there are theoretically potential benefits to having a temporary dwelling on this site, such as reducing the environmental footprint and the environmental impact from vehicle movements, these cannot outweigh the significant in-principle objections and conflicts with both local and national planning policies.

10 Recommendation

10.1 Refusal, due to conflict with prevailing local and national planning policies.

Report written by: C Davies 27/01/2020

DRAFT DECISION

REFERENCE NO:
R19/0952

DATE APPLICATION VALID:
12-Jun-2019

APPLICANT:
Mr & Mrs P Wilson C/O The Agent

AGENT:
Jennifer Whitton Howkins & Harrison 7-11 Albert Street Rugby CV21 2RX

ADDRESS OF DEVELOPMENT:
YARDLEYS MEADOW, STRETTON ROAD, WOLSTON

APPLICATION DESCRIPTION:
Proposed siting of stud manager's temporary dwelling (resubmission of R18/1041).

REASONS:

REASON FOR REFUSAL 1:

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to the NPPF not to grant planning permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages.

Therefore the proposed temporary dwelling constitutes inappropriate development which is, by definition, harmful to the Green Belt.

In the opinion of the Local Planning Authority, there are no special circumstances which would justify the granting of planning permission for a temporary dwelling in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policy GP2 of the Rugby Local Plan 2011-2031, June 2019 and the NPPF. This conflict also means that the development is contrary to policy GP1 of the Rugby Local Plan 2011- 2031, June 2019.

REASON FOR REFUSAL 2:

The site is located outside the village boundary of Wolston, and is bounded on two sides by open countryside. There is insufficient screening to mitigate for the visual impact of the development on this open countryside. In the opinion of the Local Planning Authority, there are no special circumstances which would justify the granting of planning permission for this development in the face of a strong presumption against inappropriate rural development derived from the prevailing policies. The development is therefore contrary to policies GP3, NE3 and SDC1 of the Rugby Local Plan 2011- 2031, June 2019 and the NPPF. This conflict also means that the development is contrary to policy GP1 of the Rugby Local Plan 2011- 2031, June 2019.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Policies GP1, GP2, GP3, H3, ED4, NE1, NE3, SDC1, SDC7, D1 and D2 of the Rugby Borough Council Local Plan 2011-2031

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

DRAFT

Reference: R19/1164

Site Address: Oakfield Recreation Ground, Bilton Road, Rugby, CV22 7AL

Description of Site: Erection of an extra care retirement development comprising of 62 apartments (C2 Use Class) and associated communal facilities, including vehicular access from Bilton Road, car parking, landscaping, footpaths, public open space and associated infrastructure

Case Officer Name and Number: Chris Kingham, 01788 533629

Recommendation

Approve subject to a S106 legal agreement, conditions and informatives

Background:

1. This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major developments and more than 15 letters of objection have been received.
2. Members should be aware that a full application for the erection of an extra care retirement village for the elderly (62 apartments and 14 bungalows) on Oakfield Recreation Ground has previously been refused planning permission in December 2018. The refusal was based on three grounds including the loss of open space, impact on trees and impact on the setting of a listed building and conservation area. An appeal against this decision was made to the Planning Inspectorate but then withdrawn in September 2019.
3. The application now before Members is materially different to that previously considered in December 2018. In particular, the applicant has removed the 14 bungalows proposed under the original scheme. They have also reduced the size of the apartment building and layout of the parking area around this. These changes have resulted in an increased area of open space for the public to use. The previous application remains a material consideration but Members must consider the merits of this scheme in its own right.

Site Description:

4. The application site comprises of an area of land known as Oakfield Recreation Ground which is located along Bilton Road in Rugby. It is situated within the Rugby Urban Area approximately 300 metres to the southwest of Rugby Town Centre. The land totals 2.10 hectares in size and is designated as being open space on the Town Centre Policies Map accompanying the Local Plan 2019.
5. Until recently the site comprised of a large area of closely mowed grass, amenity space, football pitch, children's play area, hedgerows, trees, shrubs and a bowling green. The majority of the site has now been enclosed by 2m high palisade fencing to restrict public access. It contains a large area of open grass, hedgerows, trees, shrubs and remnants of hardstanding associated with footways and a former play area. The bowling green remains unchanged with access restricted to members of the bowling club.
6. The application site is surrounded by residential dwellings to the north and west. A number of these dwellings immediately border the site to the north whilst the rear gardens to a number

of dwellings back onto the site to the west. The dwellings to the north are typically terraced houses and apartments ranging from 2-2.5 storeys in height. The dwellings to the west are typically semi-detached houses which are 2 storeys in height.

7. The land to the east of the application site is occupied by a one-storey building and associated parking used by Co-op Funeral Care. Beyond this is the defined Bilton Road Conservation Area which contains a number of listed buildings. The closest listed building is the grade II* Oakfield House (32 Bilton Road). The height of these buildings vary from 2-3 storeys. They are typically large detached buildings and uses range from commercial to residential.
8. Bilton Road lies to the south of the application site and forms one of the main arterial routes in and out of the town. The junction of Bilton Road and Westfield Road is also located opposite the application site and forms a wide V-shape junction with central landscape reservation. The opposite side of Bilton Road to the application site is fronted by a number of residential dwellings which overlook this land. They are typically detached and semi-detached houses which are 2 storeys in height.

Proposal:

9. This is a full planning application for the erection of an extra care retirement development for the elderly on 2.10 hectares of land at Oakfield Recreation Ground, Bilton Road, Rugby. It would provide 62 apartments in one three-storey block which falls within the C2 Use Class (Residential Institution). Further provisions are made for communal facilities, landscaping, car parking and public open space.
10. The apartment block would front onto Bilton Road with communal parking to the rear. The retirement development would be segregated from the public open space and public highway by estate railings and a brick wall with railings.
11. Vehicular access to the site is proposed off Bilton Road via a priority junction leading into a 5.50m wide internal access road. Two pedestrian footways to the east and west of the apartment block would also provide pedestrian access through the open space from Bilton Road, Charles Street and Northcote Road. A total of 36 unallocated car parking spaces are proposed for the 62 apartments which equates to 0.6 spaces per unit.
12. A total of 0.97ha of the site would remain as open space. It would be comprised of amenity green space (0.89ha), natural/semi-natural green space in the form of a SWALE (0.04ha) and children's play area in the form of a LEAP (0.04ha). The amenity green space would feature a circular footway and 5-a-side sized goal posts for informal games of football.
13. An existing bowling green (0.21ha) (D2 Use Class) which is privately owned by the applicant and leased to a bowling club is also included within the application site. No changes are proposed to the bowling green and public access would continue to be restricted to members of the bowling club.
14. The site currently takes the form of open space (90%) and a bowling green (10%). The proposal would result in 44% (0.92ha) being for an extra care retirement development, 46% (0.97ha) for public open space and 10% (0.21ha) as a bowling green. If the bowling green is excluded from the site area (giving a remaining area of 1.89ha) the split would be 49% of land for the extra care retirement development and 51% of land for public open space.

Relevant Planning History (Application Site):

R18/0214: Erection of an extra care retirement village for the elderly (62 apartments and 14 bungalows) including provision of communal facilities, landscaping, car parking and public

open space. Refused 05/12/2018. Appeal withdrawn 24/09/19 (ref: APP/E3715/W/18/3219296).

R13/1528: Outline application with access for the erection of 50 residential dwellings. Refused 09/03/2016. Appeal withdrawn 03/04/2017 (ref: APP/E3715/W/16/3156619).

Technical Consultation Responses:

Cadent Gas	No objection subject to informative
Historic England	Concern
NHS Property	No response
RBC Development Strategy	No response
RBC Environmental Health	No objection subject to conditions
RBC Housing	No comment
RBC Parks and Grounds	Comment
RBC Trees and Landscaping	No objections subject to conditions
RBC Works Services Unit	No objection
Severn Trent Water	No objection
Stagecoach	No response
Sport England	No objection subject to financial contribution
UHCW NHS Trust	No objection subject to financial contribution
Warwickshire Fire and Rescue Service	No objection subject to condition and informative
Warwickshire Police	No objection with comment
Warwickshire Wildlife Trust	No response
WCC Archaeology	No objection
WCC Ecology	No objection subject to conditions and financial contribution
WCC Extra Care Housing Programme	No response
WCC Flood Risk Management	No objection subject to conditions
WCC Highways	No objection subject to conditions and informative
WCC Infrastructure	No objection subject to financial contribution s
Western Power	No response

Third Party Consultation Responses (Original Plans and Reports):

Objection: Neighbours (26), Save Oakfield Group and Mark Pawsey MP

- Oakfield Recreation Ground is open space even if fenced off to prevent physical access.
- Loss of open space unacceptable and significant.
- Loss of open space can't be compensated for.
- Densely populated area with shortage of open space.
- Amount of existing open space provision for community already below adopted standards for all open space typologies.
- Already 9ha deficit of amenity green space and parks and gardens open space typologies in New Bilton. Proposal would increase this deficit by 1ha.
- Existing amenity green space provision in New Bilton is around half of that required by Council's open space standards. Would reduce to 40% if development allowed.
- No surplus of open space in New Bilton to warrant loss of any open space.
- Open space standards found to be robust and up-to-date after local plan adoption and legal challenge.
- Open space standards not high/exceptional when compared to neighbouring Councils.
- Open space standards put forward by applicant not accepted.
- No alternative open space for those surrounding site.
- Removal of open space has had a significant detrimental effect on community.

- No space for sport and recreational activities such as dog walking and football.
- Open spaces help health, wellbeing, social cohesion and welfare of residents.
- Open spaces provide sense of place and belonging.
- Open space still enjoyed by people passing along Bilton Road despite being fenced off.
- Land is privately owned and publicly inaccessible but this doesn't diminish its value or responsibility of owner to maintain and uphold community asset.
- Green open space at Rugby School privately owned and publicly inaccessible but provides benefits to passer-by's.
- Oakfield was well used contrary to submitted report on open space.
- Oakfield is asset of community value – should be used as such by future generations.
- Negative impact on wildlife including bats.
- Open space improves air quality and reduces pollutants from traffic.
- New residents create need for more open space, not less.
- Open space should be sold to Council.
- No reason for apartment block to be built on open space.
- Use of Merttens Playing Field not a suitable alternative to Oakfield due to restrictive covenants which mean it can only be used by children and those accompanying them.
- Bowling green included in site area but is a private club with no public access so not open space – inflates amount and proportion of open space claimed to be on site.
- Stated 59% open space provision is misleading.
- Inconsistencies within application in relation to green space.
- Increased area of open space should be protected from development.
- Frontage development would remove all open space and green break along Bilton Road.
- If any building is accepted on site it should be positioned at back of site.
- Proposed trees along frontage would take years to mature and provide a screen.
- Would result in enclosed and inaccessible open space - likely to encourage anti-social behaviour.
- 3-storey building out of character with surrounding 2-storey homes.
- Scale of buildings drop from tall buildings to 2-storey buildings as soon as outside conservation area.
- Harm to visual amenity of area.
- Height and scale of building would block views of open space – lack of visibility harmful to wellbeing.
- Does not fit in with surrounding buildings.
- Proportions of buildings in conservation area not reflected in combined height and length of proposed building.
- Number of windows, continuous level/position of windows, lack of key entrance to Bilton Road and variation in heights detracts from scheme.
- Building should be on a more modest scale with less straight lines, wooden materials and views through to open space.
- Accommodation not in keeping with local area.
- Development blocks primary previous pathway across the site from southwest to northeast.
- Proposed location of footpath link across site serves no useful purpose.
- Conservation area referenced by breaking up mass of building, different materials and stepping height.
- Benefits not acceptable and could be achieved through development elsewhere.
- Few local amenities and shops accessible for intended occupants.
- Residents will need to drive to access shops and services.
- Increased traffic volume and flows on Bilton Road, surrounding area and key junctions (including the gyratory system).
- Increase in traffic means Bloxham Gardens and Seabroke Avenue used as "rat run".
- Increases accidents and highway safety risk on surrounding roads.

- Traffic survey shows vehicle speeds above 30mph along Bilton Road thereby increasing risk associated with new access.
- Parking provision not high enough and would lead to parking on surrounding roads creating access and safety issues.
- Not enough parking spaces for staff.
- Access would be unsafe.
- Access too close to another access point.
- Has already been a number of accidents along Bilton Road and this would get worse.
- Scheme should include double yellow lines and traffic calming measures to reduce vehicle speeds along Bilton Road.
- Loss of privacy - particularly to houses on Bloxham Gardens and Seabroke Avenue with gardens backing onto site.
- Loss of privacy as a result of overlooking, particularly into 53, 73, 74 and 75 Bilton Road and 2 and 4 Bloxham Gardens.
- Loss of light to surrounding properties, particularly those to south and west.
- Sun path calculations show loss of light to properties.
- Overshadowing of houses on opposite side of Bilton Road.
- Noise disturbance, particularly from vehicular movements in car park, harmful to residential amenity.
- Negative impact on water pressure which already drops at peak times.
- Open space provides permeable area to soak up rainfall – important as drainage system in area cannot cope with heavy rain.
- Brownfield sites in the centre of Rugby would provide same benefits.
- Current application for extra care and care home units at Herbert Grey College Site would be better site for this type of development (e.g. closer to shops, services, etc).
- Pending applications for 192 extra care/care home units in Rugby town would exceed need and place strain on health care facilities.
- Should achieve sustainable development.
- Not sustainable development.
- If provision of extra care accommodation so low then why was Abbotsbury Close and The Cherry Trees allowed to be converted to domestic homes?
- Enough retirement homes with options for care on market already.
- Alternative options to extra care accommodation (e.g. caring for people in their home) which can help meet needs of this population.
- Should not lose open space for something which may not be fully used - demand can fluctuate over time.
- Price range of proposed accommodation not of benefit to local people.
- Local Plan sets out where future development should be and open space should be protected.
- Sites elsewhere should be developed before developing on open space.
- Applications for development on site refused in 1962, 1968 and 1973.
- Permission for housing on site in 1973 refused and appeal dismissed. On the grounds that the site is open space and its loss would be harm to amenity of residents.
- Appeal decision for 1973 refusal notes the need to protect open spaces near the town centre in view of new development around the town as it expands.
- Reasons 1973 appeal dismissed are still relevant today.
- Permission for funeral home granted in 1976 thus reducing size of open space. Application indicated the remainder of the site would remain as open space.
- Applications for residential development (2015) and then extra care village (2018) refused and appeals withdrawn due to loss of open space.
- Permission granted in surrounding area for new housing without additional new open space. Reliance instead placed on open space at Oakfield.
- Planning history refusing development on site sets precedent for future applications.
- Revised plans do not address previous points of concern.

- Should only construct bungalows previously proposed and have open space adjacent to Bilton Road.
- Proposed scheme considerable improvement to previous scheme.
- Public access to amenity space would be a significant benefit for community.
- No proper consultation on amended plans carried out by applicant.
- Lack of time for consultation responses.
- Discussion and agreements between Save Oakfield Group and applicant have been ignored, including relocating development to eastern edge of site.
- Council are open and keen to reach compromise position.
- Confusing as to why Council defended legal challenge to local plan open space standards but may support development on site.
- Not clear what's changed for Council to feel it can approve development on part of site.
- Allowing development would undermine local plan which identifies site as green space.
- Allowing would set a precedent to justify development on green spaces elsewhere.

Councillor Mike Brader

New Bilton Ward

- Objection.
- Oakfield Recreation Ground should remain as a protected open space and asset of community value.
- Already 9ha deficit of open space in New Bilton so contrary to Local Plan standards.
- Proposed development would increase open space deficit by 1ha.
- Open space cannot be replaced in this densely populated ward.
- Legal challenge to open space standards rejected and supports Local Plan standards.
- 3.5 storey development significantly larger than surrounding properties.
- Would affect light in properties opposite site and to west.
- Increase in traffic onto Bilton Road at busy junction where there have been accidents.
- Increase in traffic would adversely affect air quality in area of high air pollution.

Third Party Consultation Responses (Amended Plans and Reports):

Objection: Neighbours (14). Raising the following additional points:

- Amendments to plan do not change previous objections.
- Whole site should be open space.
- Lack of infrastructure.
- Lack of parking increases risk of parking on grass, access pavement and roads.
- Unclear if bowling green would be a public green or members only.
- Extra open space not useful.
- Query impact on additional traffic, air pollution, pedestrian crossing, cycle route and layout of site access.
- Contrary to policy NE1 – does not provide wildlife habitat.
- Contrary to policy NE2 – disrupts green corridor along Bilton Road so prevents movement wildlife.
- Contrary to policy NE3 – loss of character and green space with reduced and hidden private space.
- Contrary to policy SDC1 and SDC3 – impact of mass of development and location giving rise to detrimental impact on visual amenity of Bilton Road and integrity of Bilton Road Conservation Area.
- Contrary to policy HS4 – still a need for open space, particularly in New Bilton Ward which has low provision.
- Contrary to Policies Map – designated as open space.
- Contrary to PPG17 as Local Plan complies with this and should be respected.
- Contrary to paragraphs 74, 91 and 96 of NPPF which protect open space and support health and access to open spaces.
- Contrary to Natural England Accessible Natural Greenspace Standards as does not meet acceptable distances of open space to homes and size of open spaces.

- Bilton Road already congested.
- Existing problems with car emissions on Bilton Road.
- Would introduce another access for pedestrians to cross on Bilton Road.
- Query what will happen with government target of zero emissions with extra traffic.
- Building length and height excessive.
- Would create continuous frontage to Bilton Road.
- Still taller than other buildings in area.
- Loss of light to 2 and 4 Bloxam Gardens.
- Needs a sunlight/light impact assessment.
- Eastern and western elevations should be swapped so lower height on western elevation facing Bloxam Gardens.
- Refuse storage still located in wrong location and would lead to noise/traffic impacting on residents.

Development Plan and Material Considerations:

15. 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.
16. The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Council Local Plan 2019. The relevant policies are outlined below.

Rugby Borough Council Local Plan 2019

GP1: Securing Sustainable Development	Complies
GP2: Settlement Hierarchy	Complies
DS1: Overall Development Needs	Complies
H1: Informing Housing Mix	Complies
H6: Specialist Housing	Complies
HS1: Healthy, Safe and Inclusive Communities	Complies
HS4: Open Space, Sports Facilities and Recreation	Does not comply
HS5: Traffic Generation, Air Quality, Noise and Vibration	Complies
NE1: Protecting Designated Biodiversity and Geodiversity Assets	Complies
NE3: Landscape Protection and Enhancement	Complies
SDC1: Sustainable Design	Complies
SDC2: Landscaping	Complies
SDC3: Protecting and Enhancing the Historic Environment	Complies
SDC4: Sustainable Buildings	Complies
SDC5: Flood Risk Management	Complies
SDC6: Sustainable Drainage	Complies
SDC7: Protection of the Water Environment and Water Supply	Complies
SDC9: Broadband and Mobile Internet	Complies
D1: Transport	Complies
D2: Parking Facilities	Complies
D3: Infrastructure and Implementation	Complies
D4: Planning Obligations	Complies

Supplementary Planning Documents (SPDs)

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

Material Considerations

National Planning Policy Framework (NPPF or “the Framework”) (2019)
National Planning Practice Guidance (NPPG)
Community Infrastructure Levy (CIL) Regulations 2010 (as amended)
National Design Guide (2019)

Assessment of Proposal:

Key Issues

- A. Settlement Hierarchy, Use and Need
- B. Open Space, Sports Facilities and Recreation
- C. Health Impact
- D. Trees and Hedgerows
- E. Heritage and Archaeology
- F. Access, Parking Provision, Traffic Flows and Highway Safety
- G. Air Quality
- H. Noise
- I. Contamination
- J. Ecology
- K. Flood Risk and Drainage
- L. Design, Layout, Landscaping and Visual Impact
- M. Sustainable Buildings
- N. Residential Amenity
- O. Economic Growth
- P. Infrastructure and Planning Obligations
- Q. Planning Balance and Sustainability of Development

A. Settlement Hierarchy, Use and Need

Settlement Hierarchy

1. Policy GP2 of the Local Plan outlines a sequential settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within Rugby Town which is classified as being the most sequentially preferable location for development. The policy consequently sets out that development will be permitted within existing boundaries. The proposed development therefore complies with this policy.

Use

2. The proposed development is for the erection of an extra care retirement development for the elderly comprising 62 apartments. Information has been submitted with the application confirming how the development would operate. In particular, it outlines that it would be “aimed at providing independent living for the frail elderly, with day to day care in the form of assistance and care tailored to the owners’ individual needs ... [it] enables the frail elderly to buy in care packages to suit their needs as they change over time rather than pay the fixed costs of a nursing or residential care home with its one for all approach”. To facilitate this the building includes provision for a number of communal rooms whilst staff provide 24-hour cover for domestic assistance and personal care.
3. The proposed use would be classified as a Class C2 (Residential Institution) use. This is defined as being a “Use for the provision of residential accommodation and care to people in need of care”. Care is defined here as meaning “personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or

present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment”.

4. In order to ensure the development is used as a Class C2 use the applicant has agreed to enter into a S106 Agreement. This would restrict the age of occupiers to a minimum age of 65. It would further restrict occupation to individuals who are in need of care and have contracted to purchase a basic minimum care package. In doing this the proposal would comply with policy H6 of the Local Plan.

Need

5. The Framework sets out that the needs of groups with specific housing requirements should be addressed to significantly boost the supply of homes (para.59). Such groups include older people (para.61) who are defined as being over or approaching retirement age and whose housing needs can include retirement and specialised housing for those with support or care needs (annex 2). NPPG further stresses that the need to provide housing for older people is critical as people are living longer lives and the proportion of older people in the population is increasing (ID: 63-001-20190626).
6. In June 2019 the Government published further guidance explaining the need to provide housing for older people was critical. It sets out that in mid 2016 there were 1.6 million people aged 85 and over. This is projected to double to 3.2 million by mid 2041.
7. The Coventry and Warwickshire Joint Strategic Housing Market Assessment (2013) (SHMA) indicates that between 2011 to 2031 Rugby will experience a particularly high increase in over 55s by 52%, the highest in Warwickshire, and in 85+ year olds by 123%. It further indicates that the number of individuals suffering from dementia in Rugby will increase by 93% whilst those with mobility problems will increase by 79%. It also states that there will be an increased demand for extra care housing, including ones for market sale.
8. Policy DS1 of the Local Plan sets out a need for 12,400 homes in the Borough between 2011 and 2031. This figure relates only to housing falling within the C3 Use Class and does not include an allowance for specialist housing falling within the C2 Use Class. Appendix 2 of the Local Plan provides a housing trajectory which shows that the Council has a five year supply of deliverable housing sites to meet this need as required by paragraph 73 of the Framework. This housing trajectory does not include an allowance for the delivery of specialist housing falling within the C2 Use Class to help meet this need.
9. The need for specialist housing is outlined within policy H6 of the Local Plan. It sets out that the Council will have regard to the need for the accommodation proposed where it contributes towards specialist housing need as identified within the Strategic Housing Market Assessment (“SHMA”). The 2015 SHMA sets out an indicative annual requirement for the provision of 72 extra care market units and 22 extra care affordable units (94 units in total).
10. Case law has previously concluded that Class C2 development does not need to provide an element of affordable housing provision. Policy H2 (Affordable Housing) of the Local Plan does not refer to affordable housing provision for Class C2 development but the supporting text does refer to the SHMA and that national policy requires policies to provide affordable housing for older people. Whilst policy H6 makes no specific reference to affordable housing it also refers to the SHMA which advises that affordable extra care provision is recommended. Nevertheless, it is considered that the proposal meets the two bullets points set out under policy H6, namely that the extra care accommodation is meeting a specific need identified in the SHMA and that the site has good access to essential services and public transport.

11. A further factor to consider is that extra care accommodation provided in an apartment block with additional facilities, such as a wellness room and restaurant, and run by a private company are subject to significant annual service charges. The way the accommodation is provided along with the service charges for the additional facilities discourages affordable housing providers being able to practically provide and operate extra care units.
12. As indicated above, the provision of extra care accommodation has not been included within the Council's overall development needs for housing set out within Local Plan policy DS1. The need for Class C2 units is therefore in addition to the Local Plan targets for C3 dwellings. The provision of Class C2 units has not been monitored in relation to the delivery of the Council's five year housing land supply. As a consequence it is not known how many units have been delivered against the indicative annual requirement set out within the SHMA since 2011.
13. The applicant makes reference to a report commissioned by them which concludes that there is a shortage of specialist older persons' housing for sale in the Rugby Borough Council area. The Council does not currently have any evidence to support or contradict the conclusions drawn.
14. To meet the need for Class C2 units, policy H6 of the Local Plan sets out that development proposals on Sustainable Urban Extensions will be expected to provide opportunities for the provision of housing to meet the housing needs of older persons, including the provision of residential care homes.
15. The Council has also granted permissions and is considering applications for C2 Use Class developments on windfall (i.e. non-allocated) sites. For example, the Council is currently considering an application for 78 extra care units and 52 care home units at Herbert Grey College, Little Church Street, Rugby (ref: R18/1811). This demonstrates that there are alternative, available and viable windfall sites on previously developed land for C2 Uses within the Borough. Nonetheless, it is necessary to acknowledge that the extent of this availability is unknown. It is also reliant upon landowners and providers bringing forward such schemes on a speculative and unplanned basis which is harder to forecast.
16. In summary, it is not currently possible to clearly establish what the exact need and supply is for extra care housing falling within a Class C2 use across the Borough. However, the available evidence indicates that there is a strong need for this type of accommodation. There are currently no applications for specialist housing within the Sustainable Urban Extensions. Provision on alternative sites is unknown. Conversely, this proposal is a full application for 62 extra care market units which would make a positive and significant contribution towards meeting the need for this type of accommodation within the Borough. Any permission would need to be implemented within three years if granted. This is consequently a matter which carries significant weight in favour of the proposed development.
17. Aside from the provision of housing for older people, the proposal could result in the freeing-up of existing homes which would provide homes for other sections of the population. The extent of this remains unknown and has not been robustly quantified or evidenced by an impartial expert. Nonetheless, the Framework seeks to significantly boost the supply of homes. This is consequently a matter which carries significant weight in favour of the proposed development.

B. Open Space, Sports Facilities and Recreation

18. Oakfield Recreation Ground and Oakfield Bowling Green are formally designated as open space by policy HS4 of the Local Plan and accompanying Policies Map.

19. Oakfield Recreation Ground covers an area of 1.9ha and was used as amenity green space, a children's play area and a football pitch for over 30 years. The green space took the form of mowed grass, a marked pitch with goal posts, play equipment, trees, hedgerows, trees, benches and bins. It's clear primary purpose and use was for informal recreational activities as amenity green space. This use was a high-level use and was highly valued by the local community as can be observed in the objections précised in this report.
20. Although the land is in private ownership it was leased to the Council for over 30 years until June 2013. The Council repeatedly offered to buy the freehold or enter into a new long-term lease but the applicant did not accept these offers. Upon expiry of the lease on 23rd June 2013 the use of the football playing pitch for competitive matches ceased. Despite this the site remained accessible to the public and was maintained by the Council. The Heart of England Co-operative then served notice on the Council to remove all of its play equipment from the land by 22nd June 2016 which was complied with. In July 2016 the owner erected palisade fencing around the perimeter of the site thus restricting public access to the majority of the Recreation Ground.
21. In spite of public access being restricted the use of Oakfield Recreation Ground as designated open space remains unchanged. In its present form the land currently takes the form of a large area of open grass, hedgerows, trees, shrubs and remnants of hardstanding associated with footways and a former play area.
22. Oakfield Bowling Green makes up the remaining land included within the application site and covers an area of 0.2ha. The bowling green falls under the D2 Use Class as a sport facility. It is privately owned by the applicant and is leased to Oakfield Bowling Club. No changes are proposed to the bowling green and public access would continue to be restricted to members of the club.

Policy HS4

23. Policy HS4 of the Local Plan relates to open space, sports facilities and recreation. There are three parts to this policy which set out the Council's position in relation to: (a) open space typologies and standards; (b) criteria for new open space; and (c) restrictions for building on open space. Part C of policy HS4 is particularly relevant to this application and sets out that:
24. "Public open space, sports and recreational buildings and land, including playing fields within Open Space Audit evidence and/or defined on the Policies Map and/or last in sporting or recreational use should not be built upon unless:
25. An assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements; or
26. It can be demonstrated that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
27. The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

Existing and Proposed Open Space Provision

28. The site currently takes the form of open space (90%) and a bowling green (10%). The proposal would result in an extra care retirement development (44%), open space (46%) and a bowling green (10%).
29. The public open space would be comprised of amenity green space (0.89ha), natural/semi-natural green space in the form of a SWALE (0.04ha) and children's play area in the form of

a LEAP (0.04ha). The amenity green space would feature a circular footway and 5-a-side sized goal posts for informal games of football.

Oakfield Bowling Green

30. The inclusion of the bowling green within the application site boundary is something of a “red herring” which diverts attention away from the main issues at hand. The bowling green is not classified as open space and is rather an outdoor sports and recreation facility, i.e. a D2 “Assembly and Leisure” Use. Planning permission would therefore be required to change the use of the bowling green to any other use including open space.
31. Following consultation with the author of the Council’s Open Space, Playing Pitch and Sports Facilities Study, Part 2 – Built Facilities, it has been established that there is an evidenced need to keep Oakfield Bowling Green as a bowling green in perpetuity. Indeed, it would be difficult for the applicant to demonstrate that the relevant tests outlined in policy HS4 would be met.
32. As it currently stands the applicant has advised that the bowling green is privately owned by the applicant and leased to a bowling club. No changes are proposed to the bowling green and public access would continue to be restricted to members of the bowling club. However, the applicant has indicated that the lease to the bowling club is due to expire shortly. They therefore propose to offer a new 25 year lease to the club providing approval is granted. Nonetheless, the offer of a 25 year lease would not be secured through a condition or S106 Agreement. There is consequently no certainty that a lease of this length would be offered or agreed.
33. It is concluded that public access to the bowling green remains uncertain and cannot be guaranteed in the future as part of this proposed application. In any event, the bowling green is afforded protection from development under policy HS4. The inclusion of the bowling green within the application site therefore results in no change or benefit beyond the current situation. Essentially, the inclusion of this can be considered to be neutral within the planning balance.
34. It is on this basis that it is considered reasonable to exclude the bowling green from calculations relating to the split of developed land and open space. Indeed, if the bowling green is excluded from the site area (giving a remaining area of 1.89ha) the split would be 49% of land for the extra care retirement development and 51% of land for public open space. This differs to the previously refused scheme on the site (ref: R18/0214) which proposed a split of 71% of land for the extra care retirement village and 29% of land for public open space.

Playing Pitch

35. A single marked adult football pitch with goalposts was located on the site. The Council’s Playing Pitch Strategy (PPS) (2015) identifies that this was of standard quality and was utilised by Rugby and District Football League when other pitches were waterlogged (and on ad-hoc basis for other matches). It is also understood that the football league were seeking to use the pitch as a permanent venue for matches prior to the pitch being made unavailable for hire after the Council’s lease expired in June 2013. Informal use of the pitch continued until the site was fenced off in June 2016.
36. The proposed development does not include any provisions to reinstate the adult football pitch on the application site. Indeed, the nature, size and shape of the proposed open space is such that it would not be possible to provide an adult football pitch. The impact arising from the loss of this pitch therefore needs to be considered.

37. In respect of whether the pitch is surplus to requirements, the Council's PPS identifies that there is a sufficient quantity of football playing pitches (in secure community use) to meet current and future demand. However, it further sets out that the loss of the single pitch at Oakfield Recreation Ground would mean there is less overall long-term capacity for football in the urban area. It therefore sets out that the loss of this pitch would only not be significant if: (i) pitches on other sites are retained and improved; and (ii) pitches on the Rugby Radio Station and Gateway developments are of sufficient quality.
38. To date the only improvement to pitches has been the delivery of one of two 3G pitches recommended in the PPS. No pitches have been provided on the Rugby Radio Station and Gateway developments. Sport England are consequently satisfied that there is sufficient quantitative provision to meet current and future demand for football. However, they note that qualitative improvements are still required in order to ensure that the quality of existing pitches does not deteriorate due to overplay. This would further increase playing capacity and improve ancillary provision to increase the attractiveness and usage of such sites.
39. Sport England has given further consideration to whether the site could be utilised by other sports including rugby, cricket and hockey. It has been found that this site would not be needed to meet the needs of these sports.
40. Taking the above into account Sport England has concluded that the loss of the football pitch can be compensated for with a financial contribution towards improving existing pitches off-site. The Council's Parks and Grounds Manager has identified that Whinfield Recreation Ground would be a suitable site to deliver a package of football pitch improvements. This site falls within the 20 minute drive catchment area for football as identified in the PPS.
41. The improvements would be for works relating to 9 pitches comprising: 2 x senior pitches; 1 junior pitch; 2 x 9v9 pitches; and 4 x 7v7 pitches. The pitch improvements and renovations would allow Hillmorton FC to move to Whinfield and expand the clubs activities including youth football. The works would help to ensure the playing surface can withstand the additional use and will include better drainage, improving the soil, additional posts and improved goal mouths. The applicant has agreed to secure the contribution in a S106 Agreement.
42. On balance, the loss of the football pitch for formal use as a result of the proposed development is considered to be acceptable subject to financial contributions being made towards pitch improvements at Whinfield Recreation Ground.

Children's Play Area

43. A children's play area was located on the site but was removed in June 2016 after the landowner served notice on the Council to remove all of its play equipment from the land. The applicant is consequently proposing to provide a Locally Equipped Area of Play (LEAP) within the public open space to replace this. The location of this is such that it would be over 20m away from the closest façade. The applicant has agreed to secure the provision of this and a contribution towards future maintenance within a S106 Agreement.

Amenity Green Space

44. The site's clear primary purpose and use was for informal recreational activities as Amenity Green Space (AGS). This was a high-level use and was highly valued by the local community as can be observed in the objections from neighbours précised in this report. Since the majority of the site has been fenced off it continues to serve as AGS in providing a green open space in and around areas of housing and commercial uses.

45. As it stands Oakfield Recreation Ground provides 1.89ha of open space. The proposed development would result in 49% of this land (0.92ha) being lost to an extra care retirement development with the remaining 51% (0.97ha) being used for public open space. The public open space would be comprised of amenity green space (0.89ha), natural/semi-natural green space in the form of a SWALE (0.04ha) and children's play area in the form of a LEAP (0.04ha). The amenity green space would feature a circular footway and 5-a-side sized goal posts for informal games of football.
46. The applicant does not have any other land in this area or the Borough which they are willing to provide for use as AGS to compensate for the 0.92ha of AGS that would be lost as a result of this development. Furthermore, options to partly compensate through the enhancement of existing off-site AGS has been explored (e.g. the provision of a MUGA). No suitable options within an appropriate catchment area were found.
47. Aside from the loss of existing AGS the proposal would also generate a need for additional AGS arising from the needs of prospective residents. In accordance with the standards set out within policy HS4 there would consequently be a need for 0.16ha of additional AGS based on 146 residents. However, the applicant has contended that the average household size of 2.4 people per dwelling used in these calculations would not reflect the average household size of the proposed C2 Class extra care units. Evidence has been submitted to demonstrate that these figures would be lower and that only 86 residents (1.39 people per unit) would actually occupy the apartments. Based on this the proposed development would generate a need for 0.09ha of additional AGS.
48. The requirement for between 0.16ha to 0.09ha of AGS arising from the development would be accommodated on site within the 0.97ha of AGS which would be provided on the site. However, this would then reduce the amount of existing AGS that would remain on the site for the existing population to only 0.81ha to 0.88ha.
49. In view of the above it is necessary to have regard to the findings of the Council's Open Space Audit (OSA) (2008) and Open Spaces Report (OSR) (2015). The OSR indicates that there is currently 4.63ha of AGS within New Bilton Ward and a deficit of 4.50ha. The 4.63ha of existing AGS provision included 1.89ha of AGS at Oakfield Recreation Ground.
50. The applicant has previously argued that as there is no public access to Oakfield Recreation Ground, this land should not count towards the existing provision of AGS in New Bilton. However, the act of fencing off land and restricting public access is only a material consideration and does not change the use of that land as open space in planning terms. All that has changed is that access to the open space has gone from being unrestricted to restricted. The land continues to remain designated and protected from development. Indeed, the land is designated as open space for the very purpose of preventing the uncontrolled development on such open spaces.
51. The primacy of the development plan in designating land as open is a central component of a plan-led system for determining applications. In this respect the Council has recently considered the restriction of public access to Oakfield Recreation Ground as part of the Local Plan preparations. This consideration was therefore carried out after the majority of the site was fenced off. Despite this the use of the site as open space remains unchanged and it has therefore remained designated as open space in the adopted version of the Local Plan. Equally, the open space provision tables in appendix 4 of the Local Plan include Oakfield Recreation Ground as forming part of the current provision of AGS with the deficit remaining at 4.50ha. The Local Plan Inspector was also aware of this site and associated issues. He did not request any changes to the open space designation or open space provision tables as part of the major and minor modifications to the Local Plan. Critically, this decision was made in full knowledge that physical public access to Oakfield Recreation Ground had been

restricted and that the land was privately owned. This is matter which carries significant weight against any argument that land at Oakfield Recreation Ground should not be counted as part of current AGS provision.

52. In addition to the above, it is critical to note that the wording of policy HS4, part C, sets out that it relates to land which is both an existing open space and that which was “last in sporting or recreation use”. It is clear that policy HS4 would continue to apply to this site because it was last in both sporting and recreational use.
53. PPG further recognises the different values of open space including that with restricted public access. In this case the site continues to make a significant and positive contribution to visual amenity. It is located within a densely populated urban area close to the town centre and adjacent to a conservation area containing many listed buildings. The land remains open and free from development thereby offering a welcome and needed visual break in this otherwise urban landscape. In turn it offers further value in relation to improving health and wellbeing as a result of views over this. Additionally it helps to improve air quality and support habitats and wildlife. Whilst the activities which used to take place on the land have been curtailed as a result of restricting access, the site continues to be a highly valuable and significant area of AGS.
54. Overall, it is clear that there is a significant deficit of AGS within New Bilton. The proposed development would increase that deficit. It has not been clearly shown that this open space is surplus to requirements. As a result the proposal is contrary to the first part of policy HS4 (C). In addition, the applicant has not been able to demonstrate that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The applicant does not have any other land in this area or the Borough which they are willing to provide for use as AGS to compensate for the AGS that would be lost as a result of this development. Furthermore, options to partly compensate through the enhancement of existing off-site AGS has been explored (e.g. the provision of a MUGA). No suitable options within an appropriate catchment area were found. As a result the proposal is contrary to the second part of policy HS4 (C). Furthermore, the proposal does not comply with the final part of policy HS4 (C) because it is not for alternative sports and recreation provision.

Natural and Semi-Natural Green Space and Allotments

55. It is necessary to consider whether the open space is no longer needed for other open spaces uses. The Open Space Audit highlights that within New Bilton Ward there is a deficit in allotments provision by 1.81ha and natural and semi-natural green space provision by 16.56ha, against the adopted provision standards. The Open Space Audit therefore identifies that New Bilton Ward is in deficit for all of the open space typologies. The proposal would also generate a need for additional natural and semi-natural green space provision at levels which could not be accommodated on the application site. There are no off-site locations which could be used to create this type of open space and so again this would add to the deficit of natural and semi-natural green space in New Bilton Ward. The extent of the deficit for these typologies is so great that the applicant would clearly not be able to demonstrate that this open space is surplus to requirements. It has not clearly been shown that the open space at Oakfield Recreation Ground is surplus to requirement. As a result the proposal is contrary to the first part of policy HS4.

Asset of Community Value

56. Oakfield Recreation Ground was designated as an asset of community value on 9th February 2015. This is consequently a material consideration in the determination of this application as it highlights the importance of this designated open space to the community. In terms of

compliance with the relevant legislation it is noted that a notice from the owner to dispose (S95(2)) was received on 30th June 2017 but no Community Interest Group bid was received. The listing expired on 22nd January 2020.

Public Accessibility

57. It is important to recognise that Oakfield Recreation Ground is privately owned land. The owners consequently have the right to prevent public access to the land. In this respect they have exercised that right through the erection of a palisade fence around the perimeter of the majority of the site to physically prevent public access. This is consequently a material consideration in the determination of the application. Indeed, even though the land is designated as being open space, the restriction on public access limits what it can be used for. By way of example, it is clear that fencing off the majority of the land has prevented the public from carrying out the recreational activities they used to enjoy on it. It has also prevented children and families from playing in the play area which was formerly on this site.
58. Nonetheless, the restricted public access has to be weighed against the fact that the proposal does not meet the exceptions for allowing this designated open space to be built on as set out in the Framework and policy HS4. In this respect it is important to consider that if planning permission is refused for the proposed built development the applicant would not be able to realise their hoped for alternative development values for the land. The existing use value of the land as open space would remain. The applicant would then have to choose between a number of options. For example, in the first instance they could continue to keep the land fenced off and restrict public access. In so doing they would not realise any economic value from the land and would continue to incur maintenance and liability risk costs. Alternatively, they could choose to sell or re-lease the land to the Council for use as open space. In doing this they would realise economic value from the land. Instead of this, they could remove the fencing and allow public access to the land for use as open space.
59. The decision as to which option the applicant would choose is a matter which only they have control over. There would consequently be no guarantee that the applicant would choose an option which would result in public access to the land being secured. In order to secure public access to this area of designated open space the option to compulsory purchase the land is available to the Council subject to necessary funding being found.
60. Aside from the compulsory purchase of the land, there is clearly potential to secure public access by allowing a limited amount of development on the site. This would be on the condition that a significant proportion of the site is laid out as open space and then gifted to the Council at nil cost to guarantee unrestricted public access in perpetuity. The applicant has provided a layout which provides a split of 49% (0.92ha) built development and 51% (0.97ha) public open space on Oakfield Recreation Ground. This is a significant increase from the previous scheme on the site (for 62 apartments and 14 bungalows) which showed a split of 71% (1.34ha) built development and 29% (0.55ha) public open space. Moreover, the size and shape of the 0.97ha of open space is such that this would provide a usable area of land for informal recreational activities to take place. It is consequently considered that this represents a fair, reasonable, positive and pragmatic response to guaranteeing public access to the open space. It is a response that balances the need to protect this designated open space with the desire to re-gain and guarantee public access to allow a fuller range of recreational uses to be carried out upon the land. Nonetheless, the scheme would still conflict with the Framework and policy HS4 by virtue of 0.92ha of designated open space being lost to development without the relevant exemptions being demonstrated. Being able to regain public access to this open space is therefore a matter which needs to be weighed up in the planning balance.
61. A further essential point to consider is that NPPG recognises the different values of open space including that with restricted public access. In this case, the site continues to make a

significant and positive contribution to visual amenity even with the land being fenced off to prevent public access. It is located within a densely populated urban area close to the town centre and adjacent to a conservation area containing many listed buildings. The land remains open and free from development thereby offering a welcome and needed visual break in this otherwise urban landscape. In turn it offers further value in relation to improving health and wellbeing as a result of views over this. Additionally it helps to improve air quality and support habitats and wildlife. Whilst the activities which used to take place on the land have been curtailed as a result of restricting access, the site continues to be a highly valuable and significant area of AGS. Again, this is a matter which needs to be weighed up in the planning balance.

62. Overall, it is recognised that public access to this designated open space is a material consideration in the determination of this application. However, it has been shown that outright refusal of the application could result in the land owner re-assessing their options for the land which could result in public access being re-gained. A further option includes the ability of the Council to compulsory purchase the land subject to necessary funding being found. Alternatively, access could be secured and guaranteed if the Council allows the proposed limited amount of development on the site with the remainder being public open space. The submitted scheme seeks to provide a level of open space which would fairly and reasonable strike a balance between the loss of designated open space and desire to regain public access to this land. However, the proposal still clearly conflicts with the Framework and policy HS4. It is therefore necessary to consider in the planning balance whether the material consideration of regaining public access to some of the open space outweighs the conflict with this policy.

C. Health Impact

63. Paragraph 91, 92, 96 of the Framework and policy HS1 of the Local Plan sets out the need to achieve healthy places. Paragraph 96 of the Framework is particularly clear in outlining that “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.” The supporting text to policy HS1 at paragraph 8.5 further notes the importance of planning in preventing the loss of anything that promotes healthy communities. It indicates that “A clear element of this is ensuring that sufficient land is made available by good access to all for play, sport and recreation”. It therefore requires policy HS4 to be considered alongside policy HS1.
64. In this case the proposed development would result in the loss of 0.92ha of designated open space. The majority of the land has already been fenced off to physically prevent access to this open space for recreational purposes. The impact of granting permission to change the use of this land and allow built development in its place on a permanent basis can therefore be readily gauged. Indeed, the objections and points raised by residents who live around the site in relation to this application describe the significant and detrimental impact this has had on their lives, health and well-being. For example, children are no longer able to play in the play area or enjoy informal sports such as rugby and football. Adults are no longer able to walk dogs or jog around the site. It has consequently also harmed the creation of inclusive communities and prevented opportunities for social interaction whilst using the recreation ground. This can therefore lead to increasing problems with isolation and mental health issues.
65. Public accessibility to public open space is a further critical factor to consider. In this case a number of residents surrounding Oakfield Recreation Ground have no alternative areas of amenity green space within the necessary 500m catchment area. As a result these residents would be less likely to engage in recreational activities. This consequently represents a significant change to having an area of open space on residents door step.
66. The proposed development includes provisions to restore public access to 0.97ha of open space and a LEAP. Critically, this would provide a usable area of land for informal recreational

activities to take place. It allows for the creation of a circular path with green space in the middle for informal recreational activities. This green space would include 5-a-side sized goal posts for informal games of football. There would further be green links across the site with two footways off Bilton Road to the east and west of the built development. Footways off Northcote Road and Charles Street to the north would provide a direct green link to the open space for residents living to the north of the site. These links make the site more accessible to surrounding residents and ensures permeability across this area.

67. Although some open space would be lost to development there would be a number of benefits to health and well-being which would be realised through regaining public access to the remaining open space. These benefits would be less than when there was full public access to the recreation ground but more than is presently the case. On balance, it is considered that the proposed development would have an overall positive impact on health and well-being. The proposal therefore complies with the Framework and policy HS1.

D. Trees and Hedgerows

68. Paragraph 170 of the Framework and policies NE3 and SDC2 of the Local Plan set out the importance of incorporating features such as trees and hedgerows into the proposed development.
69. There are a number of trees located on the application site which are of high amenity value to the area and are consequently protected by Tree Preservation Orders (TPO). These trees are distributed across the site with the majority being located around the perimeter in close proximity to the boundaries. They both collectively and individually make a significant and positive contribution to the local landscape and townscape. A Tree Survey has been submitted with the application which provides an up-to-date schedule of all these trees.
70. The previous application for 62 apartments and 14 bungalows on this site was refused permission partly on the grounds that the proposed development would not result in an acceptable relationship with the trees on this site. This was on three grounds: (i) it was too close to the Poplar trees thereby threatening their health and long-term protection; (ii) there would not have been enough light to two bungalows leading pressure to reduce or remove the Poplar trees; and (iii) the access road encroached upon the root protection area of a Lime tree thereby threatening it's health.
71. To overcome these reasons for refusal the bungalows have been removed from the scheme. The layout of the remaining development has been altered so that the parking area for the apartments is no longer in close proximity to the Poplar trees. These Poplar trees instead form part of the public open space.
72. In relation to the access road, the applicant carried out specialist investigations of the Lime tree roots using a Root Radar to identify the location and depth of the Lime tree roots. The results revealed that the majority of the roots are 600mm below the surface. The depth of construction of the proposed access, if limited to no more than 600mm, would therefore be acceptable. This is subject to the approval of an Arboricultural Method Statement and Tree Protection Plan and the approval of construction details for the proposed access, including a cross section plan. These are matters which can be resolved by appropriate conditions.
73. The Council's Arboricultural Officer has undertaken a thorough analysis of the impact of the proposed development on the trees and raised no objection. The impact on trees would therefore be acceptable. As a result the proposal complies with the Framework and policies NE3 and SDC2.

E. Heritage and Archaeology

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

Archaeological Potential

75. The archaeological potential of the site has been considered within an Archaeological Desk-Based Assessment, Geophysical Survey Report and Archaeological Evaluation. WCC Archaeology has considered these and outlined that no features or deposits of archaeological significance were identified by the programme of evaluation. They have therefore set out that the archaeological potential for this site is considered to be low. As a result they have raised no objection to the proposal and do not recommend that any further archaeological fieldwork needs to be undertaken.

Impact on Heritage Assets

76. The potential impact of the proposed development on designated and non-designated heritage assets has been considered within a Built Heritage Statement.
77. The main designated heritage assets which would be affected by this scheme are the grade II* listed Oakfield House (32 Bilton Road) and Bilton Road Conservation Area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore relevant to the listed building and its setting. It requires the Council to have “special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
78. The application site comprises of land to the west of Oakfield House which was historically created when the house was converted to a school in about 1839. Before this time the land subject of this application formed part of the landscape setting to Oakfield House. Although the site is not within the Conservation Area, it forms an important part of the approach to it, the gateway to the settlement beyond. Historic England have accepted that both the listed building and Conservation Area are not directly impacted. They are consequently rather interested in the impact on the setting of those assets and how the site contributes to the significance of those assets.
79. Historic England contend that it is clear on the ground that, equipped with some knowledge of the history of the site, the relationship of the listed building to the open area of ground (the development site) can still be perceived from the roadside even though the hall itself is not directly visible from the road. It is, despite the intervening development, the last remaining part of the historic setting of the historic house. Furthermore, they have also set out that in regard to the Conservation Area it is perceptible that the green space is an important remnant and reminiscence of the context of the settlement encompassed by that designation and is noticeable as a gateway to that area.
80. Historic England add that an important element in the impact of the scheme is the scale and massing of the proposed development rather than the details of the design. They note that existing 20th century development is mostly low scale and low key in that it is semi-detached two storey houses. It is observed that even the intervening development near the listed building is low rise. This contrasts with the proposed elevation to Bilton Road which involves tall blocks of three storeys with steep pitched roofs with a long continuous frontage making them much more dominant than the existing context. Moreover, they contend that the scheme removes the current open green area reflecting the historical character. Whilst they acknowledge that there are three storey historic buildings in the Conservation Area they point

out that importantly the buildings get smaller in scale as you leave the Conservation Area and they are later in date: a classic example of suburban development beyond a more urban historic core.

81. The conclusion reached by Historic England is that the scheme causes a moderate level of 'less than substantial harm'. Their response is one of concern rather than objection though. It is left for the Council to assess whether or not there is sufficient public benefit to outweigh the heritage harm in line with the Framework.
82. Conversely, the applicant's consultant refutes the analysis and conclusions offered by Historic England. They contend that the proposed development would result in no harm to the significance (including its special interest) of the Listed Building and no harm to the significance (including its character and appearance) of the Conservation Area.
83. In relation to the listed building it is noted that there is no statutory definition of setting. Having regard to the definition of setting outlined in the Framework, it is possible for a site to be in the setting of a listed building even if there are no clear visual links between the two. In this case Oakfield House is now largely screened from the application site by natural vegetation. The relationship is further broken up through the presence of a modern intervening development used by a funeral care business. However, the listing for Oakfield House makes reference to it being set within grounds and the application site now represents what is essentially the only remaining open space around the building. Indeed, historic records clearly show the relationship between the listed building and the open space. It is consequently considered that the application site does fall within the setting of this listed building by virtue of the historic links. Indeed, the setting is readily seen and valued as open space which is free from development. This historic form consequently contributes to the significance of this heritage asset.
84. In relation to the conservation area it is again important to recognise that the application site currently makes a positive contribution to its setting. The site is free from development and forms a clear visual break in development along Bilton Road before and after the Conservation Area. It is consequently considered that the site currently serves to enhance the setting of the Conservation Area and help visually mark its significance. This is particularly so taking into account the historic links between Oakfield House and the site.
85. It is within the context of the above that the proposed development would result in a significant area of the setting being lost to built development. In turn this would cause harm to both assets through the permanent removal of part of the current open green area that reflects the historical character of this listed building and enhances the setting of the Conservation Area. As a result it is considered that the scheme results in a low level of less than substantial harm to both the listed building and conservation area. This is a matter which should be given considerable importance and weight in the decision. The public benefits of the proposal should also be weighed against this harm in accordance with paragraph 196 of the Framework and policy SDC3 of the Local Plan.

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

86. Section 9 of the Framework and policies HS5, D1 and D2 of the Local Plan set out the need to prioritise sustainable modes of transport and ensure transport impacts are suitably mitigated. A safe and suitable access to the site is also necessary.
87. In this case the application site is located within a highly sustainable location in close proximity to Rugby Town Centre. Future residents would consequently be able to access a range of shops, community facilities and services either on foot or using mobility scooters. To help accommodate this the proposal includes provisions for a mobility scooter store within the

apartment block for residents to use. In addition, a bus stop is located immediately in front of the proposed development on Bilton Road. There is a frequent bus service along this route providing opportunities for sustainable travel to the wider area. The site can therefore be accessed via sustainable modes of transport. As a consequence this would mean residents would be less likely to use private cars.

88. Vehicular access to the site is proposed off Bilton Road via a priority junction leading into a 5.50m wide internal access road. Footways running through the proposed open space would also provide pedestrian access from Bilton Road, Charles Street and Northcote Road. The provision of these footways would therefore provide a benefit to existing residents as well as future occupiers by allowing greater pedestrian permeability through the area.
89. A total of 36 unallocated car parking spaces are proposed for the 62 apartments which equates to 0.6 spaces per unit. This provision for the apartments would consequently be higher than the Council's adopted parking standards which indicates a need for 31 spaces (or 0.5 spaces per unit). The amount of parking proposed is supported by a detailed analysis of parking provision at existing extra care developments operated by the applicant. WCC Highways have considered this and agreed that the level of parking provision proposed would be acceptable.
90. In accordance with the Local Plan it is necessary for there to be 1 charging point per 10 spaces. This equates to 4 charging points for this development. A condition would need to be imposed to secure this.
91. Cycle parking would need to be provided in line with the Council's standards, i.e. 2 stands for staff and 2 stands for visitors. This cycle parking would need to be secured by condition to ensure the proposal is in accordance with the Council's adopted standards.
92. The applicant has submitted a Transport Statement with the application which concludes that the proposed development would not have a significant impact on the operation of the local highway network. The proposed priority junction would achieve required visibility splays based on the recorded speed of vehicles moving along Bilton Road. A Road Safety Audit has also been carried out which has not identified any issues with the design of the proposed junction.
93. WCC Highways has considered the submitted information and plans. They have raised no objection to the proposal subject to conditions. It is consequently considered that the proposal would have an acceptable impact on highway safety. The residual cumulative impacts on the road network would also not be severe. As a result the proposal complies with the Framework and policies HS5, D1 and D2.

G. Air Quality

94. Paragraph 181 of the Framework and policy HS5 of the Local Plan set out the need to consider the impact of the proposed on air quality. In this respect the application site falls within the Rugby Air Quality Management Area (AQMA) which has been designated due to an excess of nitrogen dioxide primarily related to traffic congestion near the centre of Rugby and Dunchurch. An Air Quality Assessment (AQA) has therefore been submitted with the application.
95. The AQA sets out that the site is located within an area identified as experiencing elevated pollutant concentrations. Dispersion modelling was therefore carried out which showed that pollutant levels across the site were below relevant air quality objectives. As a result the future site residents and users would not be introduced to poor air quality.
96. The dispersion modelling undertaken also predicted air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the development. The results

were subsequently verified using monitoring results obtained from the Council. It was found that the impact on existing pollutant concentrations as a result of operational phase exhaust emissions would be negligible at all sensitive receptor locations within the vicinity of the site. The overall significance of potential impacts was therefore determined to be not significant.

97. Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and trackout activities. The AQA therefore identifies a range of good practice control measures which would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. A condition requiring the submission of a Construction Method Statement incorporating these measures would ensure this is achieved.
98. Environmental Health has considered the AQA. They have raised some concerns regarding the impact on traffic in the surrounding areas and in particular the Bilton Road junction with the gyratory. Their main concern is that vehicles waiting in Bilton Road to turn into the site or vehicles exiting the site could disrupt current traffic flows and increase congestion which may have a negative impact on air quality. However, WCC Highways has considered the access arrangements and do not consider that a right hand turning lane would be necessary. Environmental Health has acknowledged this and ultimately confirmed their concerns are not of such significance that they would object to the proposed development. Aside from vehicular emissions, Environmental Health has requested a condition requiring the applicant to incorporate on-site measures that allow the development to meet air quality neutral standards.
99. As a result it is considered the proposal complies with the Framework and policy HS5.

H. Noise

100. Paragraph 170 and 180 of the Framework and policy HS5 of the Local Plan set out the need to ensure that the proposed development would not be adversely affected by noise.
101. A Noise Impact Assessment has been submitted with the application which considers the noise impact from traffic (and other external sources) on the proposed development and potential noise from on-site sources such as kitchen extraction and plant/machinery. It outlines that whole house mechanical ventilation would be provided with no trickle vents or passive openings to the units. A glazing specification for all windows is identified. It further specifies that noise levels from any new plant should be controlled to 5dB below the measured background level.
102. Environmental Health has considered this assessment and are satisfied that subject to conditions the proposed development would not be adversely affected by noise. As a result the proposal complies with the Framework and policy HS5.

I. Contamination

103. Paragraphs 170, 178 and 179 of the Framework sets out the need to ensure a site is suitable for its proposed use taking account of risks arising from contamination. A Phase II Site Appraisal has been submitted with the application which concludes that there is only a low risk of contamination. Environmental Health has subsequently considered the appraisal and raised no objection to the proposal in relation to potential contamination issues at the site. A condition would nonetheless still be necessary requiring the submission of an investigation and risk assessment including a remediation scheme and measures to report unexpected contamination found on the site. It is therefore considered that this would ensure that contaminated land does not affect the health of the future occupiers of the proposed development. As a result the proposal complies with the Framework.

J. Ecology

104. Paragraphs 170 and 175 of the Framework and policy NE1 of the Local Plan set out the need to protect and enhance biodiversity including protected habitats and species.
105. A Preliminary Ecological Appraisal and Biodiversity Impact Assessment (BIA) has been submitted with the application. It identifies that the site largely comprises of poor semi-improved grassland which has developed from former amenity grassland which has been neglected. There is potential for protected species on site which includes: a mature tree with bat roosting potential; bat foraging/commuting habitat; and suitable bird nesting habitat within the trees and hedgerows. Apart from removal of a small section (approximately 20m) of hedgerow for the access it is proposed that existing hedgerows and trees would largely be retained.
106. WCC Ecology has considered the appraisal and proposed scheme. Whilst the retention of the majority of hedgerows and trees is supported they note that the proposed development would result in the loss of poor semi-improved grassland habitat. They have consequently prepared a worst case scenario BIA which quantifies the value of existing habitats and establishes what impact there would be from the loss of those habitats as a result of the proposed development. This was then compared with the post-development habitat values which were derived from the proposed retention of existing habitats in addition to proposed habitat creation and enhancement on-site. The assessment concluded that there would be a net biodiversity loss arising from the proposed development. The applicant is not able to provide full compensation for this on-site and so has agreed to a biodiversity offsetting scheme which would provide suitable compensation off-site. This would be secured in a S106 Agreement.
107. In relation to species, WCC Ecology consider that the impact on bats and nesting birds would be unlikely to be significant. However, they have requested conditions requiring details of: the timing of works; submission of a Landscape and Ecological Management Plan (LEMP) to include details of habitat enhancement/creation measures and management; bird, bat and hedgehog boxes; hedgehog holes in boundary treatments; and lighting. They have indicated that no other protected species are likely to be impacted by the proposed development.
108. Subject to the above it is considered that the proposal would have an acceptable impact on biodiversity. As a result the proposal complies with the Framework and policy NE1.

K. Flood Risk and Drainage

109. Paragraphs 155-165 of the Framework and policies SDC5 and SDC6 of the Local Plan set out the need to consider the potential impact of flooding on new development whilst ensuring that flood risk is not increased elsewhere as a result of it. Sustainable drainage systems (SuDS) should also be incorporated into major developments where feasible.
110. A Drainage Strategy, SuDS Assessment and Level 1 Flood Risk Assessment has been submitted with the application. This establishes that the application site falls within flood zone 1 (low risk) and therefore passes the requirements of the sequential and exception tests outlined within the Framework and policy SDC5. There is also no risk of flooding from pluvial, fluvial or artificial sources and no historic reports of flooding from sewers.
111. Soakaway tests to determine infiltration rates were carried out and revealed that the site is suitable for the use of soakaway drainage. It is consequently proposed that SuDS in the form of cellular crate soakaway systems, permeable paving, water butts and a dry swale would be used to manage surface water.

112. WCC Flood Risk Management has considered the assessment and proposed drainage system. They have raised no objection to the proposal subject to conditions requiring full details of the surface water drainage scheme for the site and its subsequent maintenance. The impact on flood risk and drainage is therefore considered to be acceptable. As a result the proposal complies with the Framework and policies SDC5 and SDC6.

L. Design, Layout, Landscaping and Visual Impact

113. Section 12 of the Framework and policies SDC1 and SDC2 of the emerging Local Plan set out the importance of good design in new developments. An assessment of the proposed design and layout of the development has subsequently been undertaken in accordance with the National Design Guide. This guide identifies ten characteristics which achieve a well-designed place.
114. **Context:** The proposed development is situated within the Rugby Urban Area approximately 300 metres to the southwest of Rugby Town Centre. It is a large open parcel of land free from development and is predominately laid to grass with hedgerows and trees around the perimeter. A full description of the site and the local and wider context are set out in the site description above. Further consideration of heritage and local history are set out within the heritage and archaeology section above. The site has historically played an important role in providing an area of accessible public open space for the community to use. This role has recently been diminished by virtue of public access being restricted. In recognition of the historical value and use of the site the applicant is proposing to only develop half of the recreation ground. Development would be contained to the southern half of the site adjacent to Bilton Road. In doing this it would form a continuous road frontage that follows the existing pattern of development along this road. At the same time it would restore public access to half of the recreation ground. This would allow historic north-south pedestrian links across the site from Bilton Road to Charles Street and Northcote Road to be re-established.
115. **Identity:** The development should be attractive and distinctive. In this respect the proposed apartment block would be 3-storeys in height and therefore reflects the height of existing buildings along Bilton Road (particularly to the east). The elevations of this apartment block would be broken up through the use of different projections in the build line, different heights, different materials and design features including projecting gables and hipped two-storey bay windows. Importantly, the height of the building decreases towards the western end of the apartment block close to the existing 2-storey residential houses. This would collectively help to ensure that the building would be read as separate elements that are both varied and interesting. The retention and enhancement of trees and the hedgerow along Bilton Road would further soften the appearance of the apartment block. It therefore: responds to existing local character and identity; is well-designed, high quality and attractive; and creates character and identity.
116. **Built Form:** The proposed apartment block would result in the provision of 62 units on 0.92ha of the 2.10ha site. This high density of development on a compact footprint is considered to represent an efficient use of land. The building type and form along the Bilton Road frontage relates well to the wider area and open space which would remain on the site. Importantly, the proposal would restore public access to some of the open space. This would re-establish a destination point for the community to meet, share experiences and come together.
117. **Movement:** The development should be accessible and easy to move around. In this respect vehicular access would be achieved through a new priority junction off Bilton Road. Parking would be positioned behind the building and would therefore not dominate the street scene. It would incorporate block paving and landscape planting to soften the appearance of this. Windows within the apartments would overlook this area thereby providing natural

surveillance. Pedestrian footways running through the proposed open space would also provide access from Bilton Road, Charles Street and Northcote Road. This would consequently make a positive contribution to the permeability of the area and help integration with the existing neighbourhood. These proposed connections would further help to increase the accessibility of the development in relation to the shops, facilities and services future occupants would need. In particular, there would be good links to the town centre which is in close proximity to the site. Bus stops located immediately in front of the apartment block on Bilton Road also provides positive opportunities for using public transport.

118. **Nature:** The proposed development would retain existing trees on the site. A small section of hedgerow would be removed to allow for the vehicular access. The impact arising from the loss of open space is considered elsewhere in this report. However, it is necessary to recognise that the proposal would result in physical access being regained to half of this designated area of open space. This open space would be laid out to a high standard and would incorporate a new children's play area, circular walk and 5-a-side goal posts. It would also introduce a dry swale, wildflower mix and relaxed grass management areas.
119. **Public Spaces:** The impact arising from the loss of open space is considered elsewhere in this report. However, it is necessary to recognise that at present there is no public access to this open space. Opportunities to improve health, well-being, social and civic inclusion are consequently not being realised. The proposed development would consequently result in physical access being regained to half of this designated area of open space. The plans show that the remaining open space would be designed to achieve a well-located, high quality and attractive public space. The relationship of this with the proposed apartment block is such that this would feel safe as a result of natural surveillance from windows. This would ultimately re-establish and support social interaction within the community.
120. **Uses:** The development should achieve mixed and integrated uses. In this respect the site is surrounded by a mix of residential and commercial uses. It is also located within close proximity to the town centre where there are a range of shops, services and facilities. The proposal would introduce 62 extra care apartments falling within the C2 Use Class into this area. It would therefore help to achieve an appropriate mix of uses within this location. Critically, it would help to meet the accommodation needs of older people in this area of the town. This would in turn promote social inclusion.
121. **Homes and Buildings:** The development should provide functional, healthy and sustainable homes and buildings. In this respect the proposal would provide purpose built accommodation which meet the needs of older people. Each apartment is self-contained and is considered to be of an appropriate size for future occupiers. Communal areas include a lounge, dining area, wellness room and buggy store. A refuse store, laundry room, kitchen, office and reception would provide for the practical needs of residents on a day-to-day basis. A private communal external amenity space would be available for residents. This would be enclosed for the safety and privacy of occupiers. A gated access would provide convenient and direct access to the public open space.
122. **Resources:** The development should make efficient use of resources whilst also being resilient. To achieve this it is necessary to impose a condition requiring the proposed development to comply with the BREEAM 'very good' standard as a minimum.
123. **Lifespan:** The development should be made to last. In this respect the proposed development would be well-managed and maintained by virtue of it being owned and run by a private care provider. Future occupants would pay service charges for the maintenance and upkeep of the building and grounds. The open space would be transferred to the Council who would then be responsible for the future maintenance and management of this area.

124. Overall, it is considered that the design and layout of the development is such that it would satisfactorily integrate into the existing neighbourhood, create place and provide suitable streets and homes.

M. Sustainable Buildings

125. Policy SDC4 of the emerging Local Plan sets out that non-residential developments of the size proposed should achieve the BREEAM 'very good' standard as a minimum. In this respect no details have been submitted setting out how this would be achieved. It is consequently considered that a condition could be imposed requiring the submission of how the scheme would achieve the BREEAM 'very good' standard as a minimum.

N. Residential Amenity

126. Policy SDC1 of the Local Plan sets out that proposals for new development should ensure the living conditions of existing and future neighbouring occupiers are safeguarded.

127. In this case the application site is immediately bordered by residential dwellings to the north and west. Residential dwellings are also located on the other side of Bilton Road to the application site to the south. The distance between habitable windows and gardens to these existing properties and the proposed apartments is considered to be acceptable. There are no instances where it is considered the proposed development would give rise to significant and detrimental impacts on light, aspect and privacy.

128. Equally, having regard to the nature and type of development proposed, it is considered that the relationship between the proposed apartments would not result in detrimental harm to the amenities of future occupiers.

129. The impact on residential amenity for both existing occupiers and future occupiers would therefore be acceptable. As a result the proposal complies with policy SDC1.

O. Economic Growth

130. Paragraph 80 of the Framework outlines that significant weight should be placed on the need to support economic growth. Policy GP1 further sets out a goal to secure development that improves the economic conditions of this area. In this respect it is recognised that the proposed development would result in: money being invested in construction on the site; construction jobs and associated in-direct jobs being supported; potential new construction employment opportunities; new household spending in the Borough; potential new jobs within the Borough; an increase in the viability of local retail uses, services and businesses; and an increase in the viability of existing public services. Such matters would have a positive impact on the local economy and prosperity of the Borough.

131. Notwithstanding the above, it is recognised that the benefits arising from this proposed development would not be unique. Indeed, the same benefits would arise if this development was carried out at other locations within the Borough. However, the availability of this site to commence development is such that these economic benefits could be realised quicker than alternative locations which have not come forward to date. It is consequently considered they should be afforded moderate weight in favour of the proposed development. As a result the proposal would therefore be in accordance with the Framework and the goal of improving the economic conditions of this area set out in policy GP1.

P. Infrastructure and Planning Obligations

132. Paragraphs 54, 56 and 57 of the Framework, policies HS4, D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.
133. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. If a requested planning obligation does not comply with all of these tests then it is not possible for the Council to require this. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below. It is considered that all of these requests meet the necessary tests and are therefore CIL compliant.
134. **Sports Pitches:** For the reasons set out earlier in this report the applicant has agreed to make financial contributions towards works to improve 9 pitches at Whinfield Recreation Ground. The applicant has agreed to secure this within a S106 Agreement.
135. **Parks and Gardens:** The proposed development would create a greater demand for parks and gardens. The applicant has therefore agreed to make a financial contribution towards off-site enhancements at Caldecott Park which would be secured within a S106 Agreement.
136. **Amenity Green Space:** The applicant would provide on-site amenity green space as shown on the proposed site layout plan. The applicant has agreed to transfer this land to the Council at nil cost to secure its use as public open space in perpetuity. They have also agreed to provide a financial contribution towards the maintenance of this. The applicant has agreed to secure this within a S106 Agreement.
137. **Children's Play:** The applicant would provide a Locally Equipped Area of Play on the application site. The applicant has agreed to transfer this to the Council at nil cost to secure its use as public open space in perpetuity. They have also agreed to provide a financial contribution towards the maintenance of this. The applicant has agreed to secure this within a S106 Agreement.
138. **Natural and Semi-Natural Green Space:** The applicant would provide a total of 0.04ha of natural and semi-natural green space on the application site. The applicant has agreed to transfer this land to the Council at nil cost to secure its use as public open space in perpetuity. They have also agreed to provide a financial contribution towards the maintenance of this. The applicant has agreed to secure this within a S106 Agreement.
139. **Biodiversity Offsetting:** For reasons set out earlier in this report the applicant has agreed to enter into a S106 Agreement to secure the provision of a biodiversity offsetting scheme.
140. **UHCW NHS Trust:** UHCW has provided evidence that the proposed development would place increased demand on hospitals within the area. The applicant has therefore agreed in principle to make a financial contribution to offset this impact. However, the requested contribution is based on occupancy levels of 2 people per apartment. The applicant has provided average occupancy figures for other developments in their ownership. This shows that average occupancy levels are actually lower. As it stands the requested contribution is not reasonable. However, discussions with UHCW's legal representative are ongoing and a lower contribution will be agreed.

141. **Libraries:** WCC has requested a financial contribution to support the expansion of the service of Rugby library in terms of stock, seating, facilities and promotions. Owing to the close proximity of the site to Rugby library it is likely that residents from the site may wish to use such facilities. The applicant has agreed to secure this within a S106 Agreement.
142. **Sustainable Travel Packs:** The applicant has agreed to a condition to secure the provision of sustainable welcome packs for future occupiers. These packs have been requested by WCC and would help to promote sustainable travel and living in the area.
143. **Road Safety:** WCC has requested a financial contribution to support road safety initiatives within the community associated within the development. Road safety initiatives include road safety education for schools and training/education for other vulnerable road users within the area. The applicant has agreed to secure this within a S106 Agreement.
144. **Public Transport:** WCC has requested a financial contribution to upgrade the bus stop on Bilton Road located opposite the application site adjacent to Westfield Road. The upgrade would result in the provision of a bus shelter. This would increase the attractiveness of using the bus service for future residents as an alternative to the private car. The applicant has agreed to secure this within a S106 Agreement.
145. **Cycleway:** WCC has requested a financial contribution to construct 300m of a shared use cycleway/footway. This would extend from the site and connect to the existing shared use provision that begins on Bilton Road at the Merrtens Drive Bus Stop. The works would require the carriageway to be widened. They advise that whilst there is existing on-carriageway provision for cyclists on Bilton Road, these short advisory cycle lanes do not cater for novice cyclists, families or children due to the busy nature of the road, and the types of vehicles that use it. The advisory lanes do not link to any other provision either and fail to provide a cohesive cycling connection to the town centre. They argue that the proximity to the town is ideal for trips by cycle. However, without provision of the dedicated cycling infrastructure, they contend that cycling will not be a viable choice for staff and visitors. They believe people would be deterred from cycling due to safety concerns about mixing with traffic on the busy A426 and other main roads. The request has been given significant consideration but ultimately does not meet the relevant CIL tests. In particular, whilst clearly desirable, it fails to satisfy the test of being necessary to make the development acceptable in planning terms. The application is for extra care accommodation for use by older people. The nature of this accommodation is such that they tend to be occupied by those who are frail and have mobility difficulties. The applicant has submitted evidence that for residents living within 'Retirement Living' apartments, the cycle ownership rate is 0.0157 (approximately 1 cycle per 63 apartments). The Council's own parking standards indicate that only 2 stands for staff and 2 stands for visitors are required. This demonstrates that the amount of cycle trips to and from such developments is low. Moreover, there is existing on-carriageway provision for cyclists on Bilton Road. The comments from WCC note that this provision does not cater for novice cyclists, families or children. Given that the proposal is for an extra care development for older people, it would not be appropriate for it to provide further infrastructure for those users (i.e. novice cyclists, families or children) who would not reside in the apartments. It would consequently be inappropriate for the Council to seek this requested contribution.

Heads of Term

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

Contribution	Requirements	Trigger
Sports Pitches	To improve and maintain 9 pitches at Whinfield Recreation Ground.	Before first occupation.
Parks and Gardens	Off-site enhancements and maintenance at Caldecott Park.	Before first occupation.
Amenity Green Space	Provide on-site amenity green space and transfer of this land to the Council at nil cost to secure its use as public open space in perpetuity. Financial contribution towards the maintenance of this.	Before first occupation.
Children's Play	Provide a Locally Equipped Area of Play and transfer of this to the Council at nil cost to secure its use as public open space in perpetuity. Financial contribution towards the maintenance of this.	Before first occupation.
Natural and Semi-Natural Green Space	Provide on-site natural and semi-natural green space and transfer of this land to the Council at nil cost to secure its use as public open space in perpetuity. Financial contribution towards the maintenance of this.	Before first occupation.
Biodiversity Offsetting	To address net biodiversity loss.	Before commencement of development.
UHCW NHS Trust	Meet patient demand for access to health care services at St Cross, Rugby and University Hospital, Coventry.	Before first occupation.
Libraries	To support increased demand of facilities at Rugby library.	Before first occupation.
Road Safety	To help the promotion of road safety.	Before first occupation.
Public Transport	To help the promotion of sustainable travel.	Before first occupation.

147. Additional clauses regarding occupancy restrictions in relation to age and care packages would also be required.
148. In relation to the detail quoted above, these are subject to further negotiation and finalisation prior to the completion of the S106 Agreement.

Q. Planning Balance and Sustainability of Development

149. Policy GP1 of the Local Plan outlines that the Council will determine applications in accordance with the presumption of sustainable development set out in the Framework. Paragraph 11 of the Framework sets out that for decision-taking this has two parts.
150. The first part (paragraph 11(c)) means “approving development proposals that accord with an up-to-date development plan without delay”. The Local Plan was adopted in June 2019 and is an up-to-date development plan. However, as set out above, the proposal is not in accordance with policy HS4 of the Local Plan. The proposal consequently does not accord with an up-to-date development plan and the first part (bullet “c”) of paragraph 11 does not support approving the application.
151. The second part (paragraph 11(d)) means “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission ...”. In this case there are relevant development plan policies as listed above. The policies most important for determining the application are not out-of-date. These policies were adopted in June 2019 following an examination in public by a Planning Inspector. The Inspector found that the policies had been prepared in line with the relevant legal requirements and met the tests of ‘soundness’ contained in the Framework 2012. These policies remain consistent with the Framework 2019 and so should be afforded full weight.
152. Footnote 7 of the Framework further indicates that policies can be deemed to be out-of-date if the proposal is for the provision of houses and the Council cannot demonstrate a five year supply of deliverable housing sites. As set out above, the Council can demonstrate a five year supply of deliverable housing sites following adoption of the Local Plan. Appendix 2 of the Local Plan provides a housing trajectory which shows how this will be achieved. Footnote 7 is consequently not engaged.
153. The aforementioned reasons mean that the second part (bullet “d”) of paragraph 11 is not engaged. As the proposal does not accord with bullets “c” and “d” of paragraph 11 of the Framework, the presumption in favour of sustainable development or “tilted balance” is not engaged.

Planning Balance

154. Paragraph 12 of the Framework sets out that “Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.” As the “titled balance” is not engaged it is necessary to undertake a straightforward balancing exercise weighing up the material considerations which amount to the benefits and harm of the proposed development, and then deciding whether they are sufficient to approve the application despite the development plan indication to the contrary. This should establish whether the proposal would achieve sustainable development with specific regard to the economic, social and environmental objectives.

Economic

155. Although not fully quantified and robustly evidenced, it is reasonable to conclude that a number of economic benefits would arise from the proposed development. This includes: money being invested in construction on the site; construction jobs and associated in-direct jobs being supported; potential new construction employment opportunities; new household spending in the Borough; potential new jobs within the Borough; an increase in the viability of local retail uses, services and businesses; and an increase in the viability of existing public services. Such matters would have a positive impact on the local and wider economy which weighs in favour of the application. However, these benefits would apply to new extra care retirement developments and housing schemes in most locations. It is consequently considered they should be afforded moderate weight in favour of the proposed development.

Social

156. From a social perspective, the need for accommodation targeted at older people is recognised at paragraph 61 of the Framework. The NPPG expands on this and outlines that this need is critical. The proposed development would consequently make a positive contribution towards meeting that need. However, it is important to recognise that this need could be met on land within the Sustainable Urban Extensions as required by policy H6 of the Local Plan. Applications on alternative sites, such as that at Herbert Grey College, are also coming forward to help meet this need. Nonetheless, such potential provision must be weighed against the critical nature of this need and absence of any current applications for specialist housing within the Sustainable Urban Extensions. Provision on alternative sites is also unknown. This full application is a detailed scheme which would need to be implemented within three years if allowed. This is consequently a matter which carries significant weight in favour of the proposed development.
157. In addition to the provision of housing for older people, the proposal could result in the freeing up of existing C3 Use Class homes which would provide homes for other sections of the population. The Framework seeks to significantly boost the supply of homes so this is consequently a matter which carries significant weight in favour of the proposed development.
158. Aside from housing need, the proposed development would result in the loss of 0.92ha of designated open space which is not surplus to requirements. It would not be replaced by equivalent or better provision in terms of quantity and quality and would not be for alternative sports and recreational provision. As a result the proposal would significantly and detrimentally reduce the amount of access to open space for existing residents on a permanent and irreversible basis. This is fundamentally different to the present situation where although physical access is currently restricted, the potential use of this open space for recreational purposes has not been lost permanently and irreversibly.
159. However, the proposal would restore public access to half of the existing open space. There is currently no public right of access to the open space and the majority of the land is fenced off to physically prevent access. The proposal includes provisions for 0.97ha of the 1.89ha recreation ground to be used for open space. The open space would be comprised of 0.89ha amenity green space and 0.08ha for a SWALE and children's play area. The amenity green space would feature a circular footway and 5-a-side sized goal posts for informal games of football. There would also be footpaths across the site linking Bilton Road with Charles Street and Northcote Road. This would all be provided by the applicant and then transferred to the Council at nil cost to guarantee unrestricted public access in perpetuity. It is particularly noted and accepted that this open space would be highly usable for a range of recreational activities. Further, this renewed physical access would significantly improve the health and wellbeing of residents who live within the vicinity of the site. It would also allow for renewed opportunities

for social interaction thereby supporting the creation of strong, vibrant and healthy communities.

160. The alternative option would be to refuse permission and retain the entire site as open space. However, there would be no public access to this open space. This would mean that residents in the area would continue to have no accessible open space within acceptable walking distance of their homes. This lack of physical access would consequently continue to harm their physical and mental health. It would also continue to restrict opportunities for social interaction thereby continuing the harm to community cohesion. Conversely, the land would remain open and free from development thereby offering a welcome and needed visual break in this otherwise urban landscape. This would consequently continue to contribute towards health and wellbeing by virtue of there being views over this. Additionally, the openness helps air quality whilst supporting habitats and wildlife.
161. Aside from allowing some development, the prospect of regaining physical access to the open space is considered to be limited and uncertain. The option to pursue the compulsory purchase of the land would be subject to necessary funding being found and the potential outcome of this process is unknown. The potential for the Council to purchase or lease the land for use as open space has been pursued with the landowner on several occasions but to no avail. It is unlikely that the landowners position would change.
162. Essentially the key issue to consider is whether the benefits of regaining physical public access to half of the site would outweigh having no physical public access to the entire site but maintaining open views across the land. On balance, it is considered that there would be more significant benefits to residents from regaining physical public access to half of the site. As described above, this access would allow physical recreational activities to be carried out on the land. Of particular significance is that it would provide children with a purpose built play area and 5-a-side goalposts. It would also give walkers and dog walkers a dedicated space away from roads to exercise. There would also still be views across and then from within this open space. These benefits are therefore considered to be greater than that obtained by preventing any physical development on the site.
163. Aside from open space, the impact of the proposed development on infrastructure could be addressed through financial contributions that would mitigate the adverse impacts that would otherwise arise. These contributions would be secured in a S106 Agreement.

Environmental

164. From an environmental perspective, the potential adverse impacts of the proposed development in relation to highway safety, traffic flows, air quality, noise, contamination, trees, ecology, flood risk, drainage and carbon emissions have all been considered. There would be no adverse impacts in some instances. However, in other instances where potential adverse impacts are identified, it would be possible to mitigate against this impact through a number of different measures and strategies. This mitigation could be secured through conditions and a S106 Agreement. Nonetheless, it is clear that the proposed development would give rise to some environmental harm relating to the impact on designated heritage assets which would not adequately be mitigated against.
165. In regard to designated heritage assets it is important to note that the appeal site previously formed part of the open grounds of Oakfield House which is a grade II* listed building. There is consequently a historic relational link such that the site forms part of the setting to this listed building. The site also serves to enhance the setting of Bilton Road Conservation Area. The proposed development would therefore fundamentally change the character and appearance of the appeal site which is currently an open green space. Indeed, the extent of built

development proposed is such that this would have a significant impact on the setting of these designated heritage assets. As such, the scheme results in a low level of less than substantial harm to the significance of both the listed building and conservation area.

166. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the decision maker to give special regard to the desirability of preserving a listed building and its setting, whilst Section 72 places a duty on the decision maker to give special attention to the desirability of preserving and enhancing the character of a Conservation Area. In accordance with policy SDC3 of the Local Plan and paragraph 196 of the Framework, this identified harm should be weighed against the public benefits of the proposal. Paragraph 193 of the Framework states that “great weight should be given to the asset’s conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”. This gives rise to a strong presumption against planning permission being granted. However, on balance, it is considered that whilst having regard to Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, policy SDC3 of the Local Plan, and the Framework, the benefits of the scheme, as described above, are sufficient to clearly and demonstrably outweigh the harm to the identified designated heritage assets.

Conclusion

167. On balance, it is concluded that the benefits of the proposed development would outweigh the adverse impacts of the proposed development. The submitted scheme does not comply with policy HS4 of the Local Plan. However, it has been established that there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan. The proposal would consequently be a sustainable development and consequently accords with policy GP1 of the Local Plan. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that the application should be approved subject to conditions and a S106 Agreement.

Recommendation:

168. (1) Planning application R19/1164 to be granted 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 Head of Growth and Investment 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.

(3) The Legal, Democratic & Electoral Services Manager, in consultation with the Head of Growth and Investment and the Planning Committee Chairman be given delegated authority to complete the legal agreement.

DRAFT DECISION

REFERENCE NO:
R19/1164

DATE APPLICATION VALID:
21-Aug-2019

APPLICANT:

YourLife Management Services Ltd, 4th Floor, 100 Holdenhurst Road, Bournemouth, BH8 8AQ

AGENT:

Carla Fulgoni, The Planning Bureau Ltd, 4th Floor, 100 Holdenhurst Road, Bournemouth, BH8 8AQ

ADDRESS OF DEVELOPMENT:

OAKFIELD RECREATION GROUND, BILTON ROAD, RUGBY, CV22 7AL

APPLICATION DESCRIPTION:

Erection of an extra care retirement development comprising of 62 apartments (C2 Use Class) and associated communal facilities, including vehicular access from Bilton Road, car parking, landscaping, footpaths, public open space and associated infrastructure

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 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION 2:

Unless non-material variations are agreed in writing with the Local Planning Authority, the development shall not be carried out other than in accordance with the plans and documents detailed below:

<u>Plan Description</u>	<u>Plan No.</u>	<u>Date Received</u>
Proposed Layout Plan	WM-2466-01-02-AC-003 B	03-12-19
Apartments Ground Floor Plan	WM-2466-01-02-AC-009 B	03-12-19
Apartments First Floor Plan	WM-2466-01-02-AC-010 B	03-12-19
Apartments Second Floor Plan	WM-2466-01-02-AC-011 A	03-12-19
Apartments Roof Plan	WM-2466-01-02-AC-012 A	03-12-19
Apartment Elevations A and B	WM-2466-01-02-AC-026 B	03-12-19
Apartment Elevations C and D	WM-2466-01-02-AC-027 B	03-12-19
Apartment Elevations E, F and G	WM-2466-01-02-AC-028 A	04-12-19
Apartment Materials	WM-2466-01-02-AC-008 A	03-12-19
Drainage Layout Plan	MI-2466-01-DE-003-N	03-12-19
Bin Store	WM-2466-01-02-AC-034	15-11-19

REASON:

For the avoidance of doubt.

CONDITION 3:

No development, site clearance works or construction works shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details relating to:

- a. Construction phasing;
- b. Hours of work and deliveries;
- c. Control of noise and vibration emissions from construction activities including ground works and the provision of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase;
- d. Control of dust, including arrangements to monitor dust emissions from the development site during the construction phase;
- e. Measures to reduce mud deposition, debris and obstacles offsite from vehicles leaving the site during the construction phase;
- f. Timing and routing of heavy goods vehicle movements during the construction phase;
- g. The parking of vehicles of site operatives and visitors;
- h. Loading and unloading of plant and materials; and
- i. Storage of plant and materials used in constructing the development.

Development shall be carried out in compliance with the approved Construction Method Statement unless non-material variations are agreed in writing with the Local Planning Authority.

REASON:

In the interests of health and safety, highway safety and amenities of the area.

CONDITION 4:

No development, site clearance works or construction works shall commence until a Final Arboricultural Report (to include an Arboricultural Impact Assessment, Method Statement and Tree and Hedgerow Protection Plan) has been submitted to and approved in writing by the Local Planning Authority. The Report shall give details of all existing trees and hedgerows on the site, any to be retained, and measures for their protection in the course of the development, in accordance with BS5837: 2012 'Trees in relation to Design, Demolition and Construction'.

The required details shall include:

- a. A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area of every retained tree on site and on neighbouring ground in relation to the proposed development. This should also show the details and positions of the tree protection barriers and ground protection.
- b. A schedule of tree works for all the retained trees specifying pruning and other remedial or facilitation work, whether for physiological, hazard abatement, aesthetic or operational reasons.
- c. Details of any changes in levels and/or the position of any proposed excavations within the Root Protection Area of any retained tree.
- d. Details of "no dig" construction methods to be implemented in root protection areas.

The approved development shall not be carried out other than in accordance with the approved Final Arboricultural Report and details for the duration of the works on site. No tree or hedgerow other than so agreed shall be removed, and no works or development shall commence, unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development.

REASON:

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

CONDITION 5:

No development shall commence until full details of the colour, finish and texture of all new materials to be used on all external surfaces (including windows, doors and juliet balconies/balustrades), together with samples of the facing bricks, render, headers/cills, quoins, bands and roof tiles, and reveal depths of all windows and doors, have been submitted to and

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

REASON:

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

CONDITION 6:

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

REASON:

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

CONDITION 7:

Notwithstanding the submitted plans, no development shall commence until full details of all existing palisade fencing to be removed and proposed boundary treatments, including walls, fences, railings and gates, have been submitted to and approved in writing by the Local Planning Authority. The details shall include elevation plans, position, materials, appearance and height of the boundary treatments. The development shall not be carried out other than in accordance with the approved details. No apartment shall be occupied until all existing palisade fencing to be removed and proposed boundary treatments have been provided in accordance with the approved details.

REASON:

In the interest of visual and residential amenities.

CONDITION 8:

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

REASON:

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

CONDITION 9:

Notwithstanding the details submitted, no above ground works and development shall commence across the site until full details of the finished floor levels of all buildings and ground levels of all access roads, parking areas, footways, landscaped areas and open space have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION 10:

No development 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 than in accordance with the approved details. No apartment shall be occupied until the electric vehicle charging points for the apartments has been provided and made available for use in accordance with the approved details. The electric vehicle charging points shall be permanently retained and made available for the charging of vehicles.

REASON:

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

CONDITION 11:

No development shall commence until full details of the acoustically rated glazing and whole house mechanical ventilation system required by the Noise Impact Assessment (R7125-1 Rev 3, 21-08-19) has first been submitted to and approved in writing by the Local Planning Authority. The glazing specification shall include RWC+Ctr values to demonstrate it will provide suitable and sufficient attenuation against road traffic noise ingress. No apartment shall be occupied until the acoustically rated glazing and whole house mechanical ventilation system for that apartment has first been provided in accordance with the approved details.

REASON:

In the interests of residential amenity.

CONDITION 12:

No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall:

- a. Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- b. Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- c. Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
- d. Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.
- a. Provide a Maintenance Plan, written in accordance with CIRIA C753, detailing how the entire surface water system shall be maintained and managed after completion for the life time of the development together with the name, contact and details of the party responsible for the maintenance of all features.

The scheme shall subsequently be implemented and maintained in accordance with the approved details before first occupation of the development unless non-material variations are agreed in writing with the Local Planning Authority

REASON:

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

CONDITION 13:

No part of the development hereby permitted shall be occupied until a detailed design of the site access arrangements (as indicatively shown on Drawing 500.0023.002 Revision A contained within Appendix E of the Transport Statement (500-0023-TS-7, received 21-08-19), has first been submitted to and approved in writing by the Local Planning Authority. The access shall not be carried out other than in accordance with the approved details. No part of the site shall be occupied until the approved highway access works have been completed to the satisfaction of the Local Planning Authority.

REASON:

In the interests of highway safety.

CONDITION 14:

The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interest of fire safety.

CONDITION 15:

No part of the development hereby permitted shall be occupied until a Landscape and Ecological Management Plan (LEMP), has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include planting plans with written specifications and details of: the quantity, size, species and position of all new planting including trees, hedgerows and shrubs; maintenance of all new planting; how all new planting will integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance; habitat enhancement/creation measures and management (such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement); provision of habitat for protected and notable species (including location, number and type of bat, bird and hedgehog boxes, and location of hedgehog holes in boundary treatments); a timetable for the implementation of all of the works and ecological and landscape enhancement/creation measures; and a scheme securing future maintenance and retention. The approved LEMP and associated measures shall be implemented in full.

The approved landscaping, planting and habitat details shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any non-material variations.

REASON:

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

CONDITION 16:

No part of the development hereby permitted shall be occupied until full details of the kitchen extraction, odour and fume system, including how the design of the kitchen cooking equipment, any external ducting and flues, discharge points, discharge height and scheme for odour control, has first been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the kitchen extraction, odour and fume system has been installed in accordance with the approved details.

REASON:

In the interests of residential amenity.

CONDITION 17:

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

REASON:

In the interest of sustainability.

CONDITION 18:

No external lighting shall be erected until full details of the type, design, location, angle, fall, spread and intensity of the lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include a lighting assessment which sets out a strategy and measures to minimise the impact of lighting to sensitive receptors. No external lighting shall be erected and installed other than in accordance with the approved details.

REASON:

To ensure a satisfactory external appearance, to prevent unnecessary light pollution and harm to protected species, and in the interests of the visual and residential amenities of the locality.

CONDITION 19:

The overall Rating Level of any plant or equipment (as defined in BS 4142:2014) installed, provided and operated at the site, shall be controlled to not exceed 5 dB below the prevailing background noise level. The cumulative level for all plant and equipment when assessed at the nearest existing residential properties should not exceed 44 dB LAeq 1 hour (daytime 07:00 - 23:00) or not exceed 26 dB LAeq 15 mins (night-time 23:00 – 07:00).

REASON:

In the interests of residential amenity.

CONDITION 20:

Unless non-material variations are agreed in writing with the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until points (A) to (D) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (D) has been complied with in relation to that contamination.

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

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

(C) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(D) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (A), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (B), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (C).

REASON:

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

CONDITION 21:

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

REASON:

In the interests of air quality.

CONDITION 22:

Prior to the first occupation of the development hereby approved and notwithstanding the plans submitted, full details including appearance and location of secure and covered cycle

storage facilities for both staff and visitors shall be submitted to and approved in writing by the Local Planning Authority and in accordance with the Council's adopted cycle parking standards. The cycle provision shall be implemented in accordance with the approved details and made permanently available for use prior to the first occupation of the development.

REASON:

In the interests of promoting sustainable transport measures.

CONDITION 23:

The external bin store and internal refuse collection areas hereby approved shall be provided and made available for use in accordance with the approved plans prior to the building first being brought into use.

REASON:

To ensure satisfactory bin storage and collection facilities are provided.

CONDITION 24:

Prior to the first occupation of the apartments, measures demonstrating that the building achieves a BREEAM very good standard or above in terms of carbon reduction shall be 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 measures and details.

REASON:

To ensure energy efficiency is achieved through sustainable design and construction.

CONDITION 25:

Prior to the first occupation of each extra care unit, broadband infrastructure at a minimum of superfast speed, shall be installed and made available for use by each individual occupant and retained for future use.

REASON:

To ensure an up-to-date communication system fit for the digital age is in place for residents in accordance with policy SDC9 of the Local Plan.

INFORMATIVE 1:

This development is subject to a S106 legal agreement.

INFORMATIVE 2:

The applicant/developer is advised that separate advertisement consent may be required from the Local Planning Authority for any proposed signage.

INFORMATIVE 3:

To register the properties on this development and receive postal addresses or to amend an existing address please complete an application form for Postal Naming and Numbering. This should be done prior to above ground works commencing. The form can be downloaded at:

http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223&categoryID=200295 .

INFORMATIVE 4:

Cadent Gas Ltd have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

INFORMATIVE 5:

Warwickshire Police have advised that the following points should consider being incorporated into the design of the development as they will go some way to ensuring the residents do not become victims of crime or anti-social behaviour:

- a. All ground floor glazing and vulnerable windows meet PAS 24 and have laminate safety glazing (6.4 minimum). All laminated glass must be certified to BS EN 356 2000 rating P2A.
- b. All external doors meet PAS 24 all glazing in and adjacent to doors must include one of laminate glass to a minimum thickness of 6.4mm.
- c. Access into residential areas is controlled by a access control system using an electronic fob or even by fingerprint, utilising a biometric system.
- d. CCTV be installed so the main entrance and vulnerable areas are covered.
- e. All perimeter walls/ fencing should be 1.8 metre high with 0.2 trellis, so the overall height is 2 metres in height.
- f. Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2003.
- g. Internal flat/ apartment doors need also to meet PAS 24 standard and the norm is to use multipoint locking system. In the future some of the residents might have issues lifting the handles on this type of system. Product development has now moved forward substantially and as of today SBD approved doors are available with the following options:
 - Doors operating on a single locking point negating the need for both upwards and downwards operation of a handle by the occupier; or
 - Doors operating with electromechanical locking systems, operated by either a key, an electronic fob or even by fingerprint, utilising a biometric system.

INFORMATIVE 6:

Warwickshire Fire & Rescue Authority wish to advise the applicant/developer of the need for the development to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning. Where compliance cannot be met, please provide details of alternative measures you intend to put in place. Please also note Section 5.18 "Access for Emergency Vehicles" of the Warwickshire County Council Transport and Roads for Developments Guide 2001.

In addition, Warwickshire Fire and Rescue Authority wish to draw the applicant/developer's attention to the fact that they 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 such premises.

Warwickshire Fire and Rescue Authority also ask the applicant/developer 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 7:

Condition number 13 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an 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 8:

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

INFORMATIVE 9:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). The main nesting season, lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

INFORMATIVE 10:

Rugby Borough Council's Environmental Health Team advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site must not occur outside the following hours:

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

INFORMATIVE 11:

Rugby Borough Council's Environmental Health Team advise that any external lighting should not cause an adverse effect off site by either direct glare or lightspill. Regard should be had to guidance from the Institute of Lighting Professionals with luminaires designed to

minimise/prevent upward light escape. Consideration should be given to obscured or shielded sections to restrict the direction and vertical spread of light.

INFORMATIVE 12:

Rugby Borough Council's Environmental Health Team advise that the development is within the Rugby smoke control area. In these areas only approved solid fuels or exempted appliances (eg wood burning stoves) can be used within buildings. More guidance can be found at <https://www.gov.uk/smoke-control-area-rules>

INFORMATIVE 13:

As per condition 21, the applicant is required to incorporate measures to assist in reducing their impact upon the Air Quality as part of this development. Initiatives could include the installation of an ultra-low emission boilers (<40mg/kWh), increased tree planting, green walls and roofs and the incorporation of electric vehicle charging points on any car parking. Such measures contribute as mitigation for air quality purposes.

INFORMATIVE 14:

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference: R18/1811

Site Address: HERBERT GRAY COLLEGE, LITTLE CHURCH STREET, RUGBY, CV21 3AN

Description: Demolition, conversions and extensions to existing buildings, plus construction of new buildings, to provide two-5 storey blocks to form 78 Extra Care Residential Units (Class C2), a 3-storey 52-bed Care Home (Class C2) and an ancillary Well Being Centre (including café, restaurant and leisure/spa facilities), together with associated highway, landscape, drainage and other associated infrastructure and landscaping/public realm works.

Case Officer Name & Number: Richard Holt, 01788 533687

Recommendation

Approve, subject to a Section 106 legal agreement, conditions and informatives.

Description of Site:

1. The application site lies within the heart of Rugby Town Centre and the designated Conservation Area. The existing site is split into three distinct areas, the former Herbert Gray College which contains a Grade II listed building, St Andrew's Church House/Hall, and Marjorie Hume House. All buildings are vacant. To the north of Herbert Gray College is the Grade II* listed church of St Andrew's, whilst to the north of the Church Hall is a row of 3-storey properties fronting Church Street some of which are listed Grade II and others which are on the local list. Immediately to the north of the Church Hall was a nightclub that has been demolished and two blocks of three storey flats have been erected. To the west of Herbert Gray College is Little Church Street and the rear of many of the retail premises which front High Street. There is also an arcade of shops known as Churchside Shopping Arcade as well as several residential properties. To the south of Herbert Gray College is a small public car park and the Masonic Hall, which is also Grade II listed. To the south of Marjorie Hume House is the graveyard/public open space of St Andrew's Gardens. To the east of Marjorie Hume House and St Andrew's Church Hall is a property that has been converted into flats known as Church Mews with their associated garden areas. Neither Marjorie Hume House or St Andrew's Church Hall are listed buildings.
2. The older part of Herbert Gray College is two-storey with rooms within the roof space. A more modern 1950s/1960s building that ran parallel to Little Church Street was predominately flat roofed and two-storey and was demolished in March 2012. Marjorie Hume House is three-storey and St Andrew's Church Hall is two-storey but owing to its scale and mass is a similar height to Marjorie Hume House.
3. The areas immediately surrounding the buildings of St Andrew's Church Hall and Marjorie Hume House are mainly hardsurfaced with walling, fencing and railings along their boundaries. The grounds of Herbert Gray College are subject to a greater level of soft landscaping with mature protected trees throughout the site. These include beech, lime, chestnut, oak and sycamore. The pedestrianised route known as Church Walk runs along the southern edge of the site as well as between Herbert Gray College and St Andrew's Church Hall and Marjorie Hume House. Herbert Gray College is also enclosed by a series of walls and fencing surrounding the edge of the site.

Description of Proposals:

4. There are two applications relating to this site. One for planning permission, ref R18/1811, and another for listed building consent, ref R19/0966. This report relates to the planning application for the demolition (namely St Andrews Church Hall), conversions and extensions to existing buildings, plus construction of new buildings, to provide two-5 storey blocks with penthouses on top to form 78 extra care residential units (Class C2), a 3-storey 52-bed care home (Class C2) and an ancillary well being centre (including café, restaurant and leisure/spa facilities), together with associated highway, landscape, drainage and other associated infrastructure and landscaping/public realm works.
5. The proposal incorporates two specific elements of specialist housing for older people. Extra care which allows residents with some care need to live independently with 24 hour access to support services and staff, and the second element a care/nursing home which provides a higher level of care to meet all activities of an individual's daily life.
6. The former Herbert Gray College listed building will provide communal facilities for the extra care units including administration offices, pool, steam room, sauna, restaurant, bar and cafe along with two guest bedrooms. St Andrew's Church Hall will be demolished and Marjorie Hume House converted to provide a 3-storey backward 'C-shaped' block containing a 52 bedroom care home with reception, communal lounges, dining room, kitchen, laundry and staff facilities rising to approximately 10 metres high in the main. To the south, west and south-west of the former Herbert Gray College around the periphery of the site will be two 5-storey blocks with penthouses on top creating a 6th floor. These will rise to approximately 16.5 metres in height with additional penthouse apartments on top resulting in an overall height of 19.5 metres in certain locations above ground level. These blocks will provide 75 two-bed and 3 three-bed extra care units. Overall the development will provide approximately 11,100m² of floorspace, an increase of around 2,450m² compared to the approved extant scheme for offices and a hotel. The partial demolition of the former Herbert Gray College will be considered in more detail as part of the listed building application, R19/0966.
7. The main vehicular access will be provided off Little Church Street following alterations to the existing access, whilst pedestrian access will also be available from Church Walk. Marjorie Hume House and the residential care home surrounding it will be accessed through the site. The scheme will also provide 15 off-street car parking spaces, including 4 disabled bays. These spaces would be available for visitors and staff members to book on a short term basis but it is intended to have a resident's car sharing scheme from the owner's own fleet of vehicles on a hire basis that will either be electric or hybrid vehicles. This is intended to discourage car ownership.
8. In addition, 2 covered and secure cycle shelters will be provided to enable the parking of 16 cycles in total along with an enclosed bin storage area to the north of Block D adjacent to the existing brick wall. As part of the care home scheme a buggy store with external access will also be provided. The applicants envisaged that between 40-50 full time jobs will be created by the overall development.
9. A detailed Environmental Impact Assessment (EIA) screening report was submitted as part of the application. Whilst the site is below the screening criteria for the site area and number of units for urban development projects that does not prevent a scheme giving rise to significant effects on the environment, especially if the development is in a sensitive

location. The test and subsequent judgement is whether the new development is on a significantly greater scale than the previous use with specific thresholds focusing on sites that have not previously been intensively developed.

10. Whilst previous applications have been considered to be EIA development this was under the previous regulations and lower indicative thresholds. The requirement for an Environmental Statement previously was primarily on the basis that the development was considered by Historic England (English Heritage at the time) to have the potential to have an impact on the sensitive historic environment of Rugby Town Centre. At that time the Council reached the same conclusion.
11. Through the previous applications various principles have been established and whilst within the latest proposal some environmental issues have been identified in the submitted documents, it is not considered that they are necessarily deemed to be of sufficient weight to lead to a requirement for an EIA. Historic England felt the proposals would now have a minimal impact on the historic environment and felt that the latest scheme may not be EIA development. Each development needs to be considered on its own merits and the planning history of the site is a key matter along with the change in the 2017 regulations and guidance. Overall, the new development is not on a significantly greater scale than the extant consents and already resides in an intensively developed area. Furthermore, the possible cumulative impact arising from the development and other existing or approved developments is not considered to be of a scale to warrant EIA development.
12. As part of this application a range of supporting documents have been submitted, including an Air Quality Assessment, Arboricultural Assessment, Arboricultural Methods Statement, Landscape Design Statement, Bat Roost Report, Biodiversity Impact Assessment, Ecological Appraisal, BREEAM Report, Energy Carbon Reduction Report, Design & Access Statement, Planning Statement, Daylight & Sunlight Report, Flood Risk Statement, Heritage Assessment, Transport Statement, Vehicle Parking Strategy, Noise Impact Assessment and Statement of Community Involvement.

Relevant Planning History:

13. There have been a series of extensions and alterations to Herbert Gray College over the years, particularly in the late 1950s, 1960s & 1970s. The most notable historic planning decision for Marjorie Hume House was in 1976 when it received planning permission for the conversion of the existing building to a residential hostel. However, the most significant planning history in recent years relates to the following:

R08/1466/MEIA Erection of 4 storey office buildings, including partial retail/cafe on ground floor and erection of new buildings, up to 4 storeys, and conversion of part of Herbert Gray College and Marjorie Hume House to form a 35 bedroom hotel with ancillary restaurant, conference and leisure facilities, with ancillary works including landscaping and highway works. Approved 10/05/2011*

R08/1351/CA Demolition of St Andrew's Church Hall and partial demolition of former Herbert Gray College, including boundary wall and Marjorie Hume House. Approved 11/03/2009*

The two consents/permissions* detailed above remain extant as various pre-commencement conditions were addressed and a material start was made on site. Therefore, the demolition of St Andrew's Church Hall is permitted and could take place without any further consent from the Local Planning Authority and the 4-storey hotel and office block development rising to approximately 14.5 and 13.5 metres high and equating to around 8,650m² of floorspace could also be built without requiring any further formal permission from the Local Planning Authority.

R13/0128 Demolition of existing buildings; conversions & extensions to existing buildings; and new build, including 5-storey blocks; to form 73 extra care residential units (Class C2) with associated facilities, plus café and highway, landscape and boundary works.

Approved 21/06/2016

Relevant Planning Policies

Rugby Borough Local Plan 2011-2031, June 2019

GP1:	Complies	Securing Sustainable Development
GP2:	Complies	Settlement Hierarchy
GP3:	Complies	Previously Developed Land & Conversions
GP4:	Complies	Safeguarding Development Potential
H1:	Complies	Informing Housing Mix
H2:	Complies	Affordable Housing Provision
H6:	Complies	Specialist Housing
HS1:	Complies	Healthy, Safe and Inclusive Communities
HS2:	Complies	Health Impact Assessments
HS3:	Complies	Protection and Provision of Local Shops, Community Facilities & Services
HS5:	Complies	Traffic Generation and Air Quality, Noise and Vibration
NE1:	Complies	Protecting Designated Biodiversity and Geodiversity Assets
NE3:	Complies	Landscape Protection and Enhancement
SDC1:	Complies	Sustainable Design
SDC2:	Complies	Landscaping
SDC3:	Complies	Protecting and Enhancing the Historic Environment
SDC4:	Complies	Sustainable Buildings
SDC5:	Complies	Flood Risk Management
SDC6:	Complies	Sustainable Drainage
SDC7:	Complies	Protection of the Water Environment & Water Supply
SDC9:	Complies	Broadband and Mobile Internet
TC1:	Complies	Development in Rugby Town Centre
D1:	Complies	Transport
D2:	Complies	Parking Facilities
D4:	Complies	Planning Obligations

National Planning Policy Framework, 2019 (NPPF)

National Planning Practice Guidance

Historic England, Historic Environment Good Practice Advice in Planning Note 2:

Managing Significance in Decision Taking in the Historic Environment, 2015

Historic England, Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets, 2015

Rugby Town Centre Conservation Area Appraisal, June 2010

Rugby Town Centre Action Plan 2016-2020

Technical consultation responses

Original Plans:

Historic England	No objection, subject to conditions
RBC Waste Services	No objection
RBC Environmental Services	No objection, subject to conditions & informatives
The Ramblers	Comments
WCC Paths	No objection, subject to informatives
Environment Agency	No comments
Severn Trent Water	No objection, subject to informatives
WCC Flooding & Drainage	Object, insufficient information
WCC Highways	Object, insufficient information and changes required to access
WCC Ecology	Object, additional bat survey work required. BIA also sought.
WCC Archaeology	No objection, subject to conditions
WCC Infrastructure	No objection, subject to financial contributions
Warwickshire Police	No objection, subject to informatives
Warwickshire Fire & Rescue	No objection, subject to informatives
WCC Public Health	No objection, subject to financial contributions
NHS, UHCW	No objection, subject to financial contributions

Amended Plans:

RBC Environmental Services	No objection, subject to conditions & informatives
RBC Landscape & Trees	Object to removal of Category A & B trees. Suggested financial contributions if trees removed.
WCC Ecology	No objection subject to conditions, informatives & financial contributions
WCC Flooding & Drainage	No objection, subject to conditions
WCC Highways	No objection, subject to conditions & informatives
WCC Infrastructure	No objection, subject to revised financial contributions
NHS, UHCW	No objection, subject to revised financial contributions

Third party comments

Original Plans:

Support (1)	In favour of development and on a brownfield site. Decision should be made relatively swiftly.
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Amended Plans:

Comments (1)	Concern scheme won't go ahead if other similar schemes approved, such as Oakfield Recreation Ground development site.
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Assessment of proposals

Principle of Development:

14. Policy GP2 of the Local Plan seeks to achieve development in the most sustainable locations with Rugby town being the most sustainable location within the Borough providing the best access to a range of services and facilities. As the site is in the town centre the proposal would accord with this policy.
15. The principle of redeveloping previously developed land is supported by policy GP3 and this is reiterated in the NPPF where it states the effective use of land should be promoted to meet the need for homes and other uses and that substantial weight should be given to the value of using previously developed land as well as supporting under-utilised land and buildings especially if this would help meet identified needs for housing.
16. The site lies within the Town Centre but outside both the primary and secondary shopping frontages and the primary shopping area. However, immediately to the west lies the primary shopping area, that includes the Churchside Arcade.
17. Policy TC3 advises that residential development will be encouraged within the Town Centre provided it does not harm the retail function and character and its vitality and viability. Whilst the permissions for the office and hotel use on site was commenced, they were not built. The site prior to these permissions was formerly used for Class D1 (school/college) and subsequently the headquarters for Relate (marriage guidance).
18. Since the granting of planning permission for a hotel, leisure facilities, offices and retail/café unit for the site in 2011 the site has been marketed, however it is understood that no interest has been received for either the hotel or office elements. The previous permission for Class C2 development for 73 extra care units in 2016 has not come to fruition either but it is considered there is still a demand for such a use on part of the site. Despite the extant planning permission it is accepted that there is no real prospect of the site being used as a school/college and the site has been marketed for many years. It is also noted that St Andrew's Church Hall was in the relatively recent past sometimes used by the local community, however, owing to its town centre location it is not the only premises that provides facilities for local services and communities. Therefore, owing to the extant planning permission for its demolition and the previous supporting information received on past applications, it is not considered that proposal could be refused on the grounds of policy HS3.
19. The development will benefit from both a coffee shop and restaurant with bar on site. It is understood that the latter will be open to the public. The Council is aware that the retail units on Little Church Street, particularly in the Churchside Arcade, suffer as they are not part of the established primary shopping area thoroughfares, albeit incredibly close to them. As the provision of the restaurant with bar is part of a much bigger package for the redevelopment of a site in the town centre, it is considered that its inclusion in the scheme could help boost the vitality and viability of this part of Rugby and would be of a nature and scale that is commensurate with its location. Therefore, as the restaurant with bar, including the kitchen area, would represent under 3% of the overall proposed floorspace the development is not considered to undermine policies TC2 & TC3.
20. In addition, the redevelopment of sites within the town centre for Class C2 uses (residential institutions/care) it is not considered that this type of use on a site would specifically harm

the retail function and character of the Primary Shopping Area nor impact on its vitality and viability.

C2 Use/Extra Care Housing:

21. The Town & Country Planning (Use Classes) Order 1987 (as amended) states that a Class C2 use (Residential Institutions) defines care as being 'personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in Class C2 also includes the personal care of children and medical care and treatment.'
22. This meaning specifically states old age and the applicant has stated that they will be marketing the apartments to people over 65 years old. It is likely a service charge will be applicable to all units which will include 1.5 hours care package per week. Additional care services can be bought if necessary and it is expected residents would increase their care packages over time.
23. Restricting the minimum age to 65 years old, the provision of a minimum care package of 1.5 hours a week, the payment of a service charge and that the units would be leasehold, is clearly going to discourage those individuals who are not elderly and in need of care. In addition, the availability of 24 hour care and the employment of 40-50 full time members of staff to cater for the care needs of the residents are further factors which weigh in favour of the interpretation that the proposed development is Class C2.
24. In previous appeal decisions, it would appear that the deciding factor for Inspectors with regard to whether the proposal constituted a Class C2 use related to the above points, particularly the element of the personal care package and the annual service charge for a leasehold unit.
25. Although the site is located within the Rugby Town Centre, which is the primary focus for new development, in order for the use to remain in Class C2 and provide a specific type of residential accommodation it is considered that in this instance reasonable to impose restrictions within a legal agreement as indicated above.

Need & Affordable Housing:

26. The Coventry & Warwickshire Joint Strategic Housing Market Assessment (2013) (SHMA) indicates that between 2011 to 2031 Rugby will experience a particularly high increase in over 55s by 52%, the highest in Warwickshire, and in 85+ year olds by 123%.
27. The 2013 SHMA indicates that between 2011-2031 it is envisaged that the number of individuals suffering from dementia in Rugby will increase by 93% whilst those with mobility problems will increase by 79%. It also states that there will be an increased demand for extra care housing, including ones for market sale.
28. Warwickshire County Council's Dementia Strategy Refresh 2016-2019 estimated that by 2025, over 11,000 people aged over 65 will be living with dementia in Warwickshire. By 2020 around fifth (18%) of those aged over 80 in Warwickshire are projected to have dementia.
29. Although Warwickshire County Council's Housing Section have not specifically commented on the application this time, they have had initial discussions with the applicant who has confirmed a need for this type of provision in the Rugby locality.

30. In June 2019 the Government published further guidance explaining the need to provide housing for older people was critical as in mid 2016 there were 1.6 million people aged 85 and over and that this is projected to double to 3.2 million by mid 2041.
31. Policy H6 identifies the provision of Specialist Housing which includes extra care housing and care homes. The supporting text refers to the Coventry & Warwickshire Joint Strategic Housing Market Assessment (SHMA) and identifies that there is an annual requirement for market extra care provision of 94 units of which 22 of the units should be affordable. This is a minimum level of provision for just Rugby Borough.
32. Case law has previously concluded that Class C2 development does not need to provide an element of affordable housing provision. Policy H2 (Affordable Housing) does not refer to affordable housing provision for Class C2 development but the supporting text does refer to the SHMA and that national policy requires policies to provide affordable housing for older people. Whilst Policy H6 also makes no specific reference to affordable housing it also refers to the SHMA which advises that affordable extra care provision is recommended. Nevertheless, it is considered that the proposal meets the two bullets points set out under Policy H6, namely that the extra care accommodation is meeting a specific need identified in the SHMA and that the site has good access to essential services and public transport.
33. A further factor to consider is that extra care accommodation provided in such apartment blocks with additional facilities, such as the wellness suite and restaurant, run by private companies are subject to significant annual service charges. The way the accommodation is provided along with the service charges for the additional facilities discourages affordable housing providers being able to practically provide and operate extra care units.
34. As mentioned above, extra care accommodation is provided by Warwickshire County Council and no consultation response has been provided by them in connection with this to date to identify any potential projects or sites. Therefore, any off-site financial contribution would not be Community Infrastructure Levy (CIL) legislative compliant.
35. Excluding the converted elements of the scheme, the proposed development will be purpose-built accommodation with communal facilities for residents and will undoubtedly assist in meeting the availability of extra-care accommodation for the elderly in Rugby. The applicant's agent has confirmed that the care home element of the proposal will be for the elderly with a particular focus on dementia.
36. There is significant growing demand for elderly accommodation, including market extra care units. The applicants have agreed in principle to a small proportion of the units to be made available on a rental basis to help provide choice and variety in the market and to help accommodate different housing needs in the Borough. Whilst no specific affordable extra care units will be provided as part of the scheme which counts against the proposal, no affordable extra-care units were proposed as part of the previously approved extra-care scheme for the site. Nevertheless, the provision of both extra care units for both sale and rent and the care home as part of this proposal which are needed in the Borough carry substantial weight in the assessment of this application.

Design & Appearance:

37. Good design is a key aspect of sustainable development and can create better places in which to live and work and helps make development acceptable to communities. The NPPF states developments should function well and add to the quality of the area whilst being visually attractive and sympathetic to the local character, built environment and landscape setting but should not prevent or discourage appropriate innovation or change, such as increased densities.
38. Policy TC1 focuses on the requirement for new proposals within the Town Centre to be of a high quality design which complements and enhances the existing environment and townscape in a manner which contributes to local distinctiveness and a sense of place. Policy SDC1 also refers to all development demonstrating high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that responds to the character of the area in which they are situated.
39. A Design and Access Statement was submitted with the proposal, which demonstrates how the scheme has evolved in to its current intended format and the various alternatives considered for the site as a whole but also referring back to the previously approved schemes. Large imposing buildings already surround the site such as the Masonic Hall (c12.5 metres high), former Marks & Spencer building (c9.7 metres (rear), c13.9 metres (front)), Marjorie Hume House (c13 metres) and St Andrew's Church Hall (c11.2 metres, intended to be demolished). Along Little Church Street and the southern boundary with Church Walk the previously approved extant building would rise to approximately 14.3 metres, which is comparable to the previously approved extra-care development.
40. Blocks A & B will rise to approximately 16.5 metres in height with additional penthouse apartments on top resulting in an overall height of 19.5 metres in certain locations above ground level. The penthouse on Block A facing Little Church Street will be set in by approximately 4 metres from the façade edge. The extensions to Herbert Gray College itself, Block D, will rise to approximately 9 metres high which will be slightly below the height of the former College building which is approximately 9.5 metres high. Block C will rise to approximately 9.5 metres, which compares to approximately 13.2 metres on the extant office/hotel scheme.
41. A gap of approximately 6 metres wide between Blocks A & B fronting Little Church Street will be provided to give direct pedestrian access to the site. This will provide a landscaped courtyard and open up the southern elevation of the listed building of Herbert Gray College to public view. Other pedestrian access points will be provided off Church Walk to the north and east of the courtyard.
42. The reduction in height and bulk of the proposed development compared to the previous extant scheme around Marjorie Hume House and to the east of the former Herbert Gray College building is judged to be an improvement and will enable the design and form of the existing buildings on site to dominate retaining and respecting their historic setting and result in a less enclosed feel to the north/south section of Church Walk compared to the approved extant scheme.
43. The treatment of the facades of the buildings is key to the success of the development. Whilst the glazing treatments will provide a vertical emphasis to the built form, the facades will be broken down into elements to provide a stepped affect both horizontally and vertically along with a palette of high quality materials, including brick, stone and cladding,

to create interest and rich texture to its visual appearance. Blocks C & D will use more stone, glazing and lighter coloured bricks to complement Marjorie Hume House and parts of the former Herbert Gray College. Whilst the final details will be conditioned, this will provide a powerful palette of external materials and colours that will create an interesting texture and tone across the entire development which is intended to provide an acceptable balance between the more traditional buildings on and surrounding the site.

44. The submitted Heritage Townscape & Visual impact Assessment provides a detailed analysis of the impact of the scheme on the town centre, including various designated and non-designated heritage assets. In most cases it concludes the impact on the townscape is minimal and in certain cases enhancements would occur.
45. The opening up of part of the centre of the site in to a semi-public area and improving the permeability of the surrounding thoroughfares is welcomed. The new blocks will form modern and striking landmark buildings with a strong visual presence and the general appearance of individual blocks subsequently interwoven around the existing buildings helps reduce the scale of the development whilst enabling the retention of some, but accepted not all, of the key mature trees. Overall the scheme is considered to respond positively to the site and its context and will add diversity and quality to the townscape of the town centre whilst providing a eye-catching piece of architecture lifting the visual appearance of this part of Rugby. The proposal is therefore considered to accord with policies SDC1 and the NPPF.

Conservation & Listed Buildings:

46. Herbert Gray College is a Grade II listed building that originated in the 18th century and is a former rectory. The building has been much altered and within the grounds a detached college block was added in the 1950/60s (now demolished) and a high percentage of the site is bordered by tall solid fencing which encloses the site and is a harsh boundary treatment. There have also been a number of unfortunate alterations and extensions to Marjorie Hume House and Herbert Gray College. The Herbert Gray building has not always been open to view due to the landscaping of the site and the modern building along the western portion of the site, now demolished. However, the site contains a number of important and attractive elements being a green space, containing a listed building and bordering key pedestrian links and an open space. The site also forms part of the setting of the Grade II* Listed St Andrew's Church.
47. The formal Victorian architecture of Marjorie Hume House responds to the terracing fronting onto Church Street and those individual units along Church Walk. The church provides a focal point viewed from a number of points and fronts onto Church Street whilst Little Church Street has a mixed character with a number of important buildings abutting the highway. However, the general character is one of development having rather turned its back on Little Church Street and Church Walk and thus fronting onto High Street and Church Street. As a result there are a number of uninspiring elevations, service yards, gap sites and a general lack of cohesion. The approach to the site from the east is more open.
48. As the site lies within a Conservation Area and adjacent listed buildings, as well as the listed building of Herbert Gray College itself, the NPPF advises that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses needs to be done in a manner that is consistent with their conservation. Such developments need to positively contribute to the conservation of the heritage assets and

that they can assist economic vitality and contribute to the local character and distinctiveness of the area.

49. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The NPPF considers that where a proposed development will lead to substantial harm to the significance of a heritage asset it should be refused and where a proposal will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy SDC3 reiterates this and states that new development needs to preserve or enhance the significance of both designated and non-designated heritage assets.
50. NPPF also advises that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. On this basis, it could be considered that sustaining the significance of a heritage asset, reducing or removing risk to a heritage asset and securing the optimum viable use of a heritage asset would secure its long term conservation.
51. A positive redevelopment of the site is welcomed and could enhance the Conservation Area. Key elements of the character and appearance of the immediate area include the setting of St Andrew's Church, maintaining views of the tower, enhancing the street scene along Little Church Street, maintaining the landscaped character of the site and the opening up the footpaths with improved surface and boundary treatment. The Rugby Town Centre Conservation Area Appraisal dated June 2010 refers to the importance of the mature trees and open space within the grounds of the former Herbert Gray College site but also considers that an opportunity for enhancing the area would be to redevelop the site by removing the 1960s architecture and replacing them with a landmark structure that maximises key landscape features.
52. The retention of the older elements of Herbert Gray College and Marjorie Hume House is welcomed. The removal of the later additions and alterations that detract from these buildings is also supported, however, the loss of the Church Hall is regrettable and Historic England (then English Heritage) previously considered that the hall does contribute positively to the character and appearance of the Conservation Area, but it was not worthy of listing.
53. Based on previous submissions it is understood that the Church Hall is in relatively poor state of structural repair, however, no specific structural report has been received. The building is architecturally distinctive within its own streetscape and whilst not of any significant architectural quality, an element of harm to the Conservation Area would occur through its loss. Previously, the Council's Conservation Consultant considered that the building did not respond to surrounding development and on balance its loss could be acceptable provided there are overall benefits from the redevelopment. Detailed plans have been included within the proposal outlining how the site would be redeveloped following the demolition of the Church Hall. It was previously determined that the overall socio-economic benefits provided by the redevelopment of this under used site as a whole and also securing an optimum viable use and the benefits it could bring to the Conservation Area in general terms, as outlined in more detail below, on balance justify

the removal of St Andrew's Church Hall. Therefore the proposal would comply with policy SDC3 and the NPPF as it is considered that the need for and benefits of the proposed development are overriding and detailed plans have been submitted for the development of the site.

54. The modern architectural language of the proposed new build is considered to be a welcome approach and could successfully integrate the remaining historic buildings on the site. This would necessitate alterations to the listed Herbert Gray College but the removal of the twentieth century additions is encouraged as they detract from the building and do not provide an example of the positive organic growth of a listed building. This current proposal also retains more of the nineteenth century part of the building than the extant scheme as previously a section of first floor brick wall and tiled roof with a small dormer window on the western elevation was to be removed, along with the main internal staircase and two chimney stacks, which at the time was regrettable so their retention is now welcomed. Herbert Gray College remains vacant and certain sections internally are beginning to deteriorate and it unfortunately has been prone to anti-social behaviour. Overall, the best way to securing the upkeep of historic buildings is to keep them in active use otherwise they will fall further into decay and the longevity of such historic assets will be jeopardised if a future use is not secured. Nevertheless, the proposal does retain the majority of the historic portion of the listed former College building and therefore the proposals are considered to accord with the conservation approach generally taken.
55. The impact of the development upon the listed and locally listed properties fronting Church Street to the north of the site, the listed Masonic Hall to the south and the rear of those along Little Church Street whose main elevations face High Street are not considered to be harmed and their character and appearance would be preserved. Overall it is considered that the redevelopment of the site opening up sections of it to create additional vistas and the removal of the harsh boundary treatments along Little Church Street and Church Walk would have a positive impact on the Conservation Area, including some non-designated heritage assets within in it. Some of the views of the church tower would be restricted by the development, but others would be created, particularly from within parts of the site when it takes on a more semi-public form around the intended restaurant area. The mass and bulk of this latest scheme is slightly more on the western portion of the site (Blocks A & B), however, it is scaled down compared to the extant approved hotel and office scheme on the eastern part of the site (Block C), particularly adjacent to Marjorie Hume House and the former Herbert Gray College. Therefore, it is considered the development would result in a greater respect for the former Herbert Gray College building and the setting of St Andrew's Church.
56. The relationship of the trees and the surrounding area, which contributes significantly to the character and appearance of the Conservation Area and the setting of the adjacent listed buildings, is outlined in more detail under the Landscaping & Trees heading below.
57. Whilst elements of the proposal may be judged to lead to less than substantial harm to the significance of the listed buildings on and adjacent to the site and the Conservation Area, on balance, their character, appearance and integrity is not considered to be adversely affected. Bringing back a vacant site in the heart of the town centre which contains notable buildings, including one that is listed, is of paramount importance and it would be in the public interest to secure an optimum viable use for the site that safeguards their future preservation. In addition, Historic England have not raised an objection to the

proposal. These points in particular should be given significant weight in the assessment of the proposals.

58. Therefore, the proposal would comply with the policies of the Development Plan, including SDC3, and the NPPF.

Archaeology:

59. In connection with the previous 2008 application, an archaeological desk based assessment was submitted, however, Warwickshire County Council (WCC) Archaeology did not consider that the archaeological implications of the development could be adequately assessed on this basis and hence raised concerns. In December 2008 a geophysical survey was done on the Herbert Gray College part of the site. This identified a formal garden layout of probably 19th Century but has not clearly defined any earlier archaeological features. The report stated that a high resistance area identified may be building rubble, but could only be tested by intrusive investigation. The magnetic survey undertaken proved relatively uninformative partly due to the presence of existing buildings.
60. Based on the above findings an archaeological geophysical survey was conducted around Marjorie Hume House which identified possible structural remains as well as other archaeological features. However, it stated much of the potential archaeology on site may have been obscured by services such as foul and surface water systems and therefore it was not possible to determine the layout of any surviving structural remains from the geophysics. A further report has been prepared as part of this latest submission which concludes that the archaeology on site would not form a significant constraint to the proposed development but appropriately worded conditions, including trial trenching could be secured.
61. Based on this additional information, WCC Archaeology previously felt and continue to state that an archaeological evaluation should be undertaken before a decision is made owing to the potential for archaeological features of regional and national importance to be present otherwise the development is likely to have a significant negative impact upon any archaeological deposits present.
62. The NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest an appropriate desk-based assessment should be done and where necessary a field evaluation.
63. Whilst WCC Archaeology would prefer that trial trenching work to be done prior to the determination of the application, it is considered as before, that conditions could be imposed that safeguard archaeological deposits of importance and that the full investigation and recording of such archaeological remains can be carried out. If it subsequently transpired that the proposed foundations conflict with archaeology that had to remain in situ, then the construction methods could be altered. For instance, foundations could be cantilevered or designed to span the deposits accordingly. Therefore, it has been demonstrated previously that archaeological deposits can be safeguarded, subject to the imposition of conditions.
64. In WCC Archaeology's latest comments they acknowledge the previous permissions and stances taken and therefore if the scheme is recommended for approval, they would wish to see the imposition of a detailed archaeological condition.

65. Bearing in mind the previously extant planning permission, on balance, it is considered that any conflict between the archaeological heritage asset and the development could be minimised by conditions to result in any harm being less than substantial and acceptable when weighed against other matters within this report including securing the site's optimum viable use and the public benefit this would bring. Therefore, the proposal would not conflict with policy SDC3.

Landscaping & Trees:

66. The former Herbert Gray College part of the site is dominated by mature trees that form an important part in defining the character and appearance of the site as well as the Conservation Area. The significant mature tree canopy stretches from the adjacent St Andrew's Gardens in to the site providing a green oasis in the heart of Rugby Town Centre. This landscaping together with the associated open space acts as a key role in the setting of the surrounding listed buildings and particularly the Grade II* listed church of St Andrew's.

67. As detailed above, the existing site is enclosed by a variety of walls, fences and railings. Whilst the existing trees are clearly visible from a variety of vantage points throughout the town, views actually into the site are limited. The proposed development would partly open up areas around the site and provide certain views into the site from the north-west, south-east, east and west to enable pedestrians to move further into the grounds, particularly around the former Herbert Gray College building. These changes would be a significant improvement for users of Little Church Street and Church Walk and are welcomed. The development would wrap around the edges of the Herbert Gray College site retaining a central courtyard that would be dominated by the remaining mature beech tree.

68. Concerns have been raised at the loss of mature protected trees on the site by virtue of the proposed development. In assessing the trees on site a grading is given to the trees which represent their importance. Category A trees are the most significant and are considered to be of high quality and make a substantial contribution to amenity. Category B trees are of moderate quality and value and make a significant contribution to amenity. Category C trees are generally considered to be of low quality and value, whilst Category U trees generally reflect those which should be considered for removal based on sound arboricultural management.

69. Previously in 2008 a tree survey, landscape strategy, context and visual assessment were provided to support the application that is now extant. The preparation of a tree protection plan and associated method statement for demolition has subsequently been approved as part of the consideration of the pre-commencement conditions attached to the earlier planning permission. Therefore, the principle of felling and building around remaining protected trees on site has already been established. As the site lies within the Conservation Area then all the trees are protected. However, the most significant trees are also subject to a Tree Preservation Order.

70. The latest arboricultural assessment for the site records 34 individual trees and 5 groups of trees on the site. Including the groups, this comprises of 3 category A trees, 12 category B trees, 12 category C trees and 12 category U trees. Since the previous assessment this is a reduction of 1 tree overall and unfortunately overtime some of the category B & C trees have been reclassified into lower groups which can be caused by

defects, disease and weather damage. Previously there were 3 category A trees, 15 category B trees, 13 category C trees and 4 category U trees.

71. To implement the proposed development there will be a direct loss of 14 individual trees and 3 groups of trees. This will include 7 category B trees and 10 category C trees. As an indirect result of the development, due to their condition and proximity to the proposed development, a further 11 individual trees and 1 group of trees will be removed which are all category U trees. A total of 14 trees covered by a Tree Preservation Order (TPO) will be lost, which will include lime, holly, beech, rowan, sycamore, yew, oak, horse chestnut, mulberry and hawthorn.
72. 7 protected trees comprising of 3 category A (2 x beech, 1 x turkey oak) and 4 category B (3 x lime & 1 x yew), plus 2 significant trees Category B & C (horse chestnut & sycamore) within the highway on Little Church St, will remain, along with a small group of sycamore category C trees on the south western corner of the site.
73. The arboricultural impact assessment is very clear that the successful retention of the aforementioned trees will be dependent upon the quality and maintenance of any tree protection system that is put in place. Whilst a draft tree protection plan has been provided this is subject to alteration and further details will be required that can be dealt with by a robust planning condition.
74. Concern has also been raised at the encroachment of the development on a common beech tree (T32) within the site which is intended to be retained and subsequent surface treatments within the root protection area. The applicant's arboricultural consultants have submitted a detailed arboricultural method statement for this particular tree, including a plan that shows that the level of incursion of the development into the root protection area. This plan shows that the extant development would result in an incursion of built form into the root protection area of 15.19% compared with an incursion of 12.54% for the proposed development. This is a welcomed betterment.
75. The arboricultural method statement advises within the root protection areas hand digging and air spade devices (pneumatic nozzle piece of equipment held by hand that will create a trench by high pressure air) will be used for the foundation construction process. The report also refers to the use of suspended floors to help minimise root disturbance. In addition, a no dig cellular confinement system will be laid on the ground underneath the tree to help spread the load of future users and limit their impact on the tree. The statement goes into detail in relation to construction exclusion zones, tree protection measures and fencing as well as holding pre-commencement meetings with the Council's Arboricultural Officer as well as periodic inspections throughout the construction process and 2 years post construction. Nevertheless, if for whatever reason the tree does not survive a clause will be enshrined within the legal agreement to ensure significant financial compensation is made along with a specific replacement tree.
76. The loss of any trees is regrettable, particularly those which are considered to make a significant contribution to the local environment and visible from a high number of public vantage points within an urban area. Nevertheless, the partial opening up of the site into a semi-public area around the proposed restaurant and to the north-east of the former Herbert Gray College building will enhance the existing thoroughfares around the site and enable those trees identified as category A specimens to command a greater presence and be enjoyed by those individuals using the site. The majority of the site is currently

vacant and redeveloping it will certainly enhance this part of Little Church Street and make it more vibrant as well as providing stronger linkages to other green spaces, such as St Andrews Gardens. This and other issues identified in this report, such as the active use of the listed building, has to be balanced against the loss of the trees.

77. As detailed above planning permission for the hotel and offices is extant and the footprint of the proposed new build elements are fairly similar that of the approved scheme, however, any loss of trees and canopy cover should be mitigated for via a suitable re-planting scheme to make a valuable contribution to the local amenity. As with the previous scheme and owing to the limited options within the site for additional planting, the Council would be seeking an off-site financial contribution towards replacement landscaping. The previous applications adopted the Helliwell System, which has been approved by the Tree Council, to assist in ascertaining a monetary figure to inform a suitable tree planting mitigation scheme in the light of trees that would be lost. The Council's Tree Officer has confirmed that in the event of permission being granted a financial contribution would be sought to ensure that a re-planting scheme of native species could be implemented in a suitable location within Rugby and ideally the town centre as well as the imposition of a series of conditions and informatives.
78. The applicants propose to submit a detailed landscape design that will complement and integrate with the existing mature landscaping around the site and utilise high quality hard landscaping treatments of appropriate character for their location. This can be conditioned accordingly.
79. When assessing the scheme in its entirety it is considered that on balance the proposal would satisfy policies NE3 & SDC2 and the NPPF.

Ecology:

80. The submitted Ecological Appraisal identified the key ecological constraints to be bats, birds and hedgehogs. With regard to bats it identified several mature trees on site that would require endoscope inspection for bats prior to their removal and bat emergence or re-entry surveys of the existing buildings. A subsequent Bat Roost Report was submitted which identified a non-breeding day roost for common pipistrelle at both the Herbert Gray College and Marjorie Hume House buildings within the roofs. No evidence of roosting bats were observed in the trees surveyed. Whilst a bat mitigation license is required from Natural England to disturb the roosts, the report recommends that two tree mounted bat boxes should be installed along with bat boxes on the southern elevation of Herbert Gray College and western elevation of Marjorie Hume House.
81. WCC Ecology acknowledge the findings of the ecological appraisal and subsequent bat survey and the direct impact on the two roost sites from the proposed development. They consider the identified mitigation measures to be acceptable and recommend a lighting condition is imposed to ensure any lights installed do not impact on the bats. In addition, as a precautionary measure, that whilst no evidence of bat roosts was found in the trees an updated endoscope inspection should be addressed by condition prior to any of the identified trees in the report being removed.
82. The ecological appraisal also advised that a hedgehog shelter should be provided along the northern boundary of the site and any fences on the site should have small holes at their bases made to ensure any hedgehogs can continue to migrate across the site in the long term.

83. The appraisal also states that the loss of existing habitats will be mitigated and enhanced through the landscaping scheme, consisting of significant replanting at ground-level with a wide-range of native plants to attract invertebrate prey for bats and a wide range of fruit and/or seed-bearing plants, as well as integrated bird boxes and wildflower planting to retain the foraging interest for birds at the site.
84. WCC Ecology have advised that prior to site clearance, a protected species method statement is undertaken and secured by condition.
85. A Biodiversity Impact Assessment has also been submitted and this was updated following discussions with WCC Ecology. It is acknowledged that there would be a net biodiversity loss on the site of around -0.89 units resulting from the intended development. On this basis, WCC Ecology are requesting that a biodiversity off-setting scheme is secured via a legal agreement and that further condition is imposed seeking a requirement for a combined ecological and landscape scheme that includes native species planting of trees and shrubs. They have also confirmed the funds could be used to replace the present non-native poplar wood at Bluebell Walk Local Wildlife Site near Whinfield Recreation Ground to a native wood to enhance its current management.
86. It is not disputed that the redevelopment of the site will have an impact on wildlife and their habitats; however, it is considered that appropriate mitigation measures can be put in place to limit the impact on any protected species, together with the aforementioned conditions.
87. Overall subject to the mitigation measures detailed above, the proposal would comply with policy NE1 and the NPPF.

Amenity:

88. The site lies within a mix of uses including retail, commercial, religious and residential in a town centre location. Individuals working and living in such areas are exposed to greater levels of noise and disturbance owing to the general and hustle and bustle attributed to activities within a town centre during both the day and night. Owing to the juxtaposition of retail and commercial properties to residential units within town centres compromises in amenity are often expected. However, in certain instances groups of residential units can possess a high level of privacy and security owing to their close relation with surrounding buildings and trees, particularly in urban locations.
89. A Daylight & Sunlight Report has been received from the applicant's agents which acknowledges that there is light loss, but that this is generally of a relatively minor nature apart from to the north-east of the site where the impact is greater. The report considered neighbouring properties at Eastfield Place, Little Church Street, Market Place, Church Street, Church Walk and Church Mews. However, it acknowledges the report uses the British Research Establishment guidelines and that a degree of flexibility needs to be used especially in more urban environments.
90. To the east of the site is a property which has been converted in to 6 units known as Church Mews, whilst to the north of St Andrew's Church Hall the nightclub building has been demolished and part of that site and a neighbouring site have had two 3 -storey blocks built known as 1-6 Spire House. Beyond them are further flats known as Church Walk Apartments in a 3-storey building with most of the windows on the western elevation

overlooking the church. However, there are also openings on the southern elevation, in particular a large window and balcony, which faces St Andrew's Church Hall. Church Mews is also a three-storey building with the windows of the development primarily facing a northerly direction towards the rear of the units at the back of Church Street and southerly across their own private amenity space and St Andrew's Gardens beyond. There is a small second floor window in the western gable end, but it is understood that this may be a secondary window to a habitable room whose main window is in the southern elevation.

91. The western block of 1-6 Spire House will be within 7.5 metres of the northern side of Block C. Whilst there will be windows on both elevations they will be either secondary, non-habitable or designed with a chamfer to restrict direct overlooking.
92. St Andrew's Church Hall is located approximately 5.5 metres off the boundary with Church Mews and about 18 metres from the side gable of the Church Walk Apartments. The Church Hall rises to approximately 8 metres to the eaves and 11 metres to the ridge. There are large first floor windows which look across to the Church Walk Apartments. The previous hotel block adjacent to the western boundary of the Church Mews Apartments was intended to rise to approximately 13 metres above ground level and be located approximately 2 to 7 metres off the boundary with Church Mews and extend by approximately 36 metres along the boundary with Church Mews. In contrast the three-storey care home in Block C now proposed adjacent to the Church Mews boundary will be flat roofed and rise to 9.5 metres and be sited between 2.75 to 3.25 metres off the boundary and extend by approximately 40 metres along the boundary.
93. The scale and massing of the proposed three-storey Block C, whilst extending slightly further along the boundary, is significantly less than the previously granted hotel and office development especially in terms of overall height, which rose to approximately 13 metres. Owing to the Church Hall's existing presence, including windows on its northern elevation, and the relationship with Church Mews, Spire House Apartments and the Church Walk Apartments, the impact of the scale and bulk of the proposed development would not be at such a level that would adversely affect the amenity currently enjoyed by these adjacent properties to warrant a reason for refusal.
94. In addition, the first and second floor windows on the eastern elevation of Block C are positioned at just under a 90-degree angle to the façade so they look in a southerly direction away from Church Mews building in order to reduce the sense of overlooking. The ground floor windows will just look onto the existing fence and boundary treatments to the site will be conditioned accordingly. A wall to replace the fence approximately 1.8 metres in height was previously deemed acceptable in this location and such treatment along with other boundary treatments can be conditioned accordingly.
95. A planning application was approved in January 2015 at the rear of Church Mews to the immediate east of the site for a 3 and 4 storey block of sheltered accommodation for the elderly. Based on the orientation of habitable room windows between the two sites and schemes it was not considered that the development of both sites would conflict with each other. Nevertheless, the scheme at the rear of Church Mews has now lapsed.
96. The western elevation of Block A will have habitable room windows/doors and balconies that will face windows of the existing commercial premises, including those of the La Casa Loco restaurant on the first floor of Churchside Shopping Arcade, at a distance of

approximately 16 – 17 metres. Whilst the outlook from diners in the restaurant will change, commercial properties are not afforded the same level of amenity protection as residential properties. Although the development is within a town centre location where there tends to be more flexibility regarding amenity standards, the applicant is willing to use opaque privacy glazing treatments to the glass on parts of the western elevation of Block A, including the balconies, to reduce perceived direct overlooking between both occupants. Full details of this, including obscuration levels and which glazing, will be conditioned.

97. The rear elevations of the properties on Elsee Road and side elevation of 2 Church Walk will lie approximately 50 metres away partially across the Masonic Lodge car park and the Church Walk footpaths and in the case of some of the Elsee Road properties, across the public gardens of St Andrew's to the south-east of the development. Despite the overall height of the proposed development, in particular Block B, these distances which in some cases are across semi-public areas mean that, on balance, the amenity of the existing properties would not be adversely affected by the proposal to such an extent to warrant a reason for refusal. Various other residential units, including flats above shops and commercial premises, lie along Little Church Street, Church Street and Eastfield Place as well as those that form part of the Windsor Court development. The relationship between the proposed development and these units is not considered to adversely affect their amenity over and above the existing situation or based on the distances and orientation of the development, including intervening public spaces.

98. Overall the proposal is considered to accord with policy SDC1 and the NPPF.

Noise:

99. The site is in Rugby Town Centre and residents of the extra care home, as with other town centre residents, will be exposed to a certain level of background noise during both the day and night. Noise concerns were a particular concern when the previous application was considered owing to the existence of the Vault nightclub, however, the venue has now closed and been demolished, and flats have been built on the site.

100. In the light of this a new noise impact assessment was prepared and submitted with this latest application. This assessment included details of environmental noise monitoring, noise arising from noise sources affecting the site and internal noise levels of the intended development. This assessment did identify a variety of noise sources such as local road traffic, church bells, external plant serving existing properties, comings and goings from neighbouring restaurants (including deliveries) and nearby construction works.

101. Therefore, the key mitigation measure proposed is specific glazing and ventilation treatments to habitable rooms on key elevations of the development along with details of mechanical extraction equipment, which can be secured by conditions.

102. Whilst the Council's Environmental Services Section consider the report to be generally acceptable, further details are needed and points of clarification are sought in order to make the proposal acceptable. On balance and overall this can be dealt with by conditions.

103. Previously a query has been raised in relation to noise nuisance from church bells. At that time Environmental Services advised that the Common Law position is that the making of unreasonable noise is actionable as a nuisance and action could potentially be

taken under the Environmental Protection Act, 1990. This is unlikely to occur unless the bells are rung incessantly or at unreasonable times. When the last application was considered the Tower Captain of St Andrew's Church confirmed that the bells are generally rung on Sunday mornings and evenings, for practice on Monday evenings and for special occasions such as weddings, special services and events (eg Olympic flame or particular visitors) which probably amount to 2 a month. They also stated they are only rung after 9pm at Christmas and New Year's Eve. It is not believed that there have been any significant changes to this and previously Environmental Services considered this to be acceptable.

104. Overall the proposal development is considered to comply with policy SDC1 and the NPPF.

Highways & Footpaths:

105. The site lies within a High Access Zone as identified in Appendix 5 of the Local Plan and based on the Council's parking standards for a Class C2 development a total of 7 spaces would be required for the care home element and 39 spaces the extra care part. This equates to a total of 46 spaces. Nevertheless, it is acknowledged that the 39 spaces for the extra care element is based on all the residents being actively mobile and in reality, this is not likely to be the case.
106. The scheme will provide 15 off-street car parking spaces, including 4 disabled bays. This level of provision is low but the site lies in the heart of the Town Centre where many other forms of transport are accessible. A Transport Assessment and a Vehicle Access Parking Strategy (VAPS) was submitted with the application.
107. The Transport Assessment considers that as the development would be predominately car free it would only generate 9 two-way vehicle movements in a peak hour, especially owing to the limited opportunities to park on site and that the facilities within the town centre are all within walking distance and there is good pedestrian infrastructure around the site and to such facilities.
108. The developer intends to discourage residents from owning a car by proposing to have a mini-bus available on site 7 days a week to facilitate local trips. In addition, the car parking spaces that will be provided on site as part of the development would be available for visitors and staff members to book on a short term basis but it is intended to have a resident's car sharing scheme from the owner's own fleet of vehicles on a hire basis that will either be electric or hybrid vehicles.
109. The VAPS does acknowledge that some residents may still find it hard to be severed from their own cars and has identified that the Council currently enables individuals to purchase an annual long stay car park ticket for £400 at the Westway Car Park that is accessible 24 hours a day.
110. In addition, 2 covered and secure cycle shelters will be provided to enable the parking of 16 cycles. As activity levels of the future occupants of the extra care units and care home will be of mixed ability this level of provision is considered acceptable. Nevertheless, owing to the strong emphasis on encouraging residents and staff to use alternative means of transport this can be periodically reviewed as part of the overall management of the complex.

111. Overall, the Transport Assessment considers that the proposed development would not result in a severe impact on the local highway network and alternative sustainable transport modes are available.
112. Previously the Highway Authority accepted that there may be times when adhoc and inconsiderate parking takes place along Little Church Street, however, they believe this isn't unique to the area and happens in many other locations and while can cause an issue, it is only for a limited time.
113. WCC Highways did initially object to the proposed development as they sought additional information in relation to access junction layout, visibility splays and swept path analysis. These were subsequently provided and they then removed their objection subject to the imposition of conditions.
114. WCC Paths have stated that there are no recorded public rights of way crossing or abutting the application site currently recorded on the Definitive Map. Whilst WCC has received Definitive Map Modification Order applications to record certain paths nearby as public footpaths these have yet to be formally assessed, even though they date from September 2009. However, they are aware that these 'claimed' routes are used by the public and as the developer's intention is to retain them WCC Paths raise no objection to the development providing these existing routes are not obstructed, including after daylight hours.
115. Therefore, the proposal is not considered to conflict with policies D1 & D2 nor the NPPF.

Sustainable Construction:

116. Policy SDC4 requires new development to meet carbon reduction targets as set out in Buildings Regulations. The Sustainable Design & Construction Supplementary Planning Document, 2012 (SDC SPD) states that the Council believes major development proposals provide a valuable opportunity to maximise the potential for reducing carbon emissions through improved energy efficiency in both construction and design.
117. In terms of Building Regulations these types of developments are generally classed as non-residential so are subject to the more detailed requirements of BREEAM standards (Building Research Establishment Environmental Assessment Method). Policy SDC4 requires schemes to meet a minimum standard of 'very good' unless it is unviable to do so.
118. As part of the proposal both an Energy & Carbon Reduction Report and a BREEAM New Construction Pre-Assessment Report has been submitted. These outline energy efficiency measures through use of fabric efficiency, low energy lighting, gas fired boilers and combined heat and power units in an energy centre to provide heating and hot water via a district heating solution. District heating is more energy efficient, due to simultaneous production of heat and electricity in combined heat and power generation plants which has the added benefit of reducing carbon emissions.
119. General assumptions based on the scale and design of the project are used to assess the BREEAM standard of the potential development. A breadth of environmental weightings and credit scores are given to make the assessment which include management, health & wellbeing, energy, transport, water, materials, waste, land use,

ecology and pollution. Overall, the report demonstrates that development would achieve the minimum target of 'very good.'

120. To ensure that the minimum target is met a condition will be imposed but the applicant's agent has demonstrated that the development will be able to comply with policy SDC4 and Building Regulations.

Air Quality & Contamination/Remediation:

121. The site lies within an Area Quality Management Area which was declared in 2004. This area covers predominately Rugby, Dunchurch and Long Lawford, although it is the centre of Rugby where some of the highest levels of nitrogen dioxide are recorded which predominately comes from traffic.
122. An air quality assessment has been submitted with the proposed scheme. This document looks at both air quality during the construction phases as well as when operational. In terms of building works, an extensive list of mitigation measures is recommended to address any potential construction dust that may occur. From an operational aspect it is considered that the proposed development would have the potential to impact on ambient concentrations of nitrogen dioxide and particular matter. Nevertheless, it was judged that no exceedances of any National or European air quality standards would occur and at existing receptors, for annual mean concentrations of nitrogen dioxide, negligible impacts were predicted. This was also the case for particular matter, so overall the assessment concluded that the impact of the development in air quality terms was not considered significant.
123. A further Air Quality Neutral Assessment Technical Note was provided and focused on policy HS5. This document demonstrated that in terms of transport emissions the scheme would be judged to be air quality neutral as they would lie within specific benchmarks so no further mitigation would be needed.
124. Furthermore, this document notes that the proposed development will install an energy centre containing two combined heat and power units (CHP) and five boilers. As this plant will be fueled by natural gas/LPG the only pollutant of concern is nitrogen dioxide. The boilers installed will have low levels of emissions.
125. The Council's Environmental Services Section have confirmed that the approach taken to assess air quality neutral is appropriate at this time. They accept the methodology uses bench marking base on land classes in London, in this case inner London, as this was deemed the most representative of the proposed development as Rugby has yet to produce its own such guidance. When compared to the benchmarked emissions the proposed development comes out as air quality neutral and no mitigation is required. On this occasion, Environmental Services accept this method and would suggest that the standard has been met and no conditions in relation to this are required.
126. A Phase 1 contamination report was prepared as part of the discharge of the pre-commencement conditions in 2012. Based on the last consented scheme for the site, this introduced residential properties in the form of extra care units. Therefore, the contaminative state of the land needs further detailed assessment to make it suitable for the new end users. On this basis further investigative works are required and Environmental Services are content for this to be addressed by a full contaminated land survey via condition.

127. On this basis, it is considered that matters relating to air quality and ground contamination can be satisfactorily addressed and therefore complies with policy HS5 and the NPPF.

Drainage & Flood Risk:

128. During the initial consultation process the Lead Local Flood Authority (LLFA) at Warwickshire County Council (WCC) sought additional information in order to fully assess the impact of the scheme on surface water drainage and flooding. This was forthcoming in the terms of a revised Flood Risk Assessment.

129. The LLFA has advised that based on the site area and it wholly lying within Flood Zone 1 there is a very low/low risk from surface water flooding. They acknowledge that the report identifies a 50% betterment will be provided up to the 1 in 100 year plus accounting for 30% climate change and that sensitivity testing has been undertaken for 40% climate change. Whilst the ground conditions and space constraints on site may mean that some sustainable drainage features may not be viable on site, the LLFA are content that additional details relating to overland flow can be addressed by condition.

130. Severn Trent Water are responsible for foul sewage disposal. They are content for the site to connect to the existing public foul water sewer along with surface water but that the applicant/developer will be required to make an application under the Water Industry Act, 1991. They raise no objection but have recommended the imposition of informatives on this basis along with details relating to the Transfer of Sewer Regulations 2011.

131. Therefore, the proposals are considered to accord with policies SDC5, SDC6 & SDC7 and the NPPF.

Developer Contributions

132. Policy D4 advises that where infrastructure cannot be provided on site, an off-site financial contribution may be sought where it will be necessary to make the development acceptable, directly related, and fairly and reasonably related in scale and kind to the scheme proposed.

133. The redevelopment of the site is welcomed; however, the loss of protected trees is regrettable. Although some soft landscaping will be planted on site this will not compensate this loss and therefore, a significant financial contribution towards new soft landscaping within Rugby, with an emphasis on the town centre, is required. This uses the Helliwell System, which has been approved by the Tree Council, to assist in ascertaining a monetary figure to inform a suitable tree planting mitigation scheme in the light of trees that would be lost.

134. Through the submission of a Biodiversity Impact Assessment a net biodiversity loss on the site of around -0.89 units would result from the development. On this basis, Warwickshire County Council Ecology Unit have requested that a biodiversity off-setting scheme is secured via a legal agreement. This will ultimately involve the payment of funds to the improve the biodiversity particularly of woodland habitats within the Borough.

135. The University Hospitals for Coventry and Warwickshire (UHCW) NHS Trust have advised that this development will have an effect on health and wellbeing, in particular in

relation to the impact that the development has on the acute service provided by the Trust. Owing to how the NHS Trust is funded, monies are required for the first year of occupation of each unit of accommodation of the 78 extra care units and such a contribution would be used directly to provide additional health care services to meet patient demand at St Cross Hospital, Rugby and University Hospital, Walsgrave, Coventry.

136. In addition, the NHS Coventry & Rugby Clinical Commissioning Group and Warwickshire County Council Public Health have sought a contribution as they consider extra care and specialist housing places an increased demand on doctor's surgeries as this particular cohort of residents has a greater need for such services in Rugby.

137. A contribution has been requested from Warwickshire County Council to support the expansion of the service of Rugby library in terms of stock, seating, facilities and promotions. Owing to the close proximity of the site to Rugby library it is likely that residents from the site may wish to use such facilities.

138. Warwickshire County Council (Traffic and Road Safety) have confirmed that a Sustainable Travel Packs Contribution is to be paid for the provision of information packs for owners and occupiers of the residential units which include information on sustainable modes of transport and to help promote sustainable travel and road safety in the area. As there will be a heavy reliance on alternative modes of transport to the private car this is considered reasonable.

139. This application is therefore considered to be in accordance with policies D1, D4, HS1, HS2 & NE1 along with the SPD on Planning Obligations.

Heads of Terms

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

Contribution	Requirements	Trigger
Landscaping	Improvements to soft landscaping within Rugby with particular emphasis on the town centre.	Within first planting season following first occupation
Ecology – Biodiversity Impact	To address net biodiversity loss, particularly with regard to woodland habitats at Bluebell Walk Local Wildlife Site, Rugby	Before commencement of development
UHCW NHS Trust	Meet patient demand for access to health care services at St Cross, Rugby and University Hospital, Coventry.	Before first occupation
CCG NHS Trust	Meet patient demand for access to health care services in Rugby.	Before first occupation

WCC Libraries	To support increased demand of facilities at Rugby library.	Before first occupation
WCC Sustainable Travel Packs	To help the promotion of sustainable travel and road safety.	Before first occupation

141. Additional clauses regarding occupancy restriction in relation to age and care packages will also be required.

142. In relation to the detail quoted above, these are subject to further negotiation and finalisation prior to the completion of the S106 Agreement.

Other Matters:

143. According to Ofcom's website superfast broadband and indoor and outdoor 4G mobile coverage is already available adjacent to the site. Therefore, the development will be able to connect directly into the existing network and the applicant's agent has confirmed that all residents will have access to at least superfast broadband and WiFi will be available across the site internally and externally thus accord with policy SDC9.

144. The Rugby Town Centre Action Plan 2016-2020 is keen to deliver improvements to the physical environment of the town centre, including Conservation Areas, as well as attract investment and new businesses into to this area, including new residential properties. This scheme will also help to achieve these objectives.

Planning Balance & Conclusion:

145. The development will provide environmental benefits through the reuse of an empty listed building on site as well as the conversion of Marjorie Hume House together with the removal of more modern structures and additions that have a negative impact on those buildings and the Conservation Area. In addition, the development is on previously developed land in one of the most sustainable locations within Rugby Borough and will provide economic benefits in the term of jobs for the local economy and related services, particularly during the construction process. In turn this will improve both commercial and leisure opportunities in the area. It is the aforementioned factors that weigh significantly in the scheme's favour despite certain aspects being judged to have less than substantial harm to the significance of the listed building and Conservation Area, whilst other elements will have a positive impact on the setting of the Conservation Area and listed building of the former Herbert Gray College building when assessed against the extant planning permission for the hotel and offices.

146. The loss of some of the protected mature trees and St Andrew's Church House is regrettable but has been previously approved and remains extant. The loss of additional mature trees also weighs against the proposal, but it is accepted a holistic approach needs to be taken for the site. On balance, the scheme will help facilitate the development of this abandoned key town centre location together with the formation of a semi-public area within the site that will add interest and vibrancy to the thoroughfares around the site providing views of both modern landmark buildings and surrounding listed buildings. The striking new architecture will sit amongst its conservation setting and historic landscape whilst adding to the diversity and quality of the town centre.

147. In addition, the scheme will provide 78 extra care units and 52 bed care home which will help the Council achieve its ongoing need for 72 extra care market units per annum and whilst the lack of specific affordable units counts against the scheme the overall benefits as detailed above are significant.

148. It is considered when taking account of all matters the proposal would secure a sustainable form of development as required by policy GP1 and the NPPF, subject to a legal agreement, conditions and informatives. As well as the Heads of Terms referred to above, the legal agreement will also incorporate an occupancy restriction in relation to age and care packages to ensure the acceptability of the scheme.

Recommendation:

149.

(1) Planning application R18/1811 to be granted 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 Head of Growth and Investment 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.

(3) The Legal, Democratic & Electoral Services Manager, in consultation with the Head of Growth and Investment and the Planning Committee Chairman be given delegated authority to complete the legal agreement.

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DRAFT DECISION

REFERENCE NO:
R18/1811

DATE APPLICATION VALID:
24-May-2019

APPLICANT:
Abode Caldecott Square Developments Limited

AGENT:
Miss Emily Disken, Montagu Evans 5 Bolton Street London W1J 8BA

ADDRESS OF DEVELOPMENT:
HERBERT GRAY COLLEGE, LITTLE CHURCH STREET, RUGBY, CV21 3AN

APPLICATION DESCRIPTION:
Demolition, conversions and extensions to existing buildings, plus construction of new buildings, to provide two-5 storey blocks to form 78 Extra Care Residential Units (Class C2), a 3-storey 52-bed Care Home (Class C2) and an ancillary Well Being Centre (including café, restaurant and leisure/spa facilities), together with associated highway, landscape, drainage and other associated infrastructure and landscaping/public realm 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:

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall not be carried out other than in accordance with the plans and documents specified below:

Energy & Carbon Reduction Report by Design MEP dated 5th April 2019; &
BREEAM New Construction 2018 Pre-Assessment Report by Design MEP dated 5th September 2019;
both of the above received by the Local Planning Authority on 24th December 2019;

Arboricultural Method Statement ref 191218 0847 AMS V2 dated 18th December 2019 received by the Local Planning Authority on 23rd December 2019;

Site Plan - As Proposed 18052 (08) 001 Rev B;
Site Access & Maintenance Plan - as proposed ref 18052 (08) 103 Rev C (only for access & maintenance purposes); &
Courtyard Fire Vehicle Access - as proposed ref 18052 (08) 104 Rev A (only for access purposes);
all of the above received by the Local Planning Authority on 27th November 2019;

Block B Ground Floor plan ref 18052 (08) 020 Rev B;
Block B First Floor plan ref 18052 (08) 021 Rev A;

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Block B Second Floor plan ref 18052 (08) 022 Rev A;
Block B Third Floor plan ref 18052 (08) 023 Rev A;
Block B Fourth Floor plan ref 18052 (08) 024 Rev B;
Block B Fifth Floor plan ref 18052 (08) 025 Rev A;
Block B Roof plan ref 18052 (08) 026 Rev A; &
Tree RPA Incursion Zone plan ref 18052 (SK) 34 Rev A;
all of the above received by the Local Planning Authority on 21st November 2019;

Email from Wharton to Montagu Evans on 11th November 2019 [15:51] re T12, T16 & T32 Trees;

Proposed Access Junction Layout & Swept Path Analysis plan ref ADC1975-DR-001 Rev P2 received by the Local Planning Authority on 9th October 2019;

Arboricultural Impact Assessment by Wharton ref 190902 0847 AIA V4 dated 2nd September 2019 received by the Local Planning Authority on 6th September 2019;

Block A Elevations plan ref 18052 (08) 017 Rev A;
Block C First Floor plan ref 18052 (08) 031 Rev A;
Block C Second Floor plan ref 18052 (08) 032 Rev A;
Block C Roof plan ref 18052 (08) 036 Rev A;
Block C Elevations plan ref 18052 (08) 037 Rev A;
Block D Ground/Basement Floor plans ref 18052 (08) 040 Rev A;
Block D First/Second Floor plan ref 18052 (08) 041 Rev B;
Block D Roof plan ref 18052 (08) 046 Rev B;
Block D Elevations plan ref 18052 (08) 047 Rev B;
Block D Sections plan ref 18052 (08) 049 Rev A;
Site Access & Maintenance Plan - as proposed ref 18052 (08) 103 Rev A (only for access & maintenance purposes);
Courtyard Fire Vehicle Access - as proposed ref 18052 (08) 104 (only for access purposes); &
Biodiversity Impact Assessment (Warwickshire, Coventry & Solihull - Habitat Impact Assessment Calculator) dated 22nd August 2019;
all of the above received by the Local Planning Authority on 30th August 2019;

Air Quality Neutral Assessment - Technical Note by AECOM dated 19th August 2019 ref 60596622; &
Bat Roost Characterisation and Mitigation Report dated August 2019 ref 190822 0847 BAT V1;
both of the above received by the Local Planning Authority on 23rd August 2019;

Transport Assessment by ADC Infrastructure ref ADC1975-RP-A dated 11th April 2019 received by the Local Planning Authority on 17th July 2019;

Flood Risk Assessment by ADC Infrastructure dated 26th July 2019 ref ADC1975-RP-B-v1 received by the Local Planning Authority on 29th July 2019;

Air Quality Assessment by AECOM dated April 2019;
Daylight & Sunlight Report by CPMC dated March 2019 ref FHGC (Rev 1);
Design & Access Statement by Marchini Curran Associates dated April 2019 ref 18052/C01/Planning;
Archaeological Desk-Based Assessment by CgMs Heritage dated March 2019 ref 25233/CH;
Heritage Townscape & Visual Impact Assessment by Montagu Evans dated April 2019;

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Landscape Design Statement by Golby & Luck dated April 2019;
Noise Impact Assessment by 24 Acoustics ref R7657-1 Rev 1 dated 3rd April 2019;
Preliminary Ecological Appraisal by Wharton ref 190325 0847 PEAR V3 dated March 2019;
Vehicle Access & Parking Strategy ref ADC1975-RP_C_V2;
Site Elevations Sheet 1 of 2 ref 18052 (08) 003;
Site Elevations Sheet 2 of 2 ref 18052 (08) 004;
Site Sections plan ref 18052 (08) 005;
Block A Ground Floor plan ref 18052 (08) 010;
Block A First Floor plan ref 18052 (08) 011;
Block A Second Floor plan ref 18052 (08) 012;
Block A Third Floor plan ref 18052 (08) 013;
Block A Fourth Floor plan ref 18052 (08) 014;
Block A Fifth Floor plan ref 18052 (08) 015;
Block A Roof plan ref 18052 (08) 016;
Block A Sections plan ref 18052 (08) 019;
Block B Elevations plan ref 18052 (08) 027;
Block B Sections plan ref 18052 (08) 029;
Block C Ground Floor plan ref 18052 (08) 030 Rev A;
Block C Sections plan ref 18052 (08) 039;
Site Location Plan ref 18052 (08) 100;
Site Plan As Existing ref 18052 (08) 101; &
Proposed Demolition Plan ref 18052 (08) 102;
all of the above received by the Local Planning Authority on 23rd April 2019.

REASON:

For the avoidance of doubt.

CONDITION 3:

Notwithstanding any indication given on the approved drawings as part of the application, full particulars including details of the colour, finish and texture of the materials to be used on all external surfaces of the proposed buildings and extensions, together with samples of:

- a) glazing of windows, walls and any roofs (including obscuration levels, particularly to the western elevation of Block A);
- b) timber, concrete, brick, stone, cladding and metal work associated with the walls, windows, doors, roofs, roof terracing, external fins, columns and exposed floors and ceilings;
- c) reveal depths, header and cill details to all new windows and doors; &
- d) balconies, balustrades and rain water goods;

shall be submitted to and approved in writing by the Local Planning Authority before any development above ground is commenced (excluding demolition and site clearance). These details shall then be implemented in accordance with the approved details and any obscured glazing shall remain in situ in perpetuity.

REASON:

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

CONDITION 4:

Notwithstanding any of the details submitted as part of the application and before development commences (excluding demolition and site clearance), unless otherwise agreed in writing with the Local Planning Authority, a comprehensive scheme detailing both hard and soft landscaping for the entire site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include planting plans with written specifications, a schedule of plants noting

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species (predominately native), plant sizes, numbers, position, density and timing (including those relating to any green roofs), together with an indication of how they integrate with the proposal in the long term with regard to mature size and anticipated routine maintenance, finished levels, all external structures such as furniture, bollards and surface treatments (including those for vehicle and pedestrian access and circulation areas), together with an implementation programme. The landscaping shall then be carried out in accordance with the approved details and implementation programme.

REASON:

In the interests of the visual amenities of the locality.

CONDITION 5:

No works or development, including ground clearance, shall take place until a final arboricultural method statement/tree protection plan (Section 5.5 & 6.1BS5837:2012 - Trees in relation design demolition and construction: recommendations, or any such variation) for the protection of the retained trees has been submitted to and approved in writing with the Local Planning Authority. This scheme shall include details of the following:

- A) Tree protection barriers and temporary ground protection;
- B) A schedule of tree works for all the retained trees, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. The positions of all trees to be removed shall be indicated on this plan;
- C) Timings, specifications and locations of proposed root pruning;
- D) Arboricultural Management Plan for retained trees across the entire site;
- E) Installation of new 'no-dig' hard surfacing in root protection areas e.g. new access/parking areas in the site - materials, design constraints and implications for levels;
- F) Construction access, construction process and site storage;
- G) Specialist foundations - installation techniques and effect on finished levels and overall height;
- H) Proposed positioning of underground service runs and proposed excavation techniques;
- I) Preparatory works for new landscaping; &
- J) Auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

REASON:

In the interests of visual amenity and to safeguard the health of the protected trees.

CONDITION 6:

In conjunction with Conditions 4 & 5 above, if within a period of 10 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any non-material variations.

REASON:

In the interests of visual amenity and to safeguard the health of the protected trees.

CONDITION 7:

The development hereby permitted shall not commence, including site clearance, until a Bat Mitigation Strategy for the whole site (to include timing of works, replacement roost details, monitoring, and method statements for the removal of all on-site buildings and trees) has been

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submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be based on those provided in the Wharton Bat Roost Characterisation and Mitigation Report for Former Herbert Gray College dated 22nd August 2019 received by the Local Planning Authority on 23rd August 2019. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

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

CONDITION 8:

The development hereby permitted (including ground clearance works) shall not commence until a protected and notable species method statement for nesting birds and hedgehogs (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.

REASON:

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

CONDITION 9:

In conjunction with Condition 4 above, no works or development shall commence on site, including site clearance, until a combined ecological and landscaping scheme with timeframe for implementation has been submitted to and agreed in writing by the Local Planning Authority (with advice from Warwickshire County Council Ecological Services). The scheme must include all aspects of landscaping planting proposed and the agreed scheme shall be fully implemented before/during the development of the site as deemed appropriate by the Local Planning Authority.

REASON:

In accordance with the NPPF to provide biodiversity enhancements to the site.

CONDITION 10:

Unless non-material variations are agreed in writing with the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until points (A) to (D) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

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

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

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This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

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

(C) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(D) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (A), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (B), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (C).

REASON:

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

CONDITION 11:

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

- (i) The control of noise and vibration emissions from construction/demolition activities including groundworks, plant/generators and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the construction/demolition phase;
- (ii) The control of dust including arrangements to monitor dust emissions from the development site during the construction/demolition phase;
- (iii) Any temporary site compound, including buildings/structures, lighting, fencing and storage provision; &
- (iv) With regards to (i) above, if piling is planned to be undertaken as part of the construction process then an appropriate vibration assessment will need to be undertaken based on the most up to date British Standards and form part of the construction method statement / construction management plan.

Development shall not be carried out other than in accordance with the approved construction method statement / construction management plan.

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REASON:

In the interests of the amenities of the area.

CONDITION 12:

Notwithstanding the details submitted, no above ground works (excluding demolition and site clearance) shall commence across the site unless and until full details of finished floor levels of all buildings and ground levels of all access roads, parking areas, footways and landscaped areas have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure the proper development of the site.

CONDITION 13:

Notwithstanding any of the details submitted as part of the application, full details of the treatment of all site boundaries (including those along Church Walk and between the former Herbert Gray College and St Andrews Church), shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works commencing on their installation/erection. Details agreed in accordance with this condition shall be carried out prior to the date on which the development is first brought into use.

REASON:

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

CONDITION 14:

The development shall not be first occupied until the existing north-western vehicular access to the site from D3181 Little Church Street has been remodelled so as to provide an access of not less than 5 metres wide for a distance of at least 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON:

In the interests of highway safety.

CONDITION 15:

Prior to first occupation, the pedestrian access points into the site and circulation areas across the site shall be laid out in accordance with the approved plans as detailed in Condition 2 above. The pedestrian access points into the site shall remain accessible to the public between the hours of 8am to 8pm unless non-material variations are agreed in writing with the Local Planning Authority.

REASON:

To ensure permeability of the site for pedestrian users across the site and surrounding areas.

CONDITION 16:

The development shall not be first 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 and footway have been reinstated in accordance with the standard specification of the Highway Authority

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REASON:

In the interests of highway safety.

CONDITION 17:

The accommodation for parking spaces, including the installation of electric vehicle charging points, along with the areas for vehicle manoeuvring, loading and unloading as detailed on and in the approved plans and documents as per Condition 2 above, shall be provided before the first occupation of the development hereby permitted and shall be retained permanently and managed in accordance with the approved Vehicle Access & Parking Strategy for the accommodation of vehicles of persons working in or calling at the premises and shall not be used for any other purpose.

REASON:

In order to ensure that satisfactory parking and access arrangements are maintained within the site.

CONDITION 18:

Prior to the first occupation of the development hereby approved and notwithstanding the plans submitted, details including appearance and location of secure and covered cycle storage facilities for both staff and visitors shall be submitted to and approved in writing with the Local Planning Authority and in accordance with the Council's adopted cycle parking standards. The cycle provision shall be implemented in accordance with the approved details and made permanently available for use prior to the first occupation of the development.

REASON:

In the interests of promoting sustainable transport measures.

CONDITION 19:

Notwithstanding the details submitted and prior to the development first being brought into use, the bin storage and collection arrangements, including the provision for the recycling of waste, together with surface and boundary treatments to the bin storage and collection areas shall be submitted to and approved in writing by the Local Planning Authority. The bin storage and collection areas shall be installed and made available for use prior to the building first being brought into use. The facilities shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure satisfactory bin storage and collection facilities are provided, together with the opportunity for recycling waste, and to safeguard the health of the adjacent protected trees.

CONDITION 20:

No development shall commence unless and until:

- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.

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c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

REASON:

In the interest of archaeology.

CONDITION 21:

As detailed in the Noise Impact Assessment approved under Condition 2 above, an additional noise survey shall be conducted primarily in relation to local commercial noise levels. This survey shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence. The report shall include, if necessary, recommendations for acoustic insulation works, including glazing and ventilation mitigation measures, to protect the occupants both inside the units and the external amenity spaces. These works shall be completed in accordance with the approved details and mitigation measures prior to the first occupation of the development.

REASON:

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

CONDITION 22:

Full details of any refrigeration or air handling plant, flues or other equipment to be located externally to any building, to include proposed measures for acoustically treating such equipment, shall be submitted to and approved in writing by the Local Planning Authority prior to such plant being installed. Equipment shall then be installed in accordance with the approved details.

REASON:

In the interests of the amenities of neighbouring properties.

CONDITION 23:

Prior to the installation of any fume/mechanical extraction system associated with any commercial kitchen, including the restaurant and café, and the wellness centre, full and precise details of a suitable fume/mechanical extract system, including external treatments, shall be submitted to and approved in writing by the Local Planning Authority. The system shall be designed to operate in full accordance with the approved details before the development, hereby approved, is first brought into use and shall thereafter be maintained in accordance with the approved details.

REASON:

In the interests of the amenities of the locality.

CONDITION 24:

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Notwithstanding any of the details submitted as part of the application, details of any ducts, flues or vents to be installed on the external elevations of the buildings, including roofs, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. These shall then be installed in accordance with the approved details.

REASON:

To ensure a satisfactory appearance.

CONDITION 25:

No internal (as detailed below) or external lighting, including roadway and pathway lighting, shall be installed or erected until a detailed Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. External lighting details shall include the type, design, location, fixtures, fittings and columns, together with their associated angle, fall, spread and intensity. Internal lighting details shall provide details of spread, intensity and glare that falls outside of the internal areas (ie through glazing) together with any mitigation measures to prevent the glare from internal lighting externally. In addition, the strategy shall take full of guidance on bats and lighting, including:

- 1) reducing obtrusive lighting on site;
- 2) that no existing on site bat roosts or newly created bat roosts or boxes shall be directly illuminated;
- 3) lighting should be directed away from vegetated areas and shielded to avoid spillage onto such areas;
- 4) brightness of lights should be as low as legally possible;
- 5) lighting should be timed to provide some dark periods; &
- 6) connections to areas important for foraging should contain unlit stretches.

The development shall not be carried out otherwise than in full accordance with such approved details.

REASON:

To prevent unnecessary light pollution in the interests of the amenities of the area and to prevent potential harm to protected species and their habitats.

CONDITION 26:

No development (excluding demolition and site clearance) shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with Warwickshire County Council. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON:

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

CONDITION 27:

Prior to the first occupation of the individual Blocks A-D, measures demonstrating that the building/s achieve a BREEAM very good standard or above in terms of carbon reduction as outline in the approved report detailed in Condition 2 above, or any such subsequent report, shall be submitted to and approved in writing by the Local Planning Authority.

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REASON:

To ensure energy efficiency is achieved through sustainable design and construction.

CONDITION 28:

Prior to the first occupation of each extra care unit or care home room, broadband infrastructure at a minimum of superfast speed, shall be installed and made available for use by each individual occupant and retained for future use.

REASON:

To ensure an update communication system fit for the digital age is in place for residents to accord with policy SDC9.

INFORMATIVE 1:

This development is subject to a s106 legal agreement and this permission also relates to Listed Building Application R19/0966 and should be read in conjunction with that application.

INFORMATIVE 2:

Notwithstanding the requirements of Condition 9 above, the applicant/developer is advised that care should be taken when clearing the ground prior to development and storing materials on site. If any evidence of specially protected species such as adder, grass snake, slow worm or common lizard are found, work should stop while Warwickshire County Council (WCC) Ecological Services (01926 418060) or Natural England is contacted. Section 9 (part 1) of the Wildlife and Countryside act 1981 as amended, makes it is an offence to intentionally or recklessly kill or injure any of the species listed above.

The applicant/developer is advised that a European protected species licence from Natural England is required to undertake the works. Further information about species licensing and legislation can be obtained from the Applicant's surveyor or the Species Licensing Service on 02080 261089.

INFORMATIVE 3:

The applicant/developer is advised that separate advertisement consent may be required from the Local Planning Authority for any proposed signage.

INFORMATIVE 4:

Warwickshire Fire & Rescue Authority wish to advise the applicant/developer of the need for the development to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at;

www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning

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 wish to draw the applicant/developer's attention to the fact that they 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 such premises.

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Warwickshire Fire and Rescue Authority also ask the applicant/developer 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:

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area the applicant/developer has specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals (tel: 0800 707 6600). Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

INFORMATIVE 6:

In accordance with Condition 26 above, The scheme to be submitted shall:

- a. Provide an assessment of flood risk from all sources of flooding including fluvial, pluvial and groundwater flooding;
- b. Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS);
- c. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual;
- d. Post development discharge rates offsite should not exceed the site greenfield runoff rates calculated. Where it has been demonstrated to the satisfaction of the Lead Local Flood Authority that it is not technically possible to achieve these rates on a brownfield site, a minimum of 50% betterment should be applied to the pre-development discharge rates;
- e. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
- f. If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration;
- g. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing; &
- h. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

INFORMATIVE 7:

The applicant/developer is advised not to obstruct and inhibit the passage of pedestrians along Church Walk and adjacent footpaths so these existing routes can be walked throughout and after the construction of the development.

INFORMATIVE 8:

The applicant/developer is advised that in relation to Conditions 14 & 16 above, works are required to be carried out within the limits of the public highway. Before commencing such

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works the applicant/developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an 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 9:

The applicant/developer is advised that pursuant to Section 149 & 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

INFORMATIVE 10:

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 11:

The applicant/developer is advised that where any demolition, redevelopment or refurbishment is required or intended for the site it is required that an appropriate asbestos survey where applicable is undertaken for such work by an asbestos licensed/authorised company/person. For pre-demolition assessment the asbestos survey is fully intrusive and will involve a destructive inspection, as necessary, to gain access to all areas, including those that are difficult to reach. There is a specific requirement in the Control of Asbestos Regulations 2012 for all asbestos containing materials (ACMs) to be removed as far as reasonably practicable before demolition.

The value and usefulness of the asbestos survey can be seriously undermined where either the client or the surveyor imposes restrictions on the survey scope or on the techniques/methods used by the surveyor. Information on the location of all ACMs, as far as reasonably practicable, is crucial to the risk assessment and management. Any restrictions placed on survey scope will reduce extent to which ACMs are located and identified; incur delays and consequently make managing asbestos more complicated, expensive and potentially less effective.

It should be noted that refurbishment/demolition contractors are required to inspect a site. Where presence of asbestos is suspected the Health and Safety Executive (HSE) and

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Environment Agency must be notified and special waste regulations complied with. Asbestos contaminated waste is required for removal to a designated waste management facility licensed to take asbestos. A consignment note for the national inspectorate is required for each load and a paper trail of waste movements kept.

INFORMATIVE 12:

Warwickshire Police have advised that the following points should consider being incorporated into the design of the development as they will go some way to ensuring the residents do not become victims of crime or anti-social behaviour:

- a) The 'Agent of Change Principle' must be considered by the applicant and agent in relation to this development as the local facilities will have some impact;
- b) All perimeter fencing should have an overall height of 2 metres [although owing to the historical nature of the site this may not be possible];
- c) Warwickshire has sustained a large number of walk in thefts at extra care facilities where offenders have tailgated residents into the hallways. It is recommended CCTV is installed at all points within the foyer and around the perimeter of blocks A - D;
- d) 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; &
- e) The applicant/developer is 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.

INFORMATIVE 13:

To register the properties on this development and receive postal addresses or to amend an existing address please complete an application form for Postal Naming and Numbering. This should be done prior to above ground works commencing. The form can be downloaded at:

http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223&categoryID=200295.

INFORMATIVE 14:

The applicant/developer is advised that compliance with planning conditions does not necessarily prevent action from being taken by the Local Authority or members of the public to secure the abatement, restriction or prohibition of statutory nuisance's actionable under the Environmental Protection Act 1990 or any other statutory provisions.

The Council is committed to compliance with the Regulators' Code. If you have any concerns about the action being taken, are considering an appeal, or need advice on regulatory issues please visit :-

http://www.rugby.gov.uk/info/200013/business_support_and_advice/1784/the_regulators_code

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INFORMATIVE 15:

The applicant/developer's attention is drawn to the Site Waste Management Plans Regulations 2008 which may be applicable. Further information can be obtained from the Council's Environmental Services Section on 01788 533857.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Policies GP1, GP2, GP3, GP4, H1, H2, H6, HS1, HS2, HS3, HS5, NE1, NE3, SDC1, SDC2, SDC3, SDC4, SDC5, SDC6, SDC7, SDC9, TC1, D1, D2 & D4 of the Rugby Borough Local Plan 2011-2031, June 2019.

National Planning Policy Framework, 2019

National Planning Practice Guidance

Historic England, Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment, 2015

Historic England, Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets, 2015

Rugby Borough Council Planning Obligations Supplementary Planning Document, 2012

Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document, 2012

Rugby Town Centre Conservation Area Appraisal, June 2010

Rugby Town Centre Area Action Plan 2016-2020

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

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.

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Reference: R19/0966

Site Address: HERBERT GRAY COLLEGE, LITTLE CHURCH STREET, RUGBY, CV21 3AN

Description: Listed Building Application for the demolition, conversion, extensions and various internal works to the former Herbert Gray College to facilitate the provision of two-5 storey blocks to form 78 Extra Care Residential Units (Class C2), a 3-storey 52-bed Care Home (Class C2) and an ancillary Well Being Centre (including café, restaurant and leisure/spa facilities), together with associated works, including alterations to boundaries.

Case Officer Name & Number: Richard Holt, 01788 533687

Recommendation

Approve subject to conditions and informatives.

Description of Site:

1. The application site lies within the heart of Rugby Town Centre and the designated Conservation Area. The existing site is split into three distinct areas, the former Herbert Gray College which contains a Grade II listed building, St Andrew's Church House/Hall, and Marjorie Hume House. All buildings are vacant. To the north of Herbert Gray College is the Grade II* listed church of St Andrew's, whilst to the north of the Church Hall is a row of 3-storey properties fronting Church Street some of which are listed Grade II and others which are on the local list. Immediately to the north of the Church Hall was a nightclub that has been demolished and two blocks of three storey flats have been erected. To the west of Herbert Gray College is Little Church Street and the rear of many of the retail premises which front High Street. There is also an arcade of shops known as Churchside Shopping Arcade as well as several residential properties. To the south of Herbert Gray College is a small public car park and the Masonic Hall, which is also Grade II listed. To the south of Marjorie Hume House is the graveyard/public open space of St Andrew's Gardens. To the east of Marjorie Hume House and St Andrew's Church Hall is a property that has been converted into flats known as Church Mews with their associated garden areas. Neither Marjorie Hume House or St Andrew's Church Hall are listed buildings.
2. Herbert Gray College is Grade II listed and originated as a rectory for the Church with the earliest parts of the present building dating from the 18th Century when the earlier parsonage was replaced. The earlier red brick element of the property faces the Church with substantial additions of pale yellow and brown bricks to the eastern, western and southern elevations constructed in the 19th Century. Modern mid to late 20th Century single storey and 2 storey additions have been built primarily on the southern and western elevations of the building. The earlier red brick part of the building contains a second floor within the attic space and is served by a series of dormer windows in the roof.
3. A more modern 1950s/1960s building that ran parallel to Little Church Street was predominately flat roofed and two-storey and was demolished in March 2012. Marjorie Hume House is three-storey and St Andrew's Church Hall is two-storey but owing to its scale and mass is a similar height to Marjorie Hume House.

4. The areas immediately surrounding the buildings of St Andrew's Church Hall and Marjorie Hume House are mainly hardsurfaced with walling, fencing and railings along their boundaries. The grounds of Herbert Gray College are subject to a greater level of soft landscaping with mature protected trees throughout the site. These include beech, lime, chestnut, oak and sycamore. The pedestrianised route known as Church Walk runs along the southern edge of the site as well as between Herbert Gray College and St Andrew's Church Hall and Marjorie Hume House. Herbert Gray College is also enclosed by a series of walls and fencing surrounding the edge of the site.

Description of Proposals:

5. There are two applications relating to this site. One for planning permission, ref R18/1811, and another for listed building consent, ref R19/0966. This report relates to the listed building application for the demolition, conversion, extensions and various internal works to the former Herbert Gray College to facilitate the provision of two-5 storey blocks to form 78 Extra Care Residential Units (Class C2), a 3-storey 52-bed Care Home (Class C2) and an ancillary Well Being Centre (including café, restaurant and leisure/spa facilities), together with associated works, including alterations to boundaries.
6. A detailed description of the site and proposal is outlined within the planning report R18/1811 and this report should be read in conjunction with that report. The listed building application assesses the demolition and internal works to the former Herbert Gray College building in more detail as well as the additions to it.
7. The former Herbert Gray College listed building will provide communal facilities for the extra care units including administration offices, pool, steam room, sauna, restaurant, bar and cafe along with two guest bedrooms. These additions will broadly lie within the confines of the previous mid 20th century extensions to the building that will be demolished, apart from an element of the southern façade, subject to minor additions to the north and south. This is known as Block D on the plans.
8. In addition, to accommodate the difference in floor levels a new southern entrance will be formed through the retained 20th century facade of the eastern wing to provide ramped and level access to the wellness suite. Remaining elements of the original building, namely the rectory, will be restored.
9. The wellness suite, Block D, addition will be a striking two-storey approximately 9 metres high extension of a contemporary design using a mix of glazing, brick, stone and cladding. It will rise to just below the height, approximately 9.5 metres high, of the existing former Herbert Gray College building.
10. Alterations to existing boundary treatments, predominately brick walls of varying ages, also forms part of the proposed works.
11. As well as a Design & Access Statement, a detailed Heritage, Townscape & Visual Impact Assessment was also submitted with the application.

Planning History:

12. There have been a series of extensions and alterations to Herbert Gray College over the years, particularly in the late 1950s, 1960s & 1970s. The most significant planning history in recent years relating the listed building application is as follows:

*R08/1353/LBC Partial demolition and various internal works of former Herbert Gray College to facilitate erection of 4 storey office buildings and up to 4 storeys for 35 bedroom hotel with ancillary works.

Approved 11/03/2009

R14/0570 Listed building application for the partial demolition, conversion & extensions to the former Herbert Gray College, including internal works, to facilitate the provision of 73 extra care residential units (Class C2) with associated facilities & works, including boundary walls & railings.

Approved 07/11/2014

*The consent detailed above remains extant as various pre-commencement conditions were addressed and a material start was made on site.

Relevant Planning Policies

Rugby Borough Local Plan 2011-2031, June 2019

GP3: Complies	Previously Developed Land & Conversions
NE1: Complies	Protecting Designated Biodiversity and Geodiversity Assets
SDC1: Complies	Sustainable Design
SDC3: Complies	Protecting and Enhancing the Historic Environment
TC1: Complies	Development in Rugby Town Centre

National Planning Policy Framework, 2019 (NPPF)

National Planning Practice Guidance

Historic England, Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (2015)

Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2015)

Rugby Town Centre Conservation Area Appraisal, June 2010

Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document (February 2012)

Technical consultation responses

Original Plans:

Historic England	No objection, subject to conditions
WCC Archaeology	No objection, subject to conditions

Amended Plans:

Historic England	No objection, subject to conditions
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Third party comments

Original Plans:

Support (1)	In favour of development and on a brownfield site. Decision should be made relatively swiftly.
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Amended Plans:

Comments (1)	Concern scheme won't go ahead if other similar schemes approved, such as Oakfield Recreation Ground development site.
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Assessment of proposals

Principle

13. As detailed above, listed building consent for an office and hotel development that involved significant alterations to the former Herbert Gray College was previously granted and remains extant. This represents a significant material consideration in the assessment of the proposal in heritage terms and therefore various parameters have already been deemed acceptable.

Design & Appearance:

14. Good design is a key aspect of sustainable development and can create better places in which to live and work and helps make development acceptable to communities. The NPPF states developments should function well and add to the quality of the area whilst being visually attractive and sympathetic to the local character, built environment and landscape setting but should not prevent or discourage appropriate innovation or change, such as increased densities.
15. Policy TC1 focuses on the requirement for new proposals within the Town Centre to be of a high quality design which complement and enhance the existing environment and townscape in a manner which contributes to local distinctiveness and a sense of place. Policy SDC1 also refers to all development demonstrating high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that responds to the character of the area in which they are situated.
16. A Design and Access Statement was submitted with the proposal, which demonstrates how the scheme has evolved in to its current intended format and the various alternatives considered for the site as a whole but with reference to the previously approved schemes. Focusing on the former Herbert Gray College building (Block D) extensions to it will rise to approximately 9 metres high which will be slightly below the height of the existing building which is approximately 9.5 metres high with an array of chimney stacks above.
17. The reduction in height and bulk of the proposed development compared to the previous extant scheme to the east of the former Herbert Gray College building is judged to be an improvement. It will enable the design and form of the existing buildings on site to dominate retaining and respecting their historic setting and result in a less enclosed feel to the north/south section of Church Walk compared to the approved extant scheme.
18. The treatment of the facades of the extensions to the former Herbert Gray College is key to the success of the development. The glazing treatments will provide a vertical emphasis to the built form and the facades will be broken down into sections of high quality materials, including brick, stone and cladding, to create interest and rich texture to its visual appearance. The older 18th century and early 19th century part of the building is red brick facing St Andrew's Church, whilst the later 19th century and early 20th century additions are a lighter 'buff London' brick, which is similar to Marjorie Hume House. The additions to the building are intended to comprise mainly of lighter coloured materials to complement Marjorie Hume House and parts of the former Herbert Gray College. The final details will be conditioned; however, it is envisaged that a palette of external materials and colours will create an interesting texture and tone that will be in contrast to the existing building but also complement it thereby providing an acceptable balance between the more traditional built form that is retained and the proposed modern additions.

19. Accompanying the original application in 2008 were detailed cross-sectional plans illustrating how the juncture of the modern and old built form would work. At the time this detail was crucial in understanding the relationship between the structures and achieving a balance between the special interest of the listed building and the alterations and additions proposed. As well as the planning permission, the listed building consent relating to the previous office and hotel applications remain extant and the extent of the physical attachment to the former Herbert Gray College building under the current proposal is lesser than that previously approved in relation to those applications, particularly to the western elevation. Owing to these two factors it is felt that the finer details could now be satisfactorily addressed by condition.
20. A detailed assessment of the design and appearance of the proposed works is outlined in the aforementioned planning application report and it is considered that the modern design and treatments will provide a distinct relationship between the historic elements of the scheme and the new build. The extensions and alterations to the former Herbert Gray College building will both respect and enhance this core feature of the site. The reduction in height and bulk of the proposed development to the east of the former Herbert Gray College building is judged to be an improvement and will enable the design and form of the existing buildings on site, particularly the Grade II listed former Herbert Gray College, to retain an element of dominance in relation to its new additions and respect their historical setting. The submitted Heritage, Townscape & Visual Assessment considers that the scale and massing of the new extension to the former Herbert Gray College is appropriate to its context and responds to the character of mixed development within the area.
21. Overall the proposed development is considered to respond positively to the site and its context whilst providing an eye-catching piece of architecture benefitting the visual appearance of the former Herbert Gray College and therefore is considered to accord with policies SDC1, SDC3 & TC1 and the NPPF.

Conservation & Listed Buildings:

22. Herbert Gray College is a Grade II listed building that originated in the 18th century and is a former rectory. The building has been much altered and within the grounds a detached college block was added in the 1950/60s (now demolished) and a high percentage of the site is bordered by tall solid fencing which encloses the site and is a harsh boundary treatment. There have also been several unfortunate alterations and extensions to Herbert Gray College.
23. The significance of the heritage asset is derived from its architectural and historic interest as a former rectory building for St Andrew's Church, which retains some C18 fabric and 19th and 20th century additions. The listed building is sited in close proximity to the church, with historic religious associations also provided by its former use as a theological college.
24. Internally the listed building exhibits varied interior decoration due to its several phases of development. The northern rectory block and modern extension have lost some of their historic fabric, although the attic storey retains elements of its 18th century staircase. The 19th century garden rooms retain some of their historic features, such as chimneypieces and cornice detailing, albeit in a decayed state.
25. The NPPF advises that the desirability of sustaining and enhancing the significance of heritage assets, such as Herbert Gray College, and putting them to viable uses needs to

be done that is consistent with their conservation. Such developments need to positively contribute to the conservation of the heritage assets and that they can assist economic vitality and contribute to the local character and distinctiveness of the area.

26. The NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The NPPF considers that where a proposed development will lead to substantial harm to the significance of a heritage asset it should be refused and where a proposal will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy SDC3 reiterates this and states that new development needs to preserve or enhance the significance of both designated and non-designated heritage assets.
27. The retention of the older elements of Herbert Gray College is welcomed. The removal of the later additions and alterations that detract from these buildings is also supported. The submitted Heritage Statement considers that the development would preserve and enhance the significance of the former Herbert Gray College in several ways. This includes removing unsympathetic 20th century additions and replacing it with built form that would better complement the fabric of the historic building as well as its relationship to the surrounding area. Internally, the Statement advises that formation of a southern entrance into the building will improve access and re-establish the relationship of the building with the grounds to the south and that the retention and repair of important architectural features, such as the cantilevered staircase which has previously been granted consent to be removed, is positive whilst achieving a sustainable solution for modern day accommodation needs. The loss of some of the internal features to the early 20th century addition on the eastern side including walls and ceilings is not ideal but has to be weighed against the benefits of the overall scheme.
28. The modern architectural language of the proposed new build is considered to be a welcome approach and could successfully integrate the remaining historic buildings on the site. This would necessitate alterations to the listed Herbert Gray College but the removal of the twentieth century additions is encouraged as they detract from the building and do not provide an example of the positive organic growth of a listed building. This current proposal also retains more of the nineteenth century part of the building than the extant scheme as previously a section of first floor brick wall and tiled roof with a small dormer window on the western elevation was to be removed, along with the main internal staircase and two chimney stacks, which at the time was regrettable so their retention is now welcomed. Herbert Gray College remains vacant and certain sections internally are beginning to deteriorate, and it unfortunately has been prone to anti-social behaviour.
29. The Local Planning Authority would wish to see a scheme that safeguards the future of the listed building rather than to see it fall into disrepair in such a key part of the town centre. It is a balancing exercise and whilst an element of harm will occur to the listed building, as a portion of historical fabric would be lost, this harm is considered to be less than substantial as it is judged that the character, appearance and integrity of the building would not be adversely affected, subject to a comprehensive range of conditions. Bringing back a vacant site in the heart of the town centre which contains notable buildings, including one that is listed, is of paramount importance and it would be in the public interest to secure an optimum viable use for the site that safeguards its future preservation. In

addition, Historic England have not raised an objection to the proposal. These points in particular should be given significant weight in the assessment of the proposals.

30. The best way to securing the upkeep of historic buildings is to keep them in active use otherwise they will fall further into decay and the longevity of such historic assets will be jeopardised if a future use is not secured. The proposal does retain the majority of the historic portion of the listed building and therefore the proposals are considered to accord with the conservation approach generally taken.
31. Matters relating to archaeology, highways, landscaping, trees, amenity, ecology, noise, air quality, sustainable construction, contamination and drainage are covered within the main planning application report, R18/0811.

Balance and Conclusion

32. The development will provide benefits through the reuse of an empty listed building on site as well as the removal of more modern structures and additions that have a negative impact on the former Herbert Gray College building. By bringing the building back into a viable and active use will prevent further decay to this important heritage asset and enable its significance not to be jeopardised. Whilst sections of historic fabric will be lost resulting in less than substantial harm to the significance of the listed building, this is at a reduced scale compared to the extant scheme. Furthermore, the striking new additions to the building and alterations to other listed elements, such as boundary treatments, will respect the integrity, character and appearance of these heritage assets. Overall, these aforementioned factors that will bring an overall public benefit to an abandoned historic building and outweighs such identified harm whilst securing an optimum viable use that goes in favour of the proposed scheme.
33. It is considered when taking account of all matters the proposal would accord with policies GP3, SDC1, SDC3 & TC1 and the NPPF, subject to conditions and informatives.
34. Although the proposal does involve demolition of parts of the former Herbert Gray College building which is Grade II listed, as Historic England has not objected, nor any of the National Amenity Societies objected, the application does not need to be referred to the Secretary of State (Planning Casework Unit) for final determination.

Recommendation:

Approve, subject to conditions and informatives.

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DRAFT DECISION

REFERENCE NO:
R19/0966

DATE APPLICATION VALID:
24-May-2019

APPLICANT:
Abode Caldecott Square Developments Limited

AGENT:
Miss Emily Disken, Montagu Evans 5 Bolton Street London W1J 8BA

ADDRESS OF DEVELOPMENT:
HERBERT GRAY COLLEGE, LITTLE CHURCH STREET, RUGBY, CV21 3AN

APPLICATION DESCRIPTION:
Listed Building Application for the demolition, conversion, extensions and various internal works to the former Herbert Gray College to facilitate the provision of two-5 storey blocks to form 78 Extra Care Residential Units (Class C2), a 3-storey 52-bed Care Home (Class C2) and an ancillary Well Being Centre (including café, restaurant and leisure/spa facilities), together with associated works, including alterations to boundaries.

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 18 of the Planning (Listed Building and Conservation Area) Act 1990.

CONDITION 2:

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:
Site Plan - As Proposed 18052 (08) 001 Rev B received by the Local Planning Authority on 27th November 2019;

Block D Ground/Basement Floor plans ref 18052 (08) 040 Rev A;
Block D First/Second Floor plan ref 18052 (08) 041 Rev B;
Block D Roof plan ref 18052 (08) 046 Rev B;
Block D Elevations plan ref 18052 (08) 047 Rev B; &
Block D Sections plan ref 18052 (08) 049 Rev A;
all of the above received by the Local Planning Authority on 30th August 2019;

Design & Access Statement by Marchini Curran Associates dated April 2019 ref 18052/C01/Planning;
Archaeological Desk-Based Assessment by CgMs Heritage dated March 2019 ref 25233/CH;
Heritage Townscape & Visual Impact Assessment by Montagu Evans dated April 2019;
Site Location Plan ref 18052 (08) 100;
Site Plan As Existing ref 18052 (08) 101;
Proposed Demolition Plan ref 18052 (08) 102;
all of the above received by the Local Planning Authority on 23rd April 2019.

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REASON:

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

CONDITION 3:

Notwithstanding any indication given on the approved drawings, full details of the treatment and finish to be given to existing internal and external walls, ceilings, floors, windows and doors of the listed Herbert Gray College building at all levels, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works to the listed building. The works shall not be carried out other than in accordance with the approved details and the approved design.

REASON:

To protect the character, appearance and integrity of the listed building.

CONDITION 4:

Notwithstanding any of the details submitted as part of the application and with regard to the listed Herbert Gray College building, details of the following shall be submitted to and approved in writing by the Local Planning Authority, together with a detailed timeframe for implementation and completion of the works, before works commence on those parts:

- a) The restoration of existing or provision of new roof timbers, floor/ceiling timbers including construction design;
- b) The restoration of existing or provision of new floors, ceilings and internal and external wall construction including finishes;
- c) New rain water goods;
- d) The restoration of existing or provision of new staircases, including balustrades, handrails and flights;
- e) The restoration of existing or provision of new joinery details for all windows, doors, shutters, skirting, cornices, architraves, paneling and any other exposed timber joinery;
- f) Reveal depths, header and cill details to all new windows and doors;
- g) New door and window ironmongery;
- h) New roof slates/tiles including size and type;
- i) Mortar/plaster mixes for pointing and stucco work;
- j) New plasterwork, including any friezes, cornices & mouldings;
- k) Any ducts, flues or vents (both internal & external details);
- l) Any new heating and radiator details;
- m) New brick/stonework/cladding/metal work/glazing including finish, texture and colour;
- n) Internal and external lighting; &
- o) New conduit and service routes.

These shall then be implemented in accordance with the approved details.

REASON:

To protect the character, appearance and integrity of the listed building.

CONDITION 5:

Prior to first installation and in addition to Condition 4 above, full working drawings of all new windows and doors and associated repair work shall be submitted to and approved in writing by the Local Planning Authority. These should be at a scale of not less than 1:20 and should specify the materials of construction and cross-sections, including headers, cills, glazing bars

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and transoms and their relationship to their reveals, with regard to the Herbert Gray College building. Works shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of visual amenity and to protect the character and appearance and integrity of the listed building and the Conservation Area.

CONDITION 6:

Notwithstanding the approved plans, details of any works to existing boundary walls, fences, railings and gates within the curtilage of the site, including demolition, alteration and/or repair shall be submitted to and approved in writing by the Local Planning Authority before any works commence to such structures/features. In addition, no above ground development shall commence on any new boundary walls, fences, railings and gates, attached to any of the above structures/features, until details including elevations, have been submitted to and approved in writing by the Local Planning Authority. Works shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of visual amenity and to protect the character, appearance and integrity of the listed structures.

CONDITION 7:

Before any work is undertaken in pursuance of this consent to demolish any part of the building, the applicant/developer should take such steps and carry out such works to ensure that during the progress of the works permitted in this consent, they secure the safety and stability of that part of the building which is to be retained in accordance with the approved plans in Condition 2 above. Such steps and works shall where necessary shall include in relation to any part of the building to be retained, measures to strengthen any wall or vertical surface, to support any floor, roof or horizontal surface and to provide protection for the building against the weather during the progress of the works. A description of the steps and works to be taken and carried out under this consent shall be submitted to and approved in writing by the Local Planning Authority before any work of demolition is begun and shall then be carried out in accordance with those approved details.

REASON:

To ensure that the Listed building is properly protected during the period of the new works.

CONDITION 8:

No additional breaches other than those depicted on the approved plans and approved as part of Condition 4 above to the internal and external fabric of the listed Herbert Gray College building, including extraction ducts, vents and flues, shall be implemented without the prior written consent of the Local Planning Authority.

REASON:

To protect the character, appearance and integrity of the listed building.

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INFORMATIVE 1:

This consent relates to Planning Application R18/1811 and should be read in conjunction with that application.

INFORMATIVE 2:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) making them a European Protected Species. Bat activity has been detected in the former Herbert Gray College building so therefore the applicant/developer is reminded that it is a criminal offence to recklessly disturb or destroy a bat roost. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0208 261089.

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

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

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Policies GP3, NE1, SDC1, SDC3 & TC1 of the Rugby Borough Local Plan 2011-2031, June 2019.

National Planning Policy Framework, 2019 (NPPF)

National Planning Practice Guidance

Historic England, Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015)

Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2015)

Rugby Town Centre Conservation Area Appraisal (June 2010)

Rugby Borough Council Sustainable Design & Construction Supplementary Planning Document (February 2012)

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

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.

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AGENDA MANAGEMENT SHEET

Report Title: Planning Appeals Update

Name of Committee: Planning Committee

Date of Meeting: 5 February 2020

Report Director: Head of Growth and Investment

Portfolio: Growth and Investment

Ward Relevance:

Prior Consultation:

Contact Officer: Richard Holt

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):

(CR) Corporate Resources To provide excellent, value for money services and sustainable growth

(CH) Communities and Homes Achieve financial self-sufficiency by 2020

(EPR) Environment and Public Realm Enable our residents to live healthy, independent lives

(GI) Growth and Investment Optimise income and identify new revenue opportunities (CR)

Prioritise use of resources to meet changing customer needs and demands (CR)

Ensure that the council works efficiently and effectively (CR)

Ensure residents have a home that works for them and is affordable (CH)

Deliver digitally-enabled services that residents can access (CH)

Understand our communities and enable people to take an active part in them (CH)

Enhance our local, open spaces to make them places where people want to be (EPR)

Continue to improve the efficiency of our waste and recycling services (EPR)

Protect the public (EPR)

- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)

Statutory/Policy Background:	The Planning Appeals procedure which came into effect on 6th April 2009
Summary:	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/10/2019 to 31/12/2019.
Financial Implications:	Increases the scope for related costs claims within the Planning Appeals process.
Risk Management Implications:	There are no risk management implications arising from this report.
Environmental Implications:	There are no environmental implications arising from this report.
Legal Implications:	Advice/support with regard to Cost Claims and any subsequent Costs awards.
Equality and Diversity:	Equality and Diversity: No new or existing policy or procedure has been recommended.
Options:	N/A
Recommendation:	This report has been noted.
Reasons for Recommendation:	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

Planning Committee - 5 February 2020

Planning Appeals Update

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

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

1.1 Appeals determined

During the last quarter from 1st of October 2019 to 31st of December 2019 a total of 1 planning appeal was determined, of which 0 was allowed, 1 was dismissed and 0 was withdrawn. A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

1.2 Appeals outstanding/in progress

As at 31st December 2019 there were 3 planning appeals and 1 enforcement appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee
Date of Meeting: 5 February 2020
Subject Matter: Planning Appeals Update
Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

APPENDIX A

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1st October 2019 – 31st December 2019

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal and Type of Appeal	Appeal Outcome
8 Swedish Houses Birdingbury Road Hill Rugby CV23 8EA	Outline planning permission for the erection of one dwelling (all matters reserved)	Frances Keenan R19/0312 APP/E3715/W/19/3233944	Refusal 22/03/2019 Written Reps	Dismissed 10/10/2019

APPENDIX B

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 31.12.2019

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal	Type of Appeal
54 Ashlawn Road Rugby CV22 5ES	Proposed new dwelling	Paul Varnish R19/0730 APP/E3715/W/19/3234760	Delegated Refusal 23/07/2019	Written Reps
Land adjacent to 3 Tattlebank Cottages London Road Willoughby CV23 8BL	Demolition of double garage and stable building, erection of 2 two-bedroom dwelling houses, creation of new vehicular access and closing of existing vehicular access	Thomas Leech R19/0423 APP/E3715/W/19/3235588	Delegated Refusal 29/05/2019	Written Reps
Lodge Farm 301 Easenhall Road Harborough Magna Rugby CV23 0HX	Erection of a barn for storage relating to existing equestrian use	Frances Keenan R19/0848 APP/E3715/W/19/3237497	Delegated Refusal 05/09/2019	Written Reps
Land at Spinney Farm Main Street Withybrook Rugby CV7 9LX	Without planning permission, the change of use of the land from agriculture to a mixed use of agriculture and siting of a residential caravan shown edged blue on the attached plan	Chris Davies ENF 155 APP/E3715/C/19/3234434		Written Reps

AGENDA MANAGEMENT SHEET

Report Title: Delegated Decisions - 17th December 2019 to 16th January 2020

Name of Committee: Planning Committee

Date of Meeting: 5 February 2020

Report Director: Head of Growth and Investment

Portfolio: Growth and Investment

Ward Relevance: All

Prior Consultation: None

Contact Officer: Dan McGahey 3774

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):

(CR) Corporate Resources To provide excellent, value for money services and sustainable growth

(CH) Communities and Homes Achieve financial self-sufficiency by 2020

(EPR) Environment and Public Realm Enable our residents to live healthy, independent lives

(GI) Growth and Investment Optimise income and identify new revenue opportunities (CR)

Prioritise use of resources to meet changing customer needs and demands (CR)

Ensure that the council works efficiently and effectively (CR)

Ensure residents have a home that works for them and is affordable (CH)

Deliver digitally-enabled services that residents can access (CH)

Understand our communities and enable people to take an active part in them (CH)

Enhance our local, open spaces to make them places where people want to be (EPR)

Continue to improve the efficiency of our waste and recycling services (EPR)

Protect the public (EPR)

- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)

Statutory/Policy Background:	Planning and Local Government Legislation
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers
Financial Implications:	There are no financial implications for this report
Risk Management Implications:	There are no risk management implications for this report
Environmental Implications:	There are no environmental implications for this report
Legal Implications:	There are no legal implications for this report
Equality and Diversity:	There are no equality and diversity implications for this report
Options:	
Recommendation:	The report be noted.
Reasons for Recommendation:	To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

Planning Committee - 5 February 2020

Delegated Decisions - 17th December 2019 to 16th January 2020

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

1.1 BACKGROUND

Decisions taken by the Head of Growth and Investment in exercise of powers delegated to her during the above period are set out in the Appendix attached.

Name of Meeting: Planning Committee

Date of Meeting: 5 February 2020

Subject Matter: Delegated Decisions - 17th December 2019 to 16th January 2020

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER DELEGATED POWERS

Report Run From 17/12/2019 To 16/01/2020

APPENDIX 1

Delegated

8 Weeks PA Applications

Applications Refused

R19/0885 8 Weeks PA Refusal 19/12/2019	GATE FARM, MAIN STREET, BOURTON-ON-DUNSMORE, RUGBY, CV23 9QX	Demolition of the existing outbuilding (annex) and erection of a replacement annex.
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R19/1386 8 Weeks PA Refusal 20/12/2019	12, VICARAGE ROAD, RUGBY, CV22 7AJ	Loft conversion including raising rear roof height to meet front roof height.
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R19/1400 8 Weeks PA Refusal 24/12/2019	9, HAYES CLOSE, RUGBY, CV21 1JG	Erection of first floor level front extension, erection of single storey front extension and various external alterations.
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R19/1285 8 Weeks PA Refusal 10/01/2020	STAVE HALL FARM, FOSSE WAY, MONKS KIRBY, RUGBY, CV23 0RL	Erection of a single storey side extension and two storey front, side and rear extension
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Applications Approved

R19/0518 8 Weeks PA	WOODSTOCK HOUSE, THE SQUARE, WOLVEY, LE10 3LJ	Erection of two storey rear/side extension.
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Delegated

8 Weeks PA Applications Applications Approved

Approval
17/12/2019

R19/1315
8 Weeks PA
Approval
17/12/2019

2A, LOWER HILLMORTON
ROAD, RUGBY, CV21 3SU

Change of use from medical
practice (D1) to form 8 residential
apartments (C3) including the
erection of first and second floor
side extension.

R19/1440
8 Weeks PA
Approval
17/12/2019

30, SHAKESPEARE GARDENS,
RUGBY, CV22 6HH

Single storey side extension

R19/1137
8 Weeks PA
Approval
19/12/2019

Land to the West of Brambles
Barn and The Coach House,
Bilton Fields Farm Lane, Rugby,
CV22 6RU

Erection of four dwellings

R19/1138
8 Weeks PA
Approval
19/12/2019

North Site, Bilton Fields Farm,
Rugby, CV22 6RU

Erection of three dwellings

R19/1139
8 Weeks PA
Approval
19/12/2019

Land to the north-east of the
Maverick and The Bungalow,
Bilton Fields Farm Lane, Rugby,
CV22 6RU

Erection of five dwellings

Delegated

8 Weeks PA Applications Applications Approved

R19/1221 8 Weeks PA Approval 19/12/2019	169, NORTON LEYS, RUGBY, CV22 5RY	Alterations to front elevation of dwelling
R19/1351 8 Weeks PA Approval 19/12/2019	LAND AT JUNCTION OF BIRINGBURY ROAD AND STOCKTON ROAD, STOCKTON ROAD, BIRDINGBURY, CV23 8EE	Installation of field gate.
R19/1283 8 Weeks PA Approval 20/12/2019	13, CLAREMONT ROAD, RUGBY, CV21 3NA	Subdivision of existing two storey dwelling to create two flats.
R19/1302 8 Weeks PA Approval 20/12/2019	55, AVONDALE ROAD, BRANDON, COVENTRY, CV8 3HS	Conversion and extension of existing garage to form a detached dormer bungalow
R19/1337 8 Weeks PA Approval 20/12/2019	15, WOODLANDS ROAD, BINLEY WOODS, COVENTRY, CV3 2DA	Retention of works to front elevation including porch, bay window and associated works. (Retrospective)

Delegated

8 Weeks PA Applications Applications Approved

R19/1379 8 Weeks PA Approval 20/12/2019	Wolvey Wolds Farm, Mere Lane, Wolvey, CV23 0RR	Erection of proposed grain drying building
R19/1428 8 Weeks PA Approval 20/12/2019	62, ALWYN ROAD, RUGBY, CV22 7QX	PROPOSED SINGLE STOREY SIDE AND REAR EXTENSION
R19/1431 8 Weeks PA Approval 20/12/2019	1, LANGTON ROAD, RUGBY, CV21 3UA	Two-Storey and Single-Storey Rear Extension
R19/1234 8 Weeks PA Approval 23/12/2019	NETHERGREEN, SHILTON LANE, SHILTON, COVENTRY, CV7 9LH	Demolition of existing dwelling and garage/outbuilding and erection of 2no. replacement single storey dwellings.
R19/1262 8 Weeks PA Approval 23/12/2019	LAND AND BUILDINGS AT SP415758, PRIORY ROAD, WOLSTON	Conversion of barns to 5 no. dwellinghouses including construction of courtyard extensions to Units 2 & 3 of Barn No. 2, attached garage to Barn No.3 and single storey extension to Barn No. 1 (Barns at Priory

Delegated

8 Weeks PA Applications Applications Approved

Farm)

R19/1282
8 Weeks PA
Approval
23/12/2019

LONGHAM MEADOW FARM,
HILL ROAD, GRANDBOROUGH,
RUGBY, CV23 8DL

Conversion of existing
agricultural barn to no.1 dwelling
house (prior approval granted
under application R18/1733)

R19/1340
8 Weeks PA
Approval
23/12/2019

ST MARKS COURT, POOL
CLOSE, RUGBY, CV22 7RW

Creation of an external fire
escape pathway

R19/1393
8 Weeks PA
Approval
03/01/2020

COTON HOUSE, LEICESTER
ROAD, CHURCHOVER,
RUGBY, CV23 0UT

Proposed enclosure of an open
courtyard, positioned between
the existing garage and gym/spa
building, with a new roof
structure.

R19/1361
8 Weeks PA
Approval
06/01/2020

THE GABLES, LILBOURNE
ROAD, CLIFTON UPON
DUNSMORE, RUGBY, CV23
0BB

Installation of a sewage treatment
plant (Retrospective)

R19/1438
8 Weeks PA
Approval
06/01/2020

5, COPPERFIELD CLOSE,
RUGBY, CV21 1GA

Proposed ramp to front entrance

Delegated

8 Weeks PA Applications Applications Approved

R19/1439 8 Weeks PA Approval 06/01/2020	2, CHURCH HILL, STRETTON- ON-DUNSMORE, RUGBY, CV23 9NA	Front entrance porch canopy.
R19/1446 8 Weeks PA Approval 06/01/2020	64, KINGSLEY AVENUE, RUGBY, CV21 4JY	PROPOSED TWO STOREY SIDE AND REAR EXTENSION WITH PART SIGNLE STOREY REAR EXTENSION
R19/1469 8 Weeks PA Approval 06/01/2020	34, BRUDENELL CLOSE, RUGBY, CV22 7GN	Single storey rear extension, rear loft dormers, front porch extension & internal configuration.
R19/1390 8 Weeks PA Approval 07/01/2020	THE WHITE HOUSE, COVENTRY ROAD, BRINKLOW, RUGBY, CV23 0NE	Erection of annex
R19/1443 8 Weeks PA Approval 07/01/2020	TOFT VIEW, CHURCH LANE, THURLASTON, RUGBY, CV23 9JY	Erection of a two storey side extension, single storey rear extension and front porch together with alteration to existing dwelling (resubmission of previously approved application R19/1156)

Delegated

8 Weeks PA Applications Applications Approved

R19/0954 8 Weeks PA Approval 09/01/2020	61, SHENSTONE AVENUE, RUGBY, RUGBY, CV22 5BL	Extensions and alterations to dwelling to include a two storey side extension, part two storey part single storey rear extension, front porch and bay window together with alteration to the appearance of the dwelling.
R19/1036 8 Weeks PA Approval 10/01/2020	104, CAMBRIDGE STREET, RUGBY, CV21 3NJ	Change of use for part of the ground floor unit from A1 use class (Shop) to A5 use class (Hot Food Takeaways).
R19/1281 8 Weeks PA Approval 10/01/2020	WILLOW BARN, CAWSTON OLD FARM BARN, WHITEFRIARS DRIVE, RUGBY, CV22 7QR	Single storey side/rear extension and new canopy/porch
R19/1435 8 Weeks PA Approval 10/01/2020	2/3, LILBOURNE ROAD, CLIFTON UPON DUNSMORE, RUGBY, CV23 0BD	Erection of first floor extension to cottages.
R19/1448 8 Weeks PA Approval 10/01/2020	119, HILLMORTON ROAD, RUGBY, CV22 5AT	Single storey rear extension

Delegated

8 Weeks PA Applications Applications Approved

R19/1509 8 Weeks PA Approval 10/01/2020	196, ALWYN ROAD, RUGBY, CV22 7RA	Single storey rear extension
R19/0905 8 Weeks PA Approval 14/01/2020	1, ACADEMY DRIVE, RUGBY, RUGBY, CV21 3UG	Replacement of concrete panel fencing with metal railings to the front boundary
R19/1470 8 Weeks PA Approval 15/01/2020	8, SCHOOL LANE, STRETTON- ON-DUNSMORE, RUGBY, CV23 9NB	Single storey side and rear extensions for kitchen and living space.
R19/1182 8 Weeks PA Approval 16/01/2020	ST MATTHEWS CHURCH, WARWICK STREET, RUGBY, CV21 3DN	Change of use of a Church (Class D1) to an Antique Emporium - Retail (Class A1); repair of the roof, plastering, replacement kitchen and toilets, removal of pews and other alterations.
R19/1408 8 Weeks PA Approval 16/01/2020	47-48, CHAPEL STREET, RUGBY, CV21 3EB	Change of use of ground floor unit from a flexible A1, A2 and Sui Generis (Tattoo Parlour) use class to a flexible A1, A2 and A4 (Micro Brewery) use class.

Delegated

8 Weeks PA Applications Applications Approved

R19/1420
8 Weeks PA
Approval
16/01/2020

MANOR BARN, LEAMINGTON
ROAD, PRINCETHORPE,
RUGBY, CV23 9PU

New vehicular access, alterations
to boundary treatment and a
detached timber garage.

R19/1466
8 Weeks PA
Approval
16/01/2020

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

Single storey rear extension,
single storey side extension, loft
conversion to include a rear
dormer

R19/1471
8 Weeks PA
Approval
16/01/2020

294, HILLMORTON ROAD,
RUGBY, CV22 5BW

New steel staircase to first floor
flat at rear of dwelling

Certificate of Lawfulness Applications Applications Approved

R19/1356
Certificate of
Lawfulness
Approval
17/12/2019

2, CHURCH HILL, STRETTON-
ON-DUNSMORE, RUGBY, CV23
9NA

Certificate of Lawfulness for new
front door in existing elevation
and blocking up of existing
window and door.

Delegated

Certificate of Lawfulness Applications Applications Approved

60, MEADOW ROAD,
WOLSTON, COVENTRY, CV8
3JJ

R19/1414
Certificate of
Lawfulness
Approval
17/12/2019

Conversion of existing integrated
garage. The proposals are within
the parameters deemed as
permitted development.

R19/1478
Certificate of
Lawfulness
Approval
19/12/2019

16, TIMBER COURT, RUGBY,
CV22 5AZ

Lawful Development Certificate
for installation of dormer window
to rear of property.

R19/1476
Certificate of
Lawfulness
Approval
13/01/2020

57, FIRS DRIVE, RUGBY, CV22
7AD

Proposed rear dormer window

R19/1536
Certificate of
Lawfulness
Approval
14/01/2020

25, CONISTON CLOSE,
RUGBY, CV21 1LE

Lawful Development Certificate
(proposed), single storey rear
extension and garden wall

FIELD HOUSE, LOWER
STREET, WILLOUGHBY,

Delegated

Certificate of Lawfulness Applications Applications Approved

RUGBY, CV23 8BX

R19/1383
Certificate of
Lawfulness
Approval
16/01/2020

Certificate of lawfulness for the
conversion of a garage into living
space together with alteration
and extension to existing single
storey rear extension

Discharge of Conditions Applications Approved

R15/2526 2 Central Park Drive, Rugby,
CV23 0WE

18/12/2019

Replacement of underground fire
sprinkler system and erection of a
water storage tank (resubmission
of planning permission reference
R08/1731/PLN, dated 29/12/08).

R11/0114 CAWSTON EXTENSION SITE,
COVENTRY ROAD, CAWSTON,
RUGBY,

09/01/2020

Outline application for residential
development (up to 600
dwellings, use class C3), new
accesses to Coventry Road and
Trussell Way, open space,
associated infrastructure and
ancillary works (access not
reserved).

Listed Building Consent Applications

Delegated

Listed Building Consent Applications

Applications Approved

R19/1304 2, ARNOLD VILLAS, RUGBY,
Listed Building Consent CV21 3AX
Approval
14/01/2020

Listed Building consent for replacement windows.

R19/1181 ST MATTHEWS CHURCH,
Listed Building Consent WARWICK STREET, RUGBY,
Approval CV21 3DN
16/01/2020

Listed Building Consent for the change of use of a Church (Class D1) to an Antique Emporium - Retail (Class A1); repair of the roof, plastering, replacement kitchen and toilets, removal of pews and other alterations.

Major Applications

Applications Approved

R19/1397 SHAW SCHOOL OF DANCING,
Major Application JUBILEE STREET, RUGBY,
Approval CV21 2JJ
24/12/2019

Variation of Condition 2 of R16/0782 (ERECTION OF 12 NEW BUILD RESIDENTIAL FLATS WITH ASSOCIATED ACCESS AND PARKING)

Non Material Amendment Applications

Applications Approved

R15/2526 2 Central Park Drive, Rugby,
CV23 0WE

Delegated

Non Material Amendment Applications

Applications Approved

Non-Material
Amendment agreed
18/12/2019

Replacement of underground fire sprinkler system and erection of a water storage tank (resubmission of planning permission reference R08/1731/PLN, dated 29/12/08).

Prior Approval Applications

Prior Approval Applications

R19/1344 CALCUTT HEIGHTS, CALCUTT
Prior Approval change HEIGHTS FARM, CALCUTT
of use LANE, RUGBY, CV23 8HY
Required and Approved
20/12/2019

Change of Use of Agricultural Building to 1 no. Dwellinghouse including building operations necessary to convert the building (Prior Approval R18/0952 Class Q(a) refers).

R19/1450 45, EDEN ROAD, RUGBY, CV21
Prior Approval 4HT
Extension
Not Required
23/12/2019

Prior approval for a single storey extension projecting 6m from original rear elevation of the dwelling, following the demolition of an outbuilding; eaves height of 2.4m; maximum height of 2.74m from ground level

R19/1488 18, JOHNSON AVENUE,
Prior Approval RUGBY, CV22 7BX

Delegated

Prior Approval Applications

Prior Approval Applications

Extension

Not Required

24/12/2019

Prior approval for single storey rear extension that extends 3.5m beyond the rear wall and measures 3.3m in height and 7.35m wide. Flat roof construction with 3 flat skylights

R19/1479
Demolition Prior
Approval
Not Required
06/01/2020

STREET RECORD, BIART
PLACE, RUGBY

Prior notification for the demolition of two eleven storey high rise apartment blocks, one two storey apartment block and 30 associated garages.

R19/1473
Agriculture Prior
Approval
Not Required
10/01/2020

STRETTON HOUSE FARM,
FREEBOARD LANE, RYTON-
ON-DUNSMORE, COVENTRY,
CV8 3EQ

Prior approval for proposed building for storage for 1000 tonnes of farmed grain
