



27 February 2025

PLANNING COMMITTEE – 12 MARCH 2025

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 12 March 2025 in the Council Chamber at the Town Hall, Rugby.

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

Dan Green
Acting Chief Executive

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the meeting held on 12 February 2025.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Delegated Decisions – 23 January 2025 – 19 February 2025

Membership of the Committee:

Councillors Gillias (Chair), S Edwards, Freeman, Harrington, Howling, Karadiar, Lawrence, Maoudis, Russell, Sandison, Srivastava, Thomas.

If you have any general queries with regard to this agenda please contact Lucy Kirbyshire, Democratic Services Officer, by emailing lucy.kirbyshire@rugby.gov.uk. Any specific queries concerning reports should be directed to the listed contact officer.

The Council operates a public speaking procedure at Planning Committee. Details of the procedure, including how to register to speak, can be found on the Council's website. (<https://www.rugby.gov.uk/w/have-your-say-on-a-planning-application#speaking-at-planning-committee>).

Planning Committee – 12 March 2025

Report of the Chief Officer for Growth and Investment

Applications for Consideration

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Item	Application Ref Number	Location site and description	Page number
1	R24/0111	Land North of Rounds Gardens, Rugby - Redevelopment of the former football pitch and tennis courts associated with the adjacent employment use, including demolition of the existing pavilion and all other remaining structures and enclosures relating to the previous use of the site; and the erection of 115 dwellings, accesses, landscaping, parking, drainage features and associated work.	3
2	R24/0103	Land North of Projects Drive, Rugby - Construction of 108 dwellings with associated access, roads, parking and landscaping.	60

Reference: R24/0111

Site Address: Land North of Rounds Gardens, Rugby

Description: Redevelopment of the former football pitch and tennis courts associated with the adjacent employment use, including demolition of the existing pavilion and all other remaining structures and enclosures relating to the previous use of the site; and the erection of 115 dwellings, accesses, landscaping, parking, drainage features and associated works

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/39190>

Recommendation

1. Planning application R24/0111 be refused subject to the reasons for refusal set out within the draft decision notice appended to this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal outlined in the draft decision notice.

Introduction

- 1.1. This application is being reported to Planning Committee for determination because the Chief Officer for Growth and Investment considers that the application should be determined by planning committee. The application has also been called in by Cllr Richard Harrington.
- 1.2. The development proposed is not considered to be an Environmental Impact Assessment (EIA) development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

2. Description of site

- 2.1. The Site is located northwest of Rugby town centre within walking distance of Caldecott Park and town centre amenities. It is bound by the Army Reserve Centre and Indian Community Centre to the west, both of which are accessed from Edward Street, with existing residential development beyond, as well as further residential development accessed from York Street to the south-west, and from Essex Street, Princes Street, King Street and Hill Street to the east. To the north, the Site is bound by the remaining General Electric Power facility (now Arabelle Solutions); and to the south, it is adjoined by land owned by Rugby Borough Council, which until recently had contained a combination of high-rise apartment blocks and maisonettes that were demolished by 2024.
- 2.2. The land is currently vacant and consists of a pavilion, a former recreation ground and disused car park that are all historically associated with the employment use to the north. The site has not been used for over 20 years and therefore is overgrown.

3. Description of proposals

- 3.1. The proposal is for full planning permission for 115 dwellings with associated access, landscaping, SUDs, open space, etc and has been amended from its original submission (134 dwellings) in order to try and overcome officer and consultee concerns/objections.

- 3.2. Vehicular access into the development is proposed to be taken from Willans Place (to the west) and Princes Street (to the east).
- 3.3. The proposal is for 100% market housing with no affordable housing proposed on viability grounds and would comprise of 2 one-bedroomed dwellings, 34 two-bedroomed dwellings, 64 three-bedroomed dwellings and 15 four-bedroomed dwellings. A mixture of red brick, buff brick and render and cladded panels are proposed throughout the site.
- 3.4. The proposed development includes the creation of green open space within the centre of the site and to the east (to the rear of the properties on Princes Street) providing Amenity Greenspace and Natural and semi-natural greenspace on the site.
- 3.5. Amended plans and additional information has been submitted throughout the course of the application and re-consultations have been carried out. It is not considered that all objections have been overcome.

4. Planning History

- 4.1. R24/0745 - EIA screening request - Erection of up to 200 dwellings – EIA Screening Opinion issued 19th July 2023

5. Relevant Planning Policies

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

Rugby Borough Local Plan 2011-2031, June 2019

- Policy GP1: Securing Sustainable Development
- Policy GP2: Settlement Hierarchy
- Policy GP3: Previously Developed Land and Conversions
- Policy DS1: Overall Development Needs
- Policy H1: Informing Housing Mix
- Policy H2: Affordable Housing Provision
- Policy HS1: Healthy, Safe and Inclusive Communities
- Policy HS4: Open Space, Sports Facilities and Recreation
- Policy HS5: Traffic Generation, Air Quality, Noise and Vibration
- Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets
- Policy NE2: Strategic Green and Blue Infrastructure
- Policy NE3: Landscape Protection and Enhancement
- Policy SDC1: Sustainable Design
- Policy SDC2: Landscaping
- Policy SDC4: Sustainable Buildings
- Policy SDC5: Flood Risk Management
- Policy SDC6: Sustainable Drainage
- Policy SDC7: Protection of the Water Environment and Water Supply
- Policy SDC9: Broadband and Mobile Internet
- Policy D1: Transport
- Policy D2: Parking Facilities
- Policy D3: Infrastructure and Implementation

- Policy D4: Planning Obligations

5.3. The Local Plan is over 5 years old, and paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.

Supplementary Planning Documents

- Planning Obligations SPD (2012)
- Climate Change, Sustainable Design and Construction SPD (2023)
- Air Quality SPD (2021)
- Housing Needs SPD (2021)

National Planning Policies and Guidance

- National Planning Policy Framework (NPPF)(2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2021)

Other relevant guidance/documents

- Housing and Economic Needs and Distribution Assessment (2022) (HEDNA)
- Green Infrastructure Study 2009
- Open Space, Play Pitch and Built Facilities Study (2015)
- Playing Pitch & Outdoor Sport Strategy (2023)

6. Technical consultation responses

6.1. The following consultees have no objections, some subject to conditions, on the application:

- RBC Environmental Health
- Warwickshire Fire & Rescue Service
- Warwickshire Police
- WCC Planning and Infrastructure Team
- WCC Local Lead Flood Authority
- WCC Rights of Way
- Warwickshire County Council Archaeology
- NHS Integrated Care Board
- NHS UHCW

6.2. Objections have been received from the following consultees:

- WCC Ecology
- RBC Tree Officer
- Sport England
- WCC Highways

6.3. No response was received from the following consultees:

- Severn Trent Water
- Environment Agency
- WCC Minerals
- RBC Works Services Unit
- RBC Affordable Housing

- Warwickshire Wildlife Trust
- Natural England
- The Woodland Trust
- RBC Sports and Recreation
- Forestry Commission England

7. Third party comments

7.1. The application has been publicised by sending out letters to local residents. Four site notices were also posted within the vicinity of the site and a notice was displayed in the local press. A re-consultation was carried out in July 2024 due to amended plans and an amended description reducing the number of proposed dwellings on the site. For this re-consultation the same publicity measures were carried out.

7.2. Throughout the lifetime of the application, 390 letters of objection have been received (293 letters for the first consultation and 97 letters for the second re-consultation). The concerns raised are as follows:

- Conflict with the Local Plan Policies NE1, NE2, NE3, HS4, HS5, D1, and D2
- Conflict with the National Planning Policy Framework
- Impact on protected species and habitats
- Impact on protected trees
- Impact on existing traffic congestion issues in the area, especially Newbold Road
- Traffic & road safety concerns regarding proposed access and one-way system
- Impact on parking provisions for existing residents
- Car pollution
- Drainage issues
- Flooding issues
- There is no demand for more dwellings in this location
- Noise impacts and air contamination issues resulting from construction
- Existing infrastructure is not adequate to deal with existing residents' needs
- Design is not in-keeping with the surrounding area
- Loss of green spaces will impact quality of life for residents
- The proposal does not include sufficient open spaces
- Impact on air quality
- Loss of light for Princes Street property
- Unclear how 10% BNG will be achieved
- This development is not required to contribute to the Council's housing targets
- Asbestos issues
- Noise impacts for existing residents from proposed ASHPs
- The proposal does not include playground facilities

8. Assessment of proposals

8.1. The key issues to assess in the determination of this application, which will feed into the planning balance, are as follows:

- Assessment of strategic planning policies
- Loss of Sporting Provision
- Housing Supply and Mix
- Layout and Design

- Trees and Green Infrastructure
- Climate Change and Sustainable Design
- Residential Amenity
- Ecology
- Air Quality
- Flood Risk and Drainage
- Pollution
- Highways
- Community Infrastructure Levy
- Viability, Affordable Housing, Infrastructure and Planning Obligation
- Other Matters

9. **Assessment of strategic planning policies**

- 9.1. Paragraph 2 of the National Planning Policy Framework (NPPF) (2024) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision-making.
- 9.2. Policy GP1 of the Local Plan echoes this and states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.
- 9.3. Paragraph 11 of the NPPF states that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’. The development plan in this instance consists of the Local Plan (2011-2031).
- 9.4. Objections have been received in relation to conflict with the National Planning Policy Framework and this development is not required to contribute to the Council’s housing targets.
- 9.5. The Emerging Local plan for 2024-2045 is at an early stage with the issues and opinions consultation being carried out in 2024. This currently carries no weight.
- 9.6. The Local Plan (2019) sets out the spatial vision for the borough and Policy DS1 sets out the overall development needs, including the need for housing. Policy GP2 of the Local Plan sets out the settlement hierarchy in order to deliver the spatial strategy. The Local Plan identifies and provides allocations for housing and other development within the context of the settlement hierarchy.

9.7. Policy GP2 sets out the settlement hierarchy with new development in the Rugby Town Area being considered the most sustainable location. Policy GP3 Previously Developed Land and Conversions supports the use of previously developed land subject to compliance with other policies in the plan. The application site is within the urban area of Rugby and therefore is considered to be a sustainable location. The site is also in part previously developed however the existing sports elements within the site (tennis courts, football pitch) would not be classed as previously developed land. Nevertheless, the site is within the settlement boundary of Rugby.

9.8. Policy DS1 sets out that 12,400 additional homes will be provided between 2011 and 2031. This site is not allocated for housing but does propose windfall housing. Policy HS1 Informing Housing Mix seeks to ensure that healthy, safe and inclusive communities will be taken into account when considering development proposals and supports proposals which provide good access to local shops, employment opportunities, services, schools and community facilities. Due to the urban location of the site good access is provided to all of the above and therefore this policy is complied with.

The presumption in favour of sustainable development

9.9. The Local Plan is now more than 5 years old, and paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.

9.10. Paragraph 232 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework. Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly when their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.

9.11. As set out in paragraph 78 of the NPPF and footnote 39 it has been determined that Policy DS1 of the Local Plan is in need of updating due to the age of the plan and the evidence in relation to housing which has been published (HEDNA 2023). Policy DS1 is therefore out of date.

9.12. The latest Five-Year Housing Land Supply Position Statement 2024-2029, published in December 2024, confirms the council as of 1st April 2024 could demonstrate a 6.9 year supply of housing. Due to the date of the Local Plan 2011-2031 (June 2019 adoption) and the calculation of the Council's five-year housing land supply is now subject to the standard method as set out within the NPPF and PPG. The formal position as set out above is currently being updated however due to the change in standard method within the 2024 NPPF and the date of the adopted local plan the Council acknowledges that the updated position as of 1 April 2024 is a supply of 4.6 years and therefore the Council cannot demonstrate a 5-year housing land supply.

- 9.13. Footnote 8 to paragraph 11 of the NPPF provides that where a local planning authority cannot demonstrate a 5-year housing land supply then the most important policies for determining an application which involves the provision of housing are to be considered as being 'out of date'. Therefore paragraph 11(d) of the NPPF (the 'tilted balance') is triggered. The NPPF is a material consideration. Paragraph 11(d) states:

"Plans and decisions should apply a presumption in favour of sustainable development.

For decision taking this means:

(d) 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 unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*

- 9.14. The only area/asset referenced within footnote 7 in relation to 11di for consideration within this application is flood risk. The key policies referred to in paragraph 11dii to which 'particular regard' is to be given are referenced in footnote 9 as paragraphs 66 and 84 of chapter 5, 91 of chapter 7, 110 and 115 of chapter 9, 129 of chapter 11 and 135 and 139 of chapter 12. The planning balance will set out the conclusion of paragraph 11d of the NPPF.

Sports Provision

- 9.15. Paragraph 104 of the NPPF and Policy HS4(c) of the Local Plan state that sports facilities should not be built on unless an assessment has been undertaken to show it is surplus to requirements; or the loss resulting from the development would be replaced by equivalent or better provision in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. This is assessed in detail within the section 10 of this report.

Conclusion

- 9.16. In conclusion, the proposed development is within the urban area of Rugby which is the most sustainable location in the borough. Within the site there is a disused tennis court and lapsed football pitch. The principle of housing on this site within a sustainable location is considered to comply with the Local Plan and NPPF subject to the detailed assessment of the loss of the sporting facilities being satisfactorily addressed and all other matters being satisfactorily addressed within this report.
- 9.17. Due to the Council not currently being able to demonstrate a five-year housing land supply, the presumption in favour of sustainable development in paragraph 11d of the

NPPF, 'the tilted balance' applies. Therefore, in principle, planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (Footnote 7 policies) provides a strong reason for refusal or (ii) the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits having particular regard to the key policies of the NPPF for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes (individually or in combination).

- 9.18. To achieve sustainable development, the NPPF states that the planning system has three overarching objectives; economic, social and environmental, which are interdependent. The housing delivery position as set out above is a material consideration in the planning balance.

10. **Loss of Sports Provision**

- 10.1. Within the site boundary there is an existing football pitch and tennis court which even though overgrown and have not been in use since approximately 2001/2 are protected as outdoor sports facilities. The proposal therefore involves the loss of sporting facilities and therefore full consideration needs to be given as to whether the proposal meets Paragraph 104 of the NPPF and is in accordance with Local Plan Policy HS4 to protect sports facilities.

- 10.2. Paragraph 104 of the NPPF states that *existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:*
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

- 10.3. Paragraph 104 is not a 3 stage test and therefore only one limb needs to be satisfied in order to be in compliance with Paragraph 104.

- 10.4. Policy HS4(C) Open Space, Sports Facilities and Recreation also requires the applicant to demonstrate that an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or it can be demonstrated that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss of the current or former use.

- 10.5. The defining difference between Policy HS4(C) and paragraph 104 of the NPPF is that Paragraph 104 relates to playing fields and formal play spaces as defined within the Framework however Policy HS4(C) applies to playing fields which are within the open space audit evidence, defined on the Policies map and/or last in sporting or recreational

use. Policy HS4(C) is therefore more stringent than the NPPF and not fully compliant with the Framework.

- 10.6. As with Paragraph 104 of the NPPF this policy is not a 3 stage test therefore only one limb of the above needs to be satisfied.

Application of the policy to the site

- 10.7. Paragraph 104 refers to 'existing open space, sports and recreational buildings and land, including playing fields and formal open space'. The last known use of the site was sporting use and the applicant has confirmed that the pavilion on site was last used as a cricket pavilion. There are three tennis courts and a football pitch on the site which have not been used for a number of years. The pitch on the site does falls within the technical definition of 'playing pitch' as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('the DMPO') however it has not been used within the last 5 years and so consultation with Sport England is not mandatory.
- 10.8. The DMPO, for the purposes of consultation requirements and to which the NPPF Glossary definition of 'playing field' refers provides that a 'playing field' means *"the whole of a site which encompasses at least one playing pitch"* and that a 'playing pitch' means *"a delineated area which, including any run-off area, is of 0.2hectares or more and which is used for...cricket...association football..."*.
- 10.9. Policy HS4 goes further than the NPPF in that it references playing fields within the open space audit evidence and/or defined on the policies map and/or last in sporting or recreational use. The playing field is identified as a lapsed playing field within table 2.3 (GEC St Modwens) of the Playing Pitch and outdoor sport strategy (PP&OSS, 2023) and it states that the site previously accommodated one youth 11v11 pitch, last provided circa 2002. This is the last known use of the site – it should be noted that the pitch has always been in private use. This evidence will be assessed in accordance with the policy however limited weight is attached to these elements due to inconsistency with the NPPF. Full weight is given to the assessment under paragraph 104 of the NPPF.
- 10.10. Lapsed pitches identified within the Playing Pitch and outdoor sport strategy (PP&OSS, 2023) have not been used within the shortfall calculation to determine the need within the document. Page 12 of the evidence base does identify bringing disused pitches back into use as one of the ways to eradicate shortfalls though. This follows through into the recommendations on page 15. Within the demand assessment for football pitches the PP&OSS states that there is a need for youth 11v11 pitches (1.5 pitches) therefore if this pitch was brought back into use it would meet a current demand. In relation to tennis courts the PP&OSS identifies that it cannot be said that supply is sufficient to meet demand and there is instead a clear need to improve the supply in ways that can attract and better accommodate more users.
- 10.11. Sport England (SE) have objected to the loss of the provision on the site on a non-statutory basis. Sport England Guidance states that *'Even where wider sports facilities fall outside the definition of a playing field, they are afforded protection through the planning system under the provisions of paragraph 104 of the Governments National Planning Policy Framework'*. SE consider that the proposal does not meet any of Sport England's Exception Policies, NPPF paragraph 104 or Local Plan Policy HS4C. This is

due to it not being demonstrated that the playing field site, which incorporates the tennis courts and ancillary facilities, is surplus to requirements and no replacement provision is proposed which is equivalent in quantity and quality. SE contend that improvements to an existing playing field site does not meet NPPF paragraph 104b nor Sport England Exception 4 as no new playing field land is being created (the existing playing field could be brought back into use). In relation to tennis assessment produced within the SMS it is noted that no demand analysis is undertaken (latent and unmet) so it is not accepted that the provision is clearly surplus to requirement.

- 10.12. SE also comment that whilst the playing field site has not been utilised for a number of years and that is overgrown, the lawful use remains as a playing field site and through mowing/maintenance works (which would not require planning permission) it could be utilised for such use again. Similarly, an omission from a PPS or use of the word lapsed does not mean that the site is no longer required or no longer considered to be a playing field site. The use of terminology lapsed within PPS's simply refers to when a site falls outside of Sport England's statutory consultation requirements i.e. not used within the last five years.

Assessment

- 10.13. The applicant submitted a Sports Mitigation Strategy (January 2024) in support of the application. This sets out the areas of the site covered by the sporting uses as follows:

- Sports Pitch – 10,700.7 sqm
- Sports Pavilion – 1,247.7 sqm
- Pavillion car park – 2155.2 sqm
- Tennis Courts – 1,901.9 sqm

- 10.14. The applicant states that given the length of time the site has not been used for sports and recreation and the lapsed classification of the site, it would be very difficult to bring the site back into use. It is then stated that off-site contributions would therefore be an appropriate response to this site rather than any like-for-like replacement.

- 10.15. Taking the assessment of the policies three strands in turn:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- 10.16. The applicant puts forward the argument that the shortfalls identified across sports can in most instances be met by better utilising current provision, through improving quality, pitch re-configuration, improving lighting, improving ancillary features, opening up access to existing unused sites, etc.

Tennis

- 10.17. The applicant states that club demand is being met and improvements towards existing provision is being prioritised.

- 10.18. The PP&OSS identifies that it cannot be said that supply is sufficient to meet demand and there is instead a clear need to improve the supply in ways that can attract and better accommodate more users.

- 10.19. The applicant argues that the tennis courts are surplus to requirement based on the provision within the area and the fact that the site is not identified within the PP&OSS. This would only be the case if improvements were made to existing provision within the area to increase capacity. For example, introducing flood lighting to increase capacity from 40 to 60 members. Just because the site is not identified in the PP&OSS does not mean that there is not a further demand for tennis within the urban area which could be addressed by bringing the three courts on this site back into use.
- 10.20. It is considered that if relevant improvements could be secured to existing courts to increase their capacity then the tennis courts on the site could be surplus to requirements. The applicant has stated that the cost of floodlighting a single court is estimated to be £15,000. Therefore £30,000 is proposed to be directed to Caldecott Park in order to improvement the provision at this site.

Football Pitch and Pavillion

- 10.21. Within the demand assessment for football pitches the PP&OSS states that there is a need for youth 11v11 pitches (1.5 pitches) therefore if this pitch was brought back into use it would meet a current demand.
- 10.22. The applicant states that the site is lapsed and is not classed as current provision which is correct. This pitch however is not surplus to requirements given the need referenced within the PP&OSS and the lack of use of a playing field should not be taken as necessarily indicating an absence of need – for example this pitch is closed off and not accessible, if this weren't the case it is not known if the pitch would have lapsed.
- 10.23. Sport England commented that the Football Foundation (FF) consider that there are shortfalls in football provision which would point towards the site being brought back into use.

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

Tennis

- 10.24. Due to the mitigation proposal directed to Caldecott Park it is considered that provision will be improved elsewhere to provide better accessible provision – this will address capacity concerns.

Football Pitch and Pavillion

- 10.25. It is noted within the PP&OSS there is a specified need for 3G sports pitches however this provision is not proposed through this application.
- 10.26. It is acknowledged that there are difficulties with bringing the pitch on site back into use due to the topography of the site therefore meaning that the pitch in question is acting as an attenuation pond for the wider area. The applicant is correct in that the Council cannot currently identify land within its own ownership within the urban area for a new pitch. It is however considered that another lapsed pitch within the PP&OSS could be brought back into use and enhanced in the process to meet the identified need and replace an equivalent provision within the same catchment area. Addison Road is identified as a disused pitch within the PP&OSS. It was a youth 11v11 pitch taken out of

use in circa 2021. Bringing this pitch back into use would require drainage mitigation however not to the extent of the application site. There is also an existing scouts hut and car park adjacent to the site which could be improved and extended in order to mitigate loss of the pavilion and car park.

10.27. The FF considers that Addison Road and Frobisher Recreation Ground should both be brought back into use to address shortfalls. An end user would be required to be identified through further consultation.

10.28. An agronomy report would be required to evidence the extent of pitch works required at Addison Playing Fields. The applicant proposes that the cost of a single full-size pitch is according to Sport England facility cost guidance (2Q 2023) £110,000. In addition, an allowance of up to £90,000 is considered appropriate for wider infra-structure costs. Mitigation of £200,000 is therefore proposed to mitigate the loss of the playing field.

10.29. RBC have their own calculations for football pitches and the PP&OSS sets out that the costs associated for one pitch (standard size 7,420 sqm) would be:

- Cost per pitch - £100,000
- Sinking fund for 25 years £110,000
- Maintenance (25 years) - £417,500
- Total - £627,500

10.30. No mitigation is proposed to mitigate the pavilion and associated car park loss. SE comment that a 2 team changing rooms plus official costs £300,000 with a 4 team changing rooms plus club room costing £785,000.

10.31. Whilst it is agreed in principle that the sports pitch, pavilion and car park can be mitigated off site it is considered that the level of mitigation proposed for the loss of facilities on the site does not adequately address the loss.

10.32. In addition, the further work as identified within paragraph 5.16 of the submitted sports mitigation strategy has not been concluded therefore the s106 contributions cannot be agreed at this stage and a full assessment cannot be made. It is therefore considered that an equivalent or better provision for the football pitch, pavilion and car park is not being provided in a suitable location.

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

10.33. This is not being proposed by this application.

Sports Provision Conclusion

10.34. Arguments have been made by the applicant under paragraph 104 a) and b). Neither the tennis courts nor football pitches are surplus to requirement under 104a. For the tennis courts it is considered that the quality of two existing courts could be improved in order to increase capacity and therefore address the need within the area.

10.35. The mitigation proposed in relation to the football pitch, pavilion and associated car park is not considered to be detailed or the required level of mitigation needed in order to

replace the lost provision 'by equivalent or better provision in terms of quantity and quality in a suitable location' under 104b. It is therefore considered that this proposal does not comply with Policy HS4C of the Local Plan or paragraph 104 of the NPPF.

11. Housing Supply and mix

11.1. New housing in sustainable locations should be supported in accordance with paragraph 11 of the NPPF (2024). The Local Plan does not preclude the development of windfall housing with an allowance of 630 dwellings from windfall sites during the Local Plan period between 1st April 2017 and 31st March 2031. However, the windfall allowance within the Local Plan does relate to developments of less than 6 dwellings. Nevertheless, where applications comply with policy, permission should look to be granted to ensure that a mix of housing is being provided in different locations to ensure that a healthy housing land supply is maintained within the Borough in accordance with the NPPF and the Government's objective of significantly boosting the supply of homes (paragraph 61). Paragraph 61 of the NPPF also states that the overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.

11.2. Policy H1 and H2 both set out that the tenure and mix of the market and affordable housing should be in compliance with the latest SHMA guidance. In this case that relates to the Housing and Economic Development Needs Assessment (HEDNA) (2022). Policy H2 of the Local Plan requires 20% affordable housing provision on previously developed land and 30% for greenfield sites. The table below sets out the Local Plan requirement in relation to housing mix. Objections have been received in relation to there not being a demand for more dwellings in this location.

	1-bed	2-bed	3-bed	4-bed
Social/Affordable rented housing	35%	30%	20%	15%
Affordable home ownership	20%	40%	30%	10%
Market Housing	10%	30%	45%	15%
Proposed scheme (market housing only)	2 (2%)	34 (30%)	64 (56%)	15 (13%)

11.3. Policy H1 sets out that new residential development should contribute to the overall mix of housing locality, taking into account the current need, particularly for older people and first time buyers, current demand and existing housing stock.

11.4. No affordable housing is proposed on the site and this is discussed further within the affordable housing and viability section of this report. The current housing mix does not align with that proposed within the HEDNA. The number of 1 bedroomed properties is significantly lower with the majority of the mix weighted towards 3 bedroomed dwellings.

11.5. Policy H1 sets out 6 considerations which could allow an alternative mix of market housing to be presented to that in the HEDNA. One of these considerations is 'sites with severe development constraints where the housing mix may impact on viability, where demonstrated through submission of viability appraisal.' A viability appraisal has been submitted as part of this application and the abnormal costs do make the development

unviable. The housing mix for market dwellings does not have a major impact upon the viability presented for the site however it is acknowledged that including more 3 and 4 bedroomed dwellings does reduce the viability gap in this instance.

- 11.6. In this instance, on balance it is considered that the viability implications allow for the proposed market dwelling mix to be considered acceptable. Therefore, the policy complies with policy H1 of the Local Plan.

12. Layout and design

- 12.1. Policy SDC1 states that all development will demonstrate high quality, inclusive and sustainable design and that new development will only be supported where the proposals are of a scale, density and design that responds to the character of the area.
- 12.2. Policy HS1 states that the potential for creating healthy, safe and inclusive communities will be taken into account when considering all development proposals. In particular layouts should be designed to minimise the potential for crime and anti-social behaviour.
- 12.3. Policy NE2 requires the existing local corridors to be incorporated into new developments to enhance the green and blue infrastructure network.
- 12.4. Paragraph 96 of the NPPF links to Policy HS1 of the Local Plan and states that decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.
- 12.5. Paragraph 98a of the NPPF seeks to provide social, recreational and cultural facilities and services the community needs (such as local shops, meeting places, sports venues, open space, etc.)
- 12.6. Paragraph 117 of the NPPF states that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas. Policy D1 of the Local Plan also seeks a safe and convenient access for pedestrians and cyclists.
- 12.7. Paragraph 129 of the NPPF seeks to support development which makes efficient use of land, taking into account the importance of securing well-designed, attractive and healthy places.
- 12.8. Paragraph 130 of the NPPF supports development that makes efficient use of land and considers it to be especially important that planning decisions avoid homes being built at low densities to ensure that developments make optimal use of the potential of each site.
- 12.9. Paragraph 135 of the NPPF sets out that developments should;
- add to the overall quality of the area
 - be visually attractive as a result of good architecture, layout and appropriate and effect landscaping
 - be sympathetic to local character and history, including the surrounding built environment and landscape setting

- establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live
- optimise the potential of the site; and
- create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users.

12.10. Paragraph 139 of the NPPF states that development that is not well designed should be refused. Especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

12.11. A townscape and visual impact assessment was submitted in support of the application.

12.12. Objections have been received in relation to the design is not in-keeping with the surrounding area.

12.13. The National Design Guide (NDG) sets out ten characteristics for recognising well-designed places, these are; context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.

Context & Identity

12.14. In relation to context, identity and the development enhancing its surroundings it is considered that the proposed layout does not address its surrounding context adequately. There is opportunity for the layout to positively address existing built form surrounding the site, the open space on York Street and the public right of way directly adjacent to the south of the site however as proposed it would not improve the experience along the public right of way as a long garden wall is proposed directly adjacent. In relation to the grain of development proposed it is felt that the proposed is more suburban in nature than reflecting its urban context. The western parcel also has a significant amount of frontage parking and parking courts. A large parking court is also proposed at the pedestrian link to Essex Street.

12.15. The National Design Guide states that identity is derived from the interaction of buildings, streets and spaces, landscape and infrastructure. If the development was proposed to address its context further then this would help the development to have its own identity whilst also addressing its wider context.

12.16. Internally the layout demonstrates use of a perimeter block structure. It is not considered that the site edges (as outlined above – north-east and south) have been considered in relation to the design.

Density

12.17. Policy SDC1 of the Local Plan sets out the need to consider appropriate housing density on a site-by-site basis with decisions informed by the local context of the area in terms of design considerations, historic or environmental integration, local character and identified local need. The supporting text expands on this and sets out an expectation that new development will be expected to harmonise with or enhance the surrounding area. The Climate Change and Sustainable Design and Construction SPD (2023) further

sets out that “Higher density developments can make efficient use of land in more sustainable locations, making destinations easily accessible by walking or cycling, and bringing people together to support local public transport, facilities and local services.” The Framework also sets out policies which encourage the efficient and effective use of land.

12.18. The National Design Guide states ‘Well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to and enhances the existing character and context.’

12.19. The proposed development of 115 dwellings is on a site of 4.5 hectares. The developable area of the site as proposed is approximately 3.3 hectares equating to a density of 35 dwellings per hectare. The below table shows the densities of various other developments in the vicinity of the site.

Development	Dwelling number	Site area (hectares)	Density (dph)
York Street (North only)	32	0.768	41
Development North of Gladstone Street	115	4.0	44
Alice Court	6	0.031	194
Princes Court	6	0.077	78
Avon Court	30	0.335	90
Saskia Court	21	0.20	105
Rounds Garden (Council site adjacent)	221	2.079	106
Dale Street (west only)	29	0.37	78

12.20. The table shows a density range of 41-194 dwellings per hectare which is representative of the urban location of the site and being within walking distance of the town centre. The principle of such a high density in this location is supported within the Local Plan. Paragraph 10.9 sets out that where development sites are located in or close to Rugby town centre, densities are expected to be significantly higher than other parts of the Borough.

12.21. The tree report justifies the loss of TPO trees due to wider constraints stating their retention is not possible within a viable scheme of development, which delivers on aspirations for accommodating high density residential development. It is not considered that a high density residential development is being proposed.

12.22. Even with the developable area only being used within the calculation for the application site and some of the other calculations in the table above taking overall net area of the development referenced the application site is significantly lower than the density in the surrounding area.

Townscape Character

12.23. The townscape and visual impact assessment submitted in support of the application summarises the effects of townscape character receptors as follows:

Receptor	Sensitivity	Magnitude of Change	Type of Effect
TCA1: Oliver Street Mixed Use	Low	Low	Beneficial
TCA2: Caldecott Residential	Low	Very Low	Neutral
TCA3: Railway Corridor Industrial/Employment	Low	Very Low	Neutral
TCA4: Caldecott Park Municipal	Medium	Negligible	Neutral
Application Site	Low	Medium	Beneficial
Site Trees	Medium	Year 1: Medium Year 15: Medium- Low	Adverse Neutral

12.24. In addition, various viewpoints were considered to determine the effects on visual receptors and representative views. It is considered that the majority of the conclusions are agreed in relation to the townscape assessment however the below identifies areas of dispute between the council and the applicant:

- Viewpoint 1 – it is stated that the removal of the existing cypress hedge and security fencing would be a noticeable change to the view. The opening up of the site and proposed built form is considered to be a medium beneficial change. It is agreed that the magnitude of change is medium however it is considered the type of effect would be neutral.
- Viewpoint 2B – It is proposed the magnitude of change would be medium-low. The council contend that it is Medium.

12.25. Overall, in relation to context & identity it is not considered that the development enhances or compliments its surroundings it is considered that the proposed layout does not address its surrounding context adequately.

Built Form

12.26. In relation to Built Form the National Design Guide states that well-designed places have compact forms of development that are walkable, contributing positively to well-being and placemaking. In addition memorable features or groupings of buildings, spaces, uses or activities that create a sense of place, promoting inclusion and cohesion.

12.27. It is considered that through the amendments the applicant has tried to address concerns in relation to the layout. The eastern parcel increased the number of terraced housing and introduced further on-street parking to reflect the character of the surrounding area. It is considered that the proposed layout is still not well designed. In relation to Princes Street the character is terracing streets with a prominent uninterrupted building line. The introduction of tandem parking adjacent to plot 81 interrupts the prevailing terraced street.

12.28. Whilst the eastern development parcel has tried to reflect the character of the area the western parcel does not. Throughout the development there are parking courts with limited landscaping. The vistas into the parking courts look directly onto hardstanding in the majority of circumstances. Pedestrian sight lines, lighting and surveillance have not been considered in the round for these areas. This could not create a safe and inclusive place.

- 12.29. In relation to dwelling design, most dwellings don't look to have enough critical mass to make a successful place and fail to create a sense of place/identity. Dwellings proposed behind other built form seem to have been squeezed in and have very little relation to other dwellings or any sense of place. The housetypes proposed generally don't contribute to a cohesive character or identity (mews, courtyard etc).
- 12.30. A range of 1 and 2- bedroomed apartments and 2, 3 and 4-bedroomed dwellings are proposed. 15 different house types are proposed and two different types of apartments. There is a mixture of red and buff brick with render as a feature. The housetype design are all quite similar with canopy porches and cladded/render panels. A small number have juliet balconies or dormer windows. A couple of the 3 and 4 bedroomed house types have projecting gables and additional architectural interest. Some house types have blank elevations which will be viewable from the various points within the development and within the surrounding area. The window proportions on housetypes are disproportionate.
- 12.31. The proposed street scenes show limited variation or architectural interest. This will result in the area having a bland and uninspiring character with few features of interest, variety or definition within the street scene. This is not considered acceptable.
- 12.32. Overall, the built form proposed on the site doesn't contribute to a cohesive character or identity and fails to establish a strong sense of place or create an attractive, welcoming and distinctive place to live.

Movement

- 12.33. The NDG states that patterns of movement for people are integral to well designed places. It is proposed that non-vehicular legibility and connectivity has been a key priority but this is only reflected a couple of times in crossing points and these are toward edges of site. It is considered that there are likely more points at which crossings would be beneficial and these should contribute more to the overall impression of the scheme.
- 12.34. In general, the scheme is still dominated by vehicular movement and parking, this prioritisation seems to be impeding achieving pedestrian connectivity and legibility across the site. This is especially important given it is a site in the urban area. In relation to materials tarmac is proposed for all roads and parking across the development except one private drive.

Nature

- 12.35. The NDG states that nature contributes to the quality of a place and to people's quality of life, and it is a critical component of well-designed places. Amenity greenspace and natural and semi-natural open space are proposed as part of the development. This open space will have to remain accessible to the public therefore would contribute positively to the place.
- 12.36. The site is located within the strategic green infrastructure network (as identified in the Green and Blue Infrastructure policies map). Approximately 2/3 of the site (north) is within the existing green infrastructure network. This policy designation and surrounding context has influenced the layout design in relation to the central area of the site however there are still large areas of green infrastructure which are being removed and not enhanced. Policy NE2 states that a framework plan should be produced as part of the planning application demonstrating the contribution to the overall achievements of the multi-functional strategic green and blue infrastructure framework. This has not been

submitted as part of the application. A Landscape strategy has been produced however this focusses on the site and not the wider context.

Uses

- 12.37. The NDG states that sustainable places include a mix of uses. Well-designed neighborhoods need to include an integrated mix of tenures and housing types that reflect local housing need and market demand. Housing mix has been assessed within section 11 and is considered to be acceptable.

Homes and Buildings

- 12.38. Another characteristic in the NDG is homes & buildings. Well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and wellbeing of their users and all who experience them. This has been assessed within the residential amenity section of this report and it considered to be in accordance with policy.

Resources

- 12.39. Well-designed places and buildings conserve natural resources including land, water, energy and materials. This has been assessed within other sections of this report and is deemed to be acceptable.

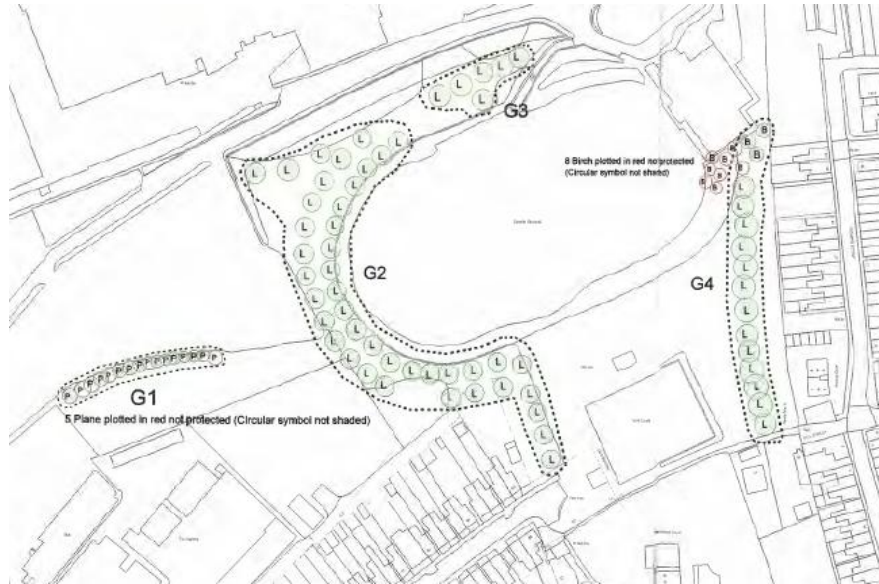
Design and Layout Conclusion

- 12.40. Overall, it is considered that the proposed scheme does not provide a high-quality well designed place and would have a detrimental adverse impact on the character of the area as outlined above. The design does not relate to the existing wider context of the area and there are key design issues. There is also a detrimental impact to existing green infrastructure. The application is therefore contrary to Policy SDC1 and NE2 of the Local Plan, Paragraph 129, 130 and 135 of the National Planning Policy framework and the national design guide. Paragraph 139 of the NPPF states that development that is not well designed should be refused. Especially where it fails to reflect local design policies and government guidance on design.

13. Trees and Green Infrastructure

- 13.1. Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help to mitigate and adapt to climate change. It goes on to state that existing trees should be retained where possible and that new streets should be tree lined.
- 13.2. Policy SDC2 of the Local Plan relates to landscaping and sets out that proposals should identify important site features for retention, this includes trees.
- 13.3. Policy NE2 of the Local Plan states that the existing green and blue infrastructure within the network as shown on the policies map should be protected, restored and enhanced. The proposals must introduce appropriate multi-functional corridors between existing and potential green and blue infrastructure assets. The policy goes on to state that where such provision is made a framework plan should be produced as part of the planning application demonstrating the contribution to the overall achievements of the multi-functional strategic green and blue infrastructure framework. A management plan can be conditioned.

- 13.4. Policy HS1 seeks to encourage healthy lifestyles and Policy HS4(B) states that new open space should be accessible and of high quality, meeting of the specified criteria.
- 13.5. Objections have been received in relation to impact on protected trees and the loss of green spaces impacting on quality of life for residents and conflict with policies NE1, NE2, NE3, HS4 and HS5 of the Local Plan.
- 13.6. The GI policies map shows that the majority of the site is within the existing green infrastructure network (north). The green infrastructure on this site should therefore be maintained and/or enhanced and should not be removed in accordance with this policy. While there is new landscaping and planting proposed within the amenity green space and natural and semi natural publicly accessible open space the introduction of the proposed built form will result in a significant loss of existing green infrastructure. Whilst the area of the site not within the green infrastructure network (south) creates green infrastructure links it is considered that the proposals do not protect, restore and enhance the existing green infrastructure network and therefore are in conflict with Policy NE2 of the Local Plan
- 13.7. The town centre regeneration strategy (2022) shows the footpath to the south of the site to be a greenway along with Princes Street and Essex Street. Primary Streets should be tree lined throughout the development site and the greenways identified should also be addressed in relation to trees. The proposal to plant 3 trees and a hedgerow along this key route is unacceptable. This area should be integrated into an east-west green corridor.
- 13.8. All trees within the application area have been appraised in the submitted tree survey which was amended as part of the application. An amended arboricultural impact assessment (AIA) was submitted within the course of the application. The assessment provides details of the extant tree cover by way of distinctions between one-hundred and seventy-six individual trees, twenty-two groups of trees and four hedges. The townscape and visual impact assessment submitted in support of the application also concludes there would be a medium adverse change in relation to the removal of the trees specified below.
- 13.9. The sites principal trees comprise assemblages of high quality Lime and London Plane trees as outlined in the tree report and the most important features comprise a linear arrangement of mature Lime which occupy the application areas eastern boundary, a crescent shaped avenue of Limes which bisects the site from north to south and a cohesive collection of London Plane within the central western extent of the site. These trees are also protected by virtue of a Tree Preservation Order (TPO). The TPO (TR4.311) is dated 25th January 2008 and modified on 18th June 2008. Schedule 1 identifies four groups comprising:
 - G1 – 11 Plane
 - G2 – 42 Lime
 - G3 – 6 Lime
 - G4 – 13 Lime, 3 Birch



- 13.10. The application site also contains a high volume of self-seeded low quality trees (e.g. Goat Willow, Buddleia and Poplar) which have emerged as a consequence of the site not being used and unmanaged for over 20 years.
- 13.11. The direct arboricultural impact can be quantified as the removal of seventy-eight trees of individual distinction, fourteen groups of intermittent trees/scrub and the partial clearance of three hedges. This includes protected and high-quality trees. There are 13 Category A trees proposed to be removed of which all (London Plane and Lime) are protected by a TPO (G1 London Plane and G3 Lime) which occupy the western development parcel. There are 12 Category B trees proposed to be removed of which one is a TPO Birch tree (G4). There are 58 Category C trees proposed to be removed and 12 Category U trees.
- 13.12. The tree report states that due to wider constraints their retention is not possible within a viable scheme of development, which delivers on aspirations for accommodating high density residential development.
- 13.13. The mitigation proposed includes the introduction of 153no. standard trees, equating to a replanting ratio of approximately 2:1. The AIA states that 'the clearance of protected tree cover will generate a high bar for mitigation, given their quality and contribution to amenity.' It is not considered that a 2:1 ratio of replanting adequately addresses the loss of TPO category A and B trees.
- 13.14. During the course of the application and the reduction in proposed dwelling numbers and site redesign the TPO lime trees (and their respective root protection areas) to the rear of properties at Princes Street were incorporated into a public open space rather than into individual property gardens as originally proposed. Therefore, at this location and from an Arboricultural point a view there is more favourable juxtaposition between retained trees and proposed re-development of the area. One TPO Birch tree is still proposed to be removed from this group alongside other none TPO trees on the eastern boundary.
- 13.15. However, there are still proposed losses of high quality (category A) trees. For example, London Plane trees (labelled 149-167) in tree report (G1 in TPO order). This is contrary to them being subject to a TPO and also being principal trees as stated in the tree report.

The entirety of G1 (TPO order) is proposed to be removed to facilitate development in the western parcel. In a highly urban area where there is a significant deficiency of open space and tree cover, this group of mature category A trees add substantially to the character of the area and are significantly viewable from neighbouring roads and footpaths. The loss of this entire group is a substantial loss within the urban area.

- 13.16. Similarly, T11 Lime (also a TPO tree – G3 within TPO order) classified as Category A (high quality) and principal component of a group of Lime trees and of high collective value. RBC Arboricultural Officer previously recommended that 2 housing plots were omitted at this location to achieve successful tree retention, but this change has not been incorporated into the development.
- 13.17. Also, to the rear of Princes Street there are a group of 3 TPO birch trees, 2 of which are in decline (trees labelled 95 and 97 in the tree report). The remaining Birch tree (labelled 96) is in moderate condition (Category B) and still has the potential to contribute positively within the context of new development. RBC Arboricultural Officer previously recommended that the relationship between proposed new development and the retention of tree 96 be ensured and successfully retained however this has not been reflected in the proposals.
- 13.18. The proposed tree losses are significant both within the context of the application site and surrounding area where views are possible from various locations e.g. Princes Street, York Street and Edward Street.
- 13.19. While mitigation planting is proposed (2 to 1) RBC Arboricultural Officer considers this insufficient to outweigh the proposed loss of this established tree resource. The mitigation proposed for the loss of the Category A TPO trees in particular, which are significantly established, is particularly poor and does not represent the value of these trees.
- 13.20. RBC Arboricultural Officer objects to the scheme due to the loss of TPO London Plane (trees 149-164), Lime (Tree 11) and Birch (Tree 96).
- 13.21. Category A and B are those of high and moderate quality and have the most potential to contribute positively to new development. Removal of these trees would have a negative impact on the visual amenity and character of the local area and fail to retain these important site features. It is considered there is conflict with Policy SDC2 and the NPPF.
- 13.22. Overall, it is considered that the loss of T149-164 (high quality London Plane) would be detrimental to the character of the area as significant group and a prominent feature within the street scene. It is considered that the proposed 2:1 ratio of planting to mitigate this group and other category A and B trees lost through the proposed development does not adequately address the value of these trees. The proposal is therefore considered to be contrary to Policy SDC2 of the Local Plan and paragraph 136 of the NPPF. The overall loss of existing green infrastructure also conflicts with Policy NE2 of the Local Plan.

14. **Climate Change and sustainable design**

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

- 14.2. Local Plan Policy SDC4 read in conjunction with the Climate Change and Sustainable Design and Construction SPD (2023), which sets out further guidance on how the development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.
- 14.3. Para 161 of NPPF states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change.
- 14.4. Para 163 of NPPF states the need to mitigate and adapt to climate change, taking into account the full range of potential climate change impacts.
- 14.5. The application is accompanied by sustainability checklist and energy statement which provides details of how the development proposes to incorporate water efficiency, fabric first design, properties designed in accordance with Part O Overheating Building Regulations, overall design in accordance with the principles of Passive Solar Design, appropriate material choices, active travel options, electric charging point provision and PV panels.
- 14.6. It is considered that the applicant has demonstrated how energy efficiency and sustainability has been incorporated within the development and therefore the development complies with Policy SDC4 subject to the relevant conditions being imposed.
15. **Residential Amenity**
- 15.1. Policy SDC1 seeks to ensure that living conditions of existing and future neighbouring occupiers are safeguarded from the impact of new development.
- 15.2. The Sustainable Construction and Climate Change SPD (2023) outlines criteria which could be used to determine whether a development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. It also states that National Described Space Standards (NDSS) should be met. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 15.3. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policy HS1 of the Local Plan echoes this.
- 15.4. A characteristic in the NDG is homes & buildings. Well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and wellbeing of their users and all who experience them.

- 15.5. Objections have been received in relation to noise impacts for existing residents from proposed air source heat pumps (ASHP) and loss of light for Princes Street property.
- 15.6. The site is formerly associated with the adjacent employment use, serving as parking and sport facilities, including tennis courts, a pavilion and football pitch. The proposed built form would be situated on the eastern and western sites with the open space area in the middle.
- 15.7. In relation to neighbouring residential amenity the site is bordered on the south, east and west by residential properties. To the north is the GE Energy site (now Arabelle Solutions). The proposed siting of the dwellings would be in locations which accord with the separation distances of 21 metres principal window to principal window and 14 metres principal window to blank elevation. In relation to any disruption relating to the construction of the scheme it is considered that noise and any other pollution can be controlled via condition.
- 15.8. Construction hours and management conditions could be imposed subject to the granting of any permission. Additionally relevant conditions to address noise impacts would be imposed.
- 15.9. In relation to the residential amenity of future occupiers 9% of the proposed dwellings on site do not comply with NDSS.
- 15.10. The SPD sets out that flats/apartments should have usable outdoor space such as communal gardens or balconies. The FOG units proposed in the scheme have no private space (communal or otherwise). The SPD sets out that a garden should be at least be the size of the ground floor footprint of the dwelling. A minimum garden length of 7 metres is encouraged, as well as 60 sqm area for a 2 bedroom property and 80sqm for a 3 bedroom property. The garden size provided with the proposed dwellings meets only the provision of equalling the ground floor footprint of the dwelling.
- 15.11. While there is a small proportion of the dwellings which do not comply with NDSS, garden sizes and separation distances across the site comply with the SPD. It is therefore considered that on balance the proposal complies with policy SDC1 of the Local Plan in regards to residential amenity.

16. **Ecology**

- 16.1. Policy NE1 of the Local Plan seeks to ensure that development proposals do not have an adverse impact upon protected habitats and species. It also sets out that development should retain and protect natural habitats and provide mitigation and compensation measures where this would be lost. In addition, Policy NE2 of the Local Plan requires proposals to protect, restore and enhance green infrastructure assets within the defined Strategic Green Infrastructure Network.
- 16.2. These policies are consistent with one of the core planning principles outlined within the NPPF which sets out the need for planning to 'contribute to conserving and enhancing the natural environment'. The NPPF further outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this

where possible, it particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

- 16.3. Paragraph 187 of the NPPF seeks for developments to provide net gains for biodiversity.
- 16.4. Objections have been received in relation to impact on protected species and habitats and it being unclear how 10% BNG will be achieved.
- 16.5. WCC Ecology have reviewed the application and object to the proposal.

Net gain

- 16.6. Biodiversity net gain in England is underpinned by the mitigation hierarchy, which is set out in the National Planning Policy Framework. This outlines a sequential approach to addressing potential harm to biodiversity in determining planning applications. It states avoidance should be prioritised, before mitigation measures, and finally compensation.
- 16.7. At the time of the applications submission in February 2024 the requirement to provide a 10% net gain for biodiversity was not enshrined in law and therefore this application is not required to provide this gain. This is due to the transitional arrangements following the passing of the Environment Act in November 2021. The legislation was subject to parliamentary procedure and 10% BNG did not become mandatory for new Major applications until 12th February 2024 with minor applications following on 2nd April 2024. However, a gain/neutral for biodiversity is required in line with the Rugby Borough Council Local Plan (gain) and the NPPF.

Habitat and Biodiversity Net Gain

- 16.8. As outlined above a 10% BNG is not required for this proposal but a gain is required by Policy NE1 of the Local Plan. Habitat/biodiversity metrics have been submitted with the application and revisions received.
- 16.9. Throughout the application discussion and amendments to metrics have been proposed by WCC Ecology and the applicant. This has been to reflect more accurately the type of habitat that is likely to be achieved within the required timeframes. In regard to trees there has been a continued point of difference between the applicant and WCC Ecology who consider that all tree species would be expected to only reach small size. WCC Ecology have never accepted Individual trees other than small whereas the applicant has proposed that medium trees would be achieved. The position of WCC Ecology has been in place since metric use began with newly planted trees only accepted as small, not medium as it is generally unlikely that trees will grow to the required size within the required timeframe. It is the case on this site that the proposed trees are not being proposed in locations which would give them enough space to grow into a medium tree and not in locations which would provide the best opportunity for growth (i.e. SUDs areas).
- 16.10. The revised metric, v10, submitted by the applicant shows a habitat area gain of 1.86 units (7.05%), hedgerow unit gain of 1.97 units (89.50%). However, this is based on the trees reaching medium an optimistic figure for trees that would grow naturally in open space with enough room for canopy and root development.

- 16.11. In the dispute regarding trees between WCC Ecology and the applicant, the Local Planning Authority agrees with the position of WCC Ecology.
- 16.12. On the basis of 126 (112 open space and 14 management company) small trees, assuming these reach moderate condition, reduces the metric to a habitat loss of -10.68 unit (-40.43%).
- 16.13. This loss is contrary to the Local Plan Policy NE1 and would need to be compensated for to comply. The applicant has stated that they would secure habit credits to compensate for the loss throughout the application process when the loss was considered to be less than 10% however agreement for compensation for a 40% loss through credits has not been given. Therefore, a net gain is not achieved and this will be weighed in the planning balance.

Species

- 16.14. The Natural Environment and Rural Communities Act 2006 (the NERC Act) places a duty on local authorities and other public bodies to consider the biodiversity when carrying out all of their functions (Paragraph 40(1)).
- 16.15. An initial Preliminary Ecological Appraisal of the site was submitted with the application.

Amphibians and GCN

- 16.16. Due to lack of suitable connecting habitat between the nearest waterbody and the site it is considered and accepted that there is an absence of great crested newts on site.
- 16.17. Common amphibians such as common frog and notable species such as common toad may be present within woodland and hedgerows on the site. Precautionary working measures (PWMs) for site clearance and enhancements were recommended. These can be included in the CEMP and shown on a Habitat Creation plan associated with a LEMP subject to the granting of any approval.

Bats

- 16.18. A preliminary assessment identified one building (B1- sports pavilion) and three walls (W1-3) which required assessment for potential to support roosting bats. B1 had moderate potential and W1 (wall at site boundary with dwellings accessed from Essex Street) had low potential to support roosting bats and nocturnal surveys were carried out on B1 and on W1. No bats were observed exiting, nor entering the structures. Low levels of commuting and foraging activity were recorded, including common pipistrelle, soprano pipistrelle brown long-eared bat and noctule.
- 16.19. Bat activity transect surveys were undertaken across the site during June to October 2022. The same species as detected during nocturnal surveys were identified. Results are given as low activity across the site with no firm pattern of use of the site by bats.
- 16.20. Static bat detectors were set up in 5 locations associated with linear features around the site. The most bats recorded was 160 common pipistrelle passes in mid-September. Again, the same species as detected during previous surveys were identified. The most

important location, with low levels of activity recorded throughout the survey period was within the broadleaved woodland.

- 16.21. The results reinforce the importance of retaining existing tree lines including sections of TL1, TL2, TL3 and TL4 (highlighted in image below) and a small section of broadleaved woodland to the north of the site. Eastern and northern boundaries represent important commuting and foraging routes, which should be retained as far as possible. Recommendations pertaining to lighting are also made. The recommendations are considered appropriate and would be secured by conditions.



- 16.22. Because tree lines TL1 to TL4 were identified as important commuting and foraging habitat, these should be retained as far as possible. A 5m wide dark corridor no build zone to the north of the site must be shown on all plans going forward for avoidance of doubt.

- 16.23. Bat emergence surveys were undertaken in 2022. Bats are highly mobile creatures, known to use several different roosting sites throughout the active season and from year to year. The building may undergo physical changes from year to year and provide opportunities for roosting bats in this time. As works have not been carried out to demolish B1 (existing pavilion building, area in black in above image) and W1 (wall at site boundary with Essex Street) before the end of the 2024 season, further surveys should be undertaken, or ecological supervision for removal of B1 should be included in the CEMP subject to the granting of any approval.

Badger

- 16.24. One active and one disused sett was identified on site during the PEA and further survey work was undertaken. However, this survey work was not at an optimal time for badger surveys with a methodology that did not appear to follow or reference any specific

guidelines. A Natural England Licence application will require more supporting evidence and further survey work, following recognised guidelines would need to be undertaken.

- 16.25. No further survey work for badger has been undertaken during optimal survey season as recommended by WCC Ecology.
- 16.26. Although this is not ideal, updated survey work for badgers, together with mitigation measures, timings of work etc. for a licence application, can be included in a CEMP secured by condition.

Hazel Dormouse

- 16.27. Lack of nearby records and suitable extent of habitat onsite led to this species being scoped out of the requirement for further survey work. WCC Ecology would agree with this conclusion.

Other Terrestrial Mammals

- 16.28. The site was considered suitable for hedgehogs and the WBRC holds several records for this species within 1km of the site. The site does offer suitable habitat (hedgerow, broadleaved woodland, dense scrub, scattered scrub, treelines, and scattered scrub). Precautions (PWMs) for site clearance and enhancements were recommended. These can be included in the CEMP and shown on a Habitat Creation plan associated with a LEMP subject to the granting of any approval.

Otter and Water Vole

- 16.29. The nearest watercourse, River Avon, is 350m north of the site beyond suitable connecting habitat. Both these species were scoped out of the requirement for further survey work. WCC Ecology would agree with this conclusion.

Breeding Birds

- 16.30. WBRC returned many records for notable birds within 1km. The site survey recorded three common birds. It was considered that broadleaved woodland, scattered trees, treelines, hedgerow, and dense scrub would support common birds. Ground nesting birds were ruled out due to lack of suitable habitat.
- 16.31. Any vegetation clearance should be timed to avoid the breeding season. This can be included in the CEMP. Enhancements proposed, such as integrated bird boxes in buildings, should be included in the CEMP and shown on a Habitat Creation plan associated with a LEMP subject to the granting of any approval.

Reptiles

- 16.32. Reptile surveys, with methodology and results detailed in a separate report, were carried out during June and July 2022. These months are not recognised as optimal survey months in guidelines (Froglife Advice Sheet 10). The best daytime survey times were also missed occasionally. These factors were not listed as a limitation. No reptiles, nor any other species, were recorded on the site after seven survey visits.

- 16.33. However, given the location and the lack of WBRC records for reptiles, the lack of connectivity for reptiles, WCC Ecology do not consider that the results gained are inaccurate for this site.
- 16.34. Providing precautionary working measures are included in the CEMP, to ensure that reptiles are not harmed by the development this is accepted.

Invertebrates

- 16.35. No specific survey was carried out for invertebrates. Desk study data returned a majority of records associated with London to Birmingham mainline railway corridor. No records were returned for the site.
- 16.36. Enhancements proposed should aim to increase diversity of plant and habitats and lead to an increased attractiveness for invertebrate populations. These will be included in the LEMP.

Invasive Plant Species

- 16.37. Schedule 9 plants wall cotoneaster and field horsetail were identified within the site boundary. It is an offence to plant it or actively allow it to spread (e.g. through translocation of soil containing wall cotoneaster and /or field horsetail seeds). Any polluted soil or plant material that is discarded, intended to be discarded or required to be discarded is classed as controlled waste and should be accompanied by appropriate Waste Transfer documentation. Appropriate methods for safe disposal of both species should be included in a CEMP.

Lighting

- 16.38. WCC Ecology recommend a lighting strategy be secured by condition to protect wildlife corridors and retained/created habitats.

Other considerations

- 16.39. WCC Ecology recommends enhancements for species including hedgehog highways and bee hotels in line with St Modwen Homes Sustainability policy are shown on landscape drawings.
- 16.40. Drawings submitted for the discharge of conditions need to be clear to on landscape and proposed trees on plot so that residents are clear which areas are not part of domestic curtilage. The HMMP will need to show how wildflower planting areas will be demarked from biodiverse lawn, and wetland wildflower meadows planting areas for management purposes to avoid blanket mowing of habitat. Further detail in relation to the proposed connectivity corridor will also be required.

Ecology conclusion

- 16.41. It has been found that the findings of the ecological investigations are generally acceptable and form a basis for considering the ecological impacts arising from the proposed development. The potential impact on species could be mitigated against through the use of planning conditions therefore complying with Policy NE1 of the Local Plan.

16.42. The site is currently of ecological value and the proposed development would result in a significant net loss for biodiversity (-40% habitat loss). This is therefore contrary to Policy NE1 of the Local Plan and the paragraph 187 of the NPPF. This will be weighed within the planning balance.

17. Air Quality

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

17.2 Objections have been received in relation to traffic congestion and car pollution and therefore the overall impact from the development on air quality.

17.3 The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.” It is recognised that the current proposal triggers the threshold of a Major development and as such policy HS5 is relevant. The proposal introduces:

- Heating for 115 dwellings and;
- Car parking spaces per dwelling

17.4 Within the context of point 1 of the policy, the development is not considered to be air quality neutral and in addition requires an Air Quality Assessment. This has been submitted with the application and concludes that there are no significant impacts and mitigation as outlined in the report for both construction and operational phases should be implemented. Environmental Health agree with the conclusions of the assessment. As a result, only on-site mitigation measures as detailed in points 2 to 4 of the policy are required. The following on-site mitigation measures are proposed:

- Electric vehicle charging points
- Cycle parking spaces
- Solar panels
- Space and water heating using Air Source Heat Pumps
- Cycling, public transport initiatives

Taken as a whole, it is considered that the above package of mitigation measures meet the requirements of points 2-4 of the policy and as such complies with Policy HS5 subject to the details being secured via condition.

18. Flood Risk and Drainage

18.1. Paragraphs 170-182 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.

18.2. Objections have been received in relation to drainage and flooding issues on the site.

- 18.3. A Flood Risk and Drainage Strategy (FRDS) was submitted in support of the application. The site falls within flood zone 1 (low risk) in relation to fluvial flooding.
- 18.4. All of the proposed buildings would be located inside flood zone 1 (low risk). Pluvial flood risk mapping shows that parts of the site (centre) are at low-high risk of surface water flooding (majority being high risk). This is associated with the sports pitch which used to be used on the site. Groundwater flood mapping also shows this to be unlikely. Pluvial hydrological analysis has been undertaken and shows that the post-development results during the 100 year plus 40% climate change event demonstrates that no surface water is situated within the residential properties proposed on the site. Surface water ponding is identified to the north-west and south-east of the site in low lying topographical areas, however this is contained in the highway or open space surrounding the flood storage area proposed to the centre of the site. Foul drainage would connect to existing sewers.
- 18.5. The proposed drainage strategy includes a strategically located swale in the south of the site which seeks direct surface water flows towards the flood storage area in the centre of the site, reprofiling of the existing topography, raised finish floor levels and steering development outside of areas affected by surface water flooding. The current levels of the central part of the site would be regraded and half of the existing basin would be retained as a SUDs feature to provide the necessary attenuation for the site. The FRDSA concludes that the risk of pluvial flooding to the post-development would be low.
- 18.6. The Environmental Agency and Severn Trent Water have made no comment on the application.
- 18.7. WCC Flood Risk Management has carried out an independent assessment of the FRDS. They are satisfied that the findings of the FRDS are acceptable and form a robust basis for considering the flood risk and drainage impacts arising from the proposed development. They agree that the applicant has demonstrated the principles of an acceptable surface water management strategy however further detailed information would be required via condition. They have therefore raised no objection to this subject to conditions requiring further ground water monitoring to be undertaken, the submission of a detailed surface water drainage scheme, a verification report for the installed flood risk mitigation measures and surface water drainage system, and site specific maintenance plan.

Sequential Test (Flood Risk)

- 18.8. Policy SDC5 of the Local Plan and paragraphs 170-182 of the Framework require a sequential approach to the location of new development. The aim of this is to steer development to areas with the lowest risk of flooding from any/all sources.
- 18.9. The application site was not reviewed as part of a sequential test as part of the Local Plan evidence base and as such the applicant has sought to provide evidence that a sequential approach has been taken to the development site itself within the FRDS. Therefore, paragraph 173 of the NPPF should be complied with which sets out that a sequential risk-based approach should be taken to individual applications in areas known to be at risk of flooding.

- 18.10. Whilst the site is within Flood Zone 1, the Mead/Readow High Court Judgement held that Planning Practise Guidance (PPG) has the same legal status as the National Planning Policy Framework. The PPG is clear that the sequential test should take account of all sources of flood risk and that flood risk management infrastructure should be ignored initially. The 2024 NPPF echoes this and requires flood risk from all sources to be considered as part of the sequential test.
- 18.11. The site has a significant central area (former sports pitch) which is at high risk of surface flooding. Within this area housing and accesses are proposed therefore, it is incorrect that the applicant has just applied a sequential approach to the development site itself. The site is not exempt from a sequential test as shown by the provisions within paragraph 175 of the NPPF.
- 18.12. The need for flood risk sequential test has therefore not been satisfied as it has not been applied properly.

Flood Risk and Drainage Summary

- 18.13. It is considered that the proposal complies with policies SDC5 and SDC6 of the Local Plan in relation to it being demonstrated that: (i) the proposed development does not increase flood risk elsewhere; (ii) the most vulnerable development is located in areas of lowest flood risk; and (iii) development is appropriately flood resilient and resistant. The proposed buildings would not be at risk of flooding and the development would not increase flood risk elsewhere.
- 18.14. However, the sequential test for flood risk has not been applied properly and therefore not been satisfied. Paragraph 174 of the NPPF (2024) sets out that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. In relation to this point Policy SDC5 of the Local Plan (2019) and paragraph 174 of the NPPF is not complied with. This will therefore be weighed within the planning balance.

19. Pollution

- 19.1. Paragraph 187 of the NPPF states that proposals should be prevented from contributing to, being out at risk from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 196 of the NPPF states that a site should be suitable for its proposed use by taking account of ground conditions and any risks arising from land instability and contamination. Policy HS5 of the Local Plan seeks to address the adverse impacts of noise and vibration on existing and future occupiers.
- 19.2. Objections have been received in relation to asbestos issues, noise impacts and air contamination issues resulting from construction.

Contamination

- 19.3. The proposed change of use introduces new, more sensitive receptors to the development. RBC Environmental Health in assessing the information submitted in support of the application and the current and historic uses as playing fields and parking

indicate that the land is subject to a degree of contamination. They do not consider sufficient compliance is demonstrated with a site investigation in regard to Land Contamination Risk Management and therefore a full contaminated land condition would be required if permission were to be granted.

Noise

- 19.4. Acoustic Baseline Noise Assessment's have been undertaken in relation the proposed development. Impact from noise in regard to the current and potential use of the GE Energy site, rail and road have all been considered. Mitigation measures in terms of glazing and ventilation vents and fencing providing noise barriers in rear gardens would be required to ensure that impacts are suitable addressed. Subject to the granting of any approval suitably worded conditions should therefore be included in the decision notice.

Demolition/construction

- 19.5. A Construction Environmental Management Plan has been submitted in support of the application and assessed as a part of the application process. This was amended in the course of the application to match the usual specified construction hours in Rugby. An Environmental Essentials Asbestos Demolition Survey has been undertaken and would be conditioned to be adhered to. A Dust Management Plan would be required to be produced as per the specifications outlined in the report.
- 19.6. To ensure that nuisance by way of noise and/or vibration further consultation would be required with Rugby Council Commercial Regulation Team if piling is to be used in any foundation design. Continuous Flight Auger or other methods shall be prioritised for use over driven piling methods. A piling risk assessment document shall be submitted and agreed as part of such discussions (to be conditioned subject to the granting of any approval).
- 19.7. RBC Environmental Health have also recommended that a precondition survey should be considered for offering to properties along the routes to be used by demolition and construction traffic such as Edward Street, Willans Place and Essex Street. Complaints of damage (both cosmetic and structural) have been received by the Council from construction traffic when routed through residential streets. Offering to undertake such a survey would help reassure residents that were any damage to occur, it would be corrected.

Pollution conclusion

- 19.8. It is considered that the proposals comply with paragraphs 187 and 196 of the NPPF and Policy HS5 of the Local Plan subject to the relevant conditioned being imposed as set out above.

20. Highways

- 20.1. The Local Plan 2011-2031 Policy D1 Transport states that development should address, amongst other things, whether safe and suitable access to the site can be achieved. Additionally, development will only be permitted where sustainable transport methods are prioritised and measures to mitigate the transport impacts are provided.
- 20.2. Policies D1 and D2 of the Local Plan seeks transport mitigation measures and adequate parking provision. Policy HS1 of the Local Plan seeks to contribute to the development of high quality, safe and convenient walking and cycling network.

- 20.3. Paragraph 115 of the NPPF states that safe and suitable access to the site should be achieved for all users. It also states that any significant impacts from the development on the transport network, or on highway safety, should be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 20.4. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network following mitigation, would be severe, taking into account all reasonable future scenarios.
- 20.5. The applicants have submitted a Transport Assessment (TA) and various technical notes which provides an assessment of the potential impacts that the development proposals could have upon the safe and efficient operation of the highway network. The Highway Authority (WCC) has reviewed the submitted information.
- 20.6. Objections have been received in relation to conflict with policies D1 and D2, impact on existing traffic congestion issues in the area, especially Newbold Road, traffic and road safety concerns regarding proposed access and one-way system and impact on parking provisions for existing residents.
- 20.7. WCC Highways have objected to the application based on the information submitted. Additional information in relation to traffic modelling, active travel infrastructure and road safety has been submitted throughout the course of the application however it has not addressed all of the concerns.

Access

- 20.8. The proposed accesses are from Princes Street and Williams Place. The proposed development's internal layout and accesses to/from the public highway have been subject to a Stage 1 RSA and the Highway Authority considers it to be broadly acceptable, noting that the detailed design must be subject to a Stage 2 RSA.

Trip Generation and Distribution

Strategic Modelling

- 20.9. The applicant has undertaken area-wide traffic modelling using Rugby Wide Area Model (RWA Model). The results were reviewed by the Highway Authority and the following issues were raised in respect of the impact of the proposed development:

Rugby Gyratory:

- 20.10. There are residual cumulative impacts at Rugby Gyratory associated with Local Plan development at South West Rugby. Based on the thresholds set out in Advice Note 003 in the Warwickshire County Council (WCC) modelling protocol, the modelling results show increases in average queues and journey times between Scenarios 3 and 4 during the AM and PM periods which are graded 'severe' or 'very severe'. This suggests that these residual cumulative impacts are likely to be further exacerbated by the proposed development.

Evreux Way roundabout:

20.11. Based on the thresholds set out in Advice Note 003, there is an increase in queuing on Arm A - Newbold Road SB which is graded 'severe' during the AM peak hour between Scenarios 3 and 4.

Route 8 Section 2 WB:

20.12. The initial modelling results show sustained increases in average journey times on this section of route across the 1600-1900 PM 3-hourly period between 2031 Reference Case (Scenario 1) and the 2031 Reference Case + Development (Scenario 2). There is also an increase in average journey times during the 1800-1900 PM post peak hour between the 2031 Local Plan (Scenario 3) and 2031 Local Plan + Development scenario (Scenario 4).

Route 8 Section 1 WB:

20.13. A queue increase during the AM post-peak hour from 481 seconds in Scenario 3 to 635 seconds in Scenario 4 (a 32% or 154 seconds' increase).

20.14. Given the proximity of these junctions and routes to the proposed development, the Highway Authority were concerned that the development would further exacerbate residual cumulative impacts. Further information was requested to determine the extent to which these increases are likely to be attributable to the proposed development.

20.15. Analysis of the additional information identified a number of statistically significant impacts occurring in the 2031 Reference Case scenario as a result of the development. The assessment confirmed that the Rugby Gyratory experiences congestion during the PM Peak hour within the 2031 Reference Case scenario and that the introduction of the development traffic adds to this congestion and causes it to take longer to dissipate. The impacts identified at the Rugby Gyratory may also lead to wider congestion effects on surrounding residential roads with traffic seeking to "rat run" to avoid congestion.

20.16. In view of this, and consistent with the findings of other development applications in the locality and recent assessment work to review the impacts associated with allocated Local Plan development at South West Rugby, the Highway Authority considers that cumulative adverse impacts at the Rugby Gyratory requires a mitigation package if these impacts are to be addressed in the longer term.

20.17. As no deliverable mitigation scheme to address cumulative traffic impacts at the Gyratory has yet been identified, the Highway Authority is seeking developer contributions towards a detailed Feasibility Study to consider options for addressing these impacts. As the cumulative traffic impacts analysis indicates that the proposed development is likely to exacerbate congestion impacts at the Rugby Gyratory, the Highway Authority will seek a proportionate (s106) contribution towards the Feasibility Study from this development.

20.18. It is understood that the applicant does not have an in principle objection to contributing toward the costs of the Feasibility Study. However, the precise amount they will be seeking towards the study has not been confirmed by WCC.

Newbold Road Junctions

- 20.19. The Stage 1 Road Safety Audit (RSA) raised concerns in respect of the impact of the development and the proposed one-way system on queue lengths and “blocking back” at the junctions between Newbold Road and Duke Street and St John’s Street. Specifically, there was a concern that the development may cause blocking on both Duke Street and St John Street, which given the location of existing on-street parking raises safety issues. The applicant was requested to undertake further detailed traffic modelling of these junctions to enable a full assessment of this issue.
- 20.20. The applicant subsequently undertook junction modelling and provided the Highway Authority with copies of the models for review (models received 7th February 2025). As the submitted traffic models did not include the required “2031 Local Plan with and without development scenarios” the Highway Authority requested (13th February 2025) that it be provided with copies of these models. At the time of response the Highway Authority did not have the additional information requested.
- 20.21. In addition, the Highway Authority’s assessment of the submitted junction models identified several issues that need to be addressed. It is considered that the model “blocking” function may not be set up correctly, including in respect of the 'Obstruction other lane' values, and the lanes that the obstructions have been applied to, the minor road lane widths and the junction visibility splays.
- 20.22. In summary, the outstanding issues with regard to the traffic modelling provided by the applicant for Duke Street, Hill Street and St John Street are:
- 2031 Local Plan scenario models have yet to be provided.
 - Junction geometry is incorrect, and visibility splays appear to be optimistic.
 - The “Lane Sim” models do not appear to have been constructed correctly to reflect the relevant situations.
- 20.23. As such, without the additional information listed above, including appropriate corrections to the models, the Highway Authority cannot form a decisive conclusion about the safe operation of these junctions. Therefore, the applicant has not demonstrated that there that there will be a safe and suitable access for all users would be provided to the development.

Parking

- 20.24. Policy D2 of the Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motor cycles, cycles and for people with disabilities, based on the Borough’s Council’s Standards.
- 20.25. The application site is located within the High Access Zone as outlined in Appendix 5 of the Local Plan.
- 20.26. The parking standard within Appendix 5 of the Local Plan for 2 beds is 0.75 spaces and only 0.5 spaces provided for the apartments. Parking proposed for the 3 and 4 bed dwellings are reduced due to the high access zone. 1 space is only required for 3 beds in

the high access zone and 1.5 spaces for 4 beds. The required provision is proposed to be met.

- 20.27. Electric vehicle charging provision is across the development as either proposed garage charging points or proposed wall/post mounted parking space charging points. Bicycle storage in a shed/cycle store is proposed where there is no garage provision. Where a garage is provided it is designated as one car space plus one cycle space.

Active Travel

Secure Cycle Storage

- 20.28. All dwellings are to be provided with secure cycle parking. This will be secured via condition.

On-site walking and cycling routes

- 20.29. The public open space plan provided in Appendix B of Technical Note 0554_TN_01_A, dated 13th February 2025 indicates that the shared footways/ cycleways will be 3m wide and provided with all-weather surfacing. It is also noted that lighting and seating will be provided within the public open space, whilst to the north-east of the site, the existing pedestrian gate at the boundary of the site will be removed to facilitate the connection with Essex Street. WCC considers this to be acceptable. The details of the of lighting within the open space and the footbridge design, including parapets, can be secured by condition.

Onward connection between York Street and Dale Street

- 20.30. This relates to the path between York Street and Dale Street which runs parallel to and outside the site's southern boundary and provides one of the key active travel links between the site and Rugby town centre. The Highway Authority will seek a s106 contribution towards the improvement of this active travel link. As set out in Technical Note 0554_TN_01_A, dated 13th February 2025, the applicant is in agreement with this request.

Off-site walking and cycling routes

- 20.31. The Highway Authority had sought clarification on whether the active travel routes 2 and 3 in the submitted Travel Plan would be compromised by the proposed one-way system to the east of the site. The applicant has undertaken further analysis and now proposes that Princes Street, King Street and Hill Street be signed to permit contraflow cycling. However, as Dale Street has parking on both sides for its entire length and is below the recommended width for contraflow cycling it is not considered suitable for a contraflow facility.
- 20.32. The Highway Authority requires further analysis to show how cycle permeability within the proposed one-way system may be implemented and supports the proposals for contraflow cycling along Princes Street, King Street and Hill Street subject to the details being assessed and found to be acceptable by an independently prepared Stage 1/2 Road Safety Audit (RSA).
- 20.33. Whilst the inability to provide for contraflow cycling along Dale Street is not ideal, it is observed that there are alternative routes to/from the town centre via Duke Street/Hill

Street (subject to the findings of the requested RSA) and also via Edward Street to the west of the site.

- 20.34. The applicant has reviewed the requests for improvements to off-site active travel infrastructure. As set out in Technical Note 0554_TN_01_A, dated 13th February 2025, the applicant has agreed in principle to contribute toward the costs of or delivering (via s278 works) the following active travel infrastructure improvements:
- Scheme 1 - A426 Newbold Road signalised crossing – via a s106 contribution or included in a S278 agreement.
 - Scheme 2 – A426 Newbold Road improvements (conversion of existing footway into a shared used path) - via a s106 contribution or included in a S278 agreement.
 - Scheme 3 – improvements to path along the southern boundary - via a s106 contribution.

Road Safety Audit

- 20.35. The applicant commissioned a Stage 1 RSA of the proposed site layout, the site access from Willans Place, and the one-way system around the residential streets to the east of the site. The RSA was reviewed by the Warwickshire County Council (WCC) Safety Engineering Team and following a meeting on 3rd June 2024, the applicant agreed to investigate changes to the proposed one-way system to alleviate safety concerns. Specifically, it was requested that the following should be investigated:

- Provision of traffic calming at regular intervals.
- Provision of physical measures to deter vehicles disobeying the one-way system in key locations

- 20.36. In addition, it was requested that the applicant undertake further analysis of the operation of the junctions between Newbold Road and Duke Street, St John's Street and Hill Street to help address the safety concerns at these locations.

- 20.37. In addition, it was requested that the applicant undertake further analysis of the operation of the junctions between Newbold Road and Duke Street, St John's Street and Hill Street to help address the safety concerns at these locations.

Traffic Calming

- 20.38. The developer proposes the installation of full width road humps at c. 70m intervals along straight sections of Dale Street and Princes Street. The aim being to help enforce a 20miles/hour design speed. It is understood that the proposals would not reduce on-street parking capacity.

- 20.39. Whilst the Highway Authority is broadly in agreement with the proposed traffic calming scheme (subject to a Stage 2 RSA assessment of the detailed design), it is considered that it would benefit from additional speed reducing measures, particularly at the southern end of Dale Street and the eastern ends of Duke Street and St John Street in the vicinity of their junctions with Oliver Street and Newbold Road, respectively. These measures could potentially form part of "gateway treatments" designed to reinforce the 20 miles/hr speed limit on entry to the area.

Physical Measures:

- 20.40. The RSA review identified the following locations where it was considered that drivers might disobey the one-way system:
- King Street/Duke Street junction, with drivers potentially tempted to turn right from Duke Street into King Street to access off-street parking.
 - Hill Street/King Street junction, with drivers potentially tempted to turn left from Hill Street into King Street.
- 20.41. The applicant proposes a physical island, further signage and hatching to deter vehicles from turning right, from Duke Street into King Street. The proposed design maintains access for fire tenders and refuse vehicles. The Highway Authority will require that the proposed measures be formally considered as part of the Stage 2 RSA assessment of the detailed design of a proposed one-way system.
- 20.42. The applicant considers that it will be impractical to provide physical measures at the Hill Street/King Street junction without removing significant areas of on-street parking. In addition, the applicant considers that the need for physical measures at this junction is reduced as turning into King Street may not be attractive for residents as they would need to park on-street in this part of King Street, against the flow of traffic, and would need to continue in the wrong direction to leave the area.
- 20.43. Whilst WCC recognises the constraints at this location, it will need to be satisfied that the previously identified safety concerns can be satisfactorily mitigated. All options to address this safety concern must be considered and it is not considered that they have been to date.

Traffic Queue Analysis of the Duke Street/St John's Street/Hill Street Junctions with Newbold Road

- 20.44. As set out in Section (2), above, it is considered that additional information is required to enable the Highway Authority to fully assess the performance of these junctions and to form a decisive conclusion about their safe operation.
- 20.45. The Highway Authority considers that the remaining problems identified by the Stage 1 RSA in respect of the internal layout and the access with Willans Place are capable of being addressed at the detailed design stage, when they will be subject to a Stage 2 RSA.

Sustainable Travel Public Transport

- 20.46. Highway Authority identified the need for enhancements to the infrastructure at the bus stops on Newbold Road near junction with Avon Street such that they will meet Warwickshire Quality Bus Corridor (QBC) specification. As set out in the Transport Assessment Addendum, dated 26th June 2024, the applicant is willing to consider a contribution toward the costs of these improvements.

Sustainable Travel Promotion

- 20.47. The County Council is keen to promote sustainable travel and requests that the Developer provide information on local sustainable travel under a planning condition as part of their new dwelling welcome information. No dwelling shall be occupied until details of

Sustainable Welcome Packs (including public transport information) have been submitted to and approved in writing by the Local Planning Authority. The approved packs shall be provided to the occupiers of each dwelling prior to the first occupation of that dwelling in order to mitigate increased emissions associated with the development and in the interests of sustainable travel and connectivity.

Proposed On-Way System and changes to Traffic Regulation Orders

- 20.48. The implementation of the applicant's proposed one-way system around the residential streets to the east of the site will require changes to the existing Traffic Regulation Orders (TRO's).
- 20.49. The proposed changes to the TRO's will be subject to a formal consultation process, including with residents and businesses who may be affected by the scheme. As such, the Highway Authority will require evidence that the proposed scheme has been consulted upon and found to be acceptable and deliverable prior to any groundworks, remediation or built construction being undertaken at the proposed development site. The Local Planning Authority consider that the implementation of the TRO would be a pre-commencement condition.

Other considerations

20.50. Public rights of way team have no objections to the proposal. One dwelling (Unit 80) parking provision is proposed on Princes Street outside the red line boundary of the application site.

Highways Conclusion

- 20.51. The applicant has not demonstrated that there that there will be a safe and suitable access for all users would be provided to the development nor that any significant impacts from the development upon the transport network (in terms of capacity and congestion) can be satisfactorily mitigated. The proposals are therefore contrary to paragraph 115 and 116 of the National Planning Policy Framework (2024) and Policy D1 of the Local Plan (2019).

21. Community Infrastructure Levy

- 21.1. The Council's Community Infrastructure Levy (CIL) charging schedule came into effect on 1st April 2024, this is in accordance with the Planning Act 2008 and Community Infrastructure Regulations 2010.
- 21.2. As the proposals include 115 residential dwellings this constitutes chargeable development. As the site is located in Rugby Urban Area the apartments won't incur any charge and therefore the figure is based on the floorspace of the 110 houses charged the Rugby Urban Area charging rate and 2025 indexation.
- 21.3. Based on the internal floorspace and uses proposed the CIL payable is likely to be approximately £608,722. However, there are exemptions which can be applied for in relation to social housing which may reduce the amount payable in this case (although there is no social housing currently proposed). There is no parish or town council within the Rugby urban area where the site is located therefore the full CIL receipt would be paid to the Borough Council.
- 21.4. CIL is payable in addition to site specific s106 contributions which are required separately to mitigate specific impacts of the development and are detailed earlier in this report.

21.5. Although this report provides information on future CIL receipts, the Planning Practice Guidance advises that such receipts will only be a material consideration if they help make the development acceptable in planning terms. Moreover, the PPG states “it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body”. Due to the proposals being unviable (as set out in section 28 below) the CIL receipt could be used towards mitigation within the heads of terms below (e.g. Education, NHS ICB, Open space, sports provision, etc.) to help mitigate its impacts. Education and health (NHS ICB) would be the two biggest priorities on the mitigation list however it is noted that the mitigation figures for these are £1,740,075 and £250,080 respectively. Education would therefore not be able to be mitigated by the CIL receipt as the amount is insufficient.

21.6. The decision to use CIL receipts to mitigate a particular development is a further decision of the council therefore this application cannot determine the exact mitigation that CIL would support in relation to this application however it is considered a material consideration.

22. **Affordable Housing, Infrastructure, Planning Obligations and Viability**

22.1. Paragraphs 56, 58 and 59 of the Framework, policies DS5, 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. Policy H2 of the Local Plan sets a target of 30% affordable housing provision on greenfield sites of the size proposed here. Further details are provided in the Housing Needs SPD.

Viability

22.2. Viability assessment is a process of evaluating whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. Paragraph 59 of the Framework allows for viability assessments to be submitted where an applicant considers the scheme would not be viable if they have to make all the contributions expected from their development. The weight to be given to viability assessments is a matter for decision makers who must have regard to the circumstances of the case. Detailed guidance on viability assessments is outlined in the PPG.

22.3. Policy D4 of the Local Plan sets out that the effects of obligations on the financial viability of development can be relevant when considering the type and amount of contributions being requested from developers. Policy DS5 of the Local Plan also acknowledges that viability can influence contributions being sought. The Planning Obligations SPD and Housing Needs SPD outline the need for a viability assessment where a scheme is considered to be unviable by the applicant.

22.4. A viability assessment has been produced and submitted by the applicant. This was submitted with the original proposal and an addendum following the revised dwelling numbers proposed. This has been independently assessed on behalf of the Council and sensitivity assessed. It has been determined through this process that any financial contributions including the provision of affordable housing would make the scheme unviable.

- 22.5. The applicant has not provided the reasoning as to how they intend to deliver the scheme given the outcome of the appraisals.
- 22.6. Sensitivity analysis demonstrating the impact of variable build costs and sales values on the scheme's viability based on a policy-compliant scenario has also been carried out. With significant increases in sales values and decreases in construction costs, a policy compliant scheme becomes viable. Conversely, if values were to decrease by 11% and costs were to increase by the same amount, the deficit would be further exacerbated.
- 22.7. In summary, the scheme is not viable even if no affordable housing is provided and no planning obligations are secured.

Viability Review Mechanism

- 22.8. At the application stage, the viability assessment is based upon presumed costs and values. Actual costs are generally unknown until after the scheme is built. Any subsequent reduction in planning requirements at the application stage allows for a competitive return to a developer and it can reasonably lower the development risk in order to bring a site forward.
- 22.9. It is within this context that the PPG advises that "Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time ... Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project."
- 22.10. A viability review mechanism therefore provides the opportunity to determine whether the required returns have been exceeded and whether planning requirements could, in fact, be met. They are based upon an accurate assessment of viability at the point of delivery using the same methodology as the original assessment but based on current market conditions and the most reliable data available, including evidenced build costs and actual sale/rental values of completed units.
- 22.11. In this instance, the independent viability consultant undertook a sensitivity analysis, which demonstrates scheme performance in the event that sales values and costs change. This analysis indicates that the proposed development could become viable if there are favourable movements in costs and values.
- 22.12. If the proposed development were approved the applicant would have three years to implement their permission. Demolition and construction on the site would then take place over a number of years post implementation of the permission. Over such a period there is clearly potential for construction costs and sales value to change. As such, an early and late stage review mechanism to essentially re-run the viability assessment again post-permission would be essential. The early stage viability review would be required if the permission has not be implemented within two years of permission being granted. A late stage viability review would be required following the sale of 75% of units.
- 22.13. The viability review mechanism would be secured within a S106 Agreement. It would then allow either actual or updated predictions of sales values and build costs of the development to be compared against the assumptions made in the application viability assessment. This would confirm whether the scheme's viability has improved over the

passage of time. In the event that it finds that the scheme has become viable since the original permission, the landowner/developer would become liable for additional developer contributions. However, it is important to note that if it finds that the viability of the development worsens, the landowner/developer cannot further reduce their contributions.

Infrastructure and Planning Obligations

22.14. 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.

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

22.16. Objections have been received in relation to existing infrastructure not being adequate to deal with existing residents' needs.

Open Space

22.17. Policy HS4(A) of the Local Plan states that residential development of 10 dwellings and above shall provide or contribute towards the attainment of the Council's open space standards as set out within the policy. It also states that contributions through CIL/S106 will be sought from developments where the proposal would further increase an existing deficit in provision or where the proposal will result in the provision standards not being met within the ward or parish it is located within (contained within appendix 4 of the local plan). Policy HS4(B) states that new open space should be accessible and of high quality, meeting a set of criteria.

22.18. Appendix 4 sets out the surplus and deficits for each parish/ward in relation to open space and concludes the following for Benn Ward (reference 2):

Parish	Population	Provision	Children's Play (0.2ha per 1,000 pop.)	Natural and semi natural (2.5ha per 1,000 pop)	Amenity Greenspace (0.5ha per 1,000 pop)	Allotments (0.8ha per 1,000 pop)	Parks and Gardens (1ha per 1,000 pop)
Benn Ward	8,204	Current Provision	0.38	1.11	1.01	0	5.07
		Surplus/Deficit	-1.26	-19.40	-8.01	--5.33	-7.23

22.19. The site is also directly adjacent to New Bilton Ward for which appendix 4 shows the following (reference 7):

Parish	Population	Provision	Children's Play (0.2ha per 1,000 pop.)	Natural and semi natural (2.5ha per 1,000 pop)	Amenity Greenspace (0.5ha per 1,000 pop)	Allotments (0.8ha per 1,000 pop)	Parks and Gardens (1ha per 1,000 pop)
New Bilton	8,298	Current Provision	0.54	4.19	4.63	3.58	7.82
		Surplus/ Deficit	-1.12	-16.56	-4.50	--1.81	-4.63

22.20. Objections have been received in relation to the proposal not including sufficient open space and not including playground facilities.

22.21. The above tables show that there is a deficit of all types of open space within both wards. It is deemed that Parks and Gardens could not be provided on site due to the nature of this typology however Caldecott Park is within the accessibility requirement of this site therefore a contribution can be made towards that existing provision. This park also includes children's play equipment as does York Street Play Area directly adjacent to the site. Therefore, this typology is not required on site as there is provision accessible to the site for which a financial contribution can be made towards this provision.

22.22. In relation to allotments it is deemed that this typology is not required to be on site in this case and there are no sites within the accessibility requirements therefore a contribution cannot be requested in relation to this.

22.23. There is a deficit of amenity greenspace and natural/semi-natural within the ward and there is no provision of either typology within the accessibility requirements of the site (300 metres and 720 metres respectively). Both of these provisions are therefore required to be provided on site (0.31ha of amenity greenspace and 0.69ha of natural and semi-natural). In relation to amenity greenspace there is a requirement for dwellings to be within 100 metres of a Local Area of Play which can be tied into this typology.

22.24. The Planning Obligations SPD states that where on site open space is not provided an off-site contribution is required towards Play and Open Space, subject to negotiation with the Council.

22.25. Interventions will be required within the central green space and the eastern green space to ensure space is used, naturally surveilled and does not attract anti-social behaviour. It is considered that in this instance an off-site contribution can be made towards Children's Provision (i.e. LEAP) as there are two LEAP's which are accessible to the site (within 400 metres) and Parks and Gardens – Caldecott Park and York Street Play Area.

22.26. There are SUDs area proposed on site (0.72ha) however these are drainage features and not considered to be public open space.

22.27. The table below shows the amount of open space which should be provided on site. A contribution would be sought for the maintenance of the on-site open space in accordance with the SPD and calculated as follows:

Type – Open Space	On-site provision	Cost of Maintenance (per sqm)	Maintenance time period	Cost of maintenance provision
Amenity Greenspace	0.34ha	0.54	5	£9,180
Natural/Semi-Natural	0.86ha	0.57	5	£24,510

Note: the maintenance is calculated as provision (sqm) x cost of maintenance x time period.

22.28. The obligations for off-site provision in line with the above assessment is as follows:

Type – Open Space	Local Plan provision requirement	Cost of Provision	Off-site cost of provision	Cost of Maintenance	Maintenance time period	Cost of maintenance provision
Children and Young People	0.0552	12.65	£6,982.80	2.91	10	£16,063.20
Parks and Gardens	0.4140	37.72	£156,160.80	0.95	10	£39,330.00

22.29. The section 106 should secure these contributions and set out that if the Borough Council or its nominee does not accept the transfer of on-site public open space then details of a Management Company should be submitted along with it and a maintenance schedule to maintain the public open space in perpetuity.

22.30. The planning obligation is necessary to make the development acceptable in planning terms; is directly related to the development; and is fairly and reasonably related in scale and kind to the development. The formula used to calculate the cost for maintenance are provided by up to date costings for these types of open space and the obligations are based on the proposed dwelling number and related population growth in the area. The obligations are related in scale and kind to the development and its impacts upon the surrounding publicly accessible open spaces.

22.31. The contribution meets the tests laid out in paragraph 58 of the National Planning Policy Framework and guidance on Planning Obligations in the Planning Practise Guidance. The contribution sought also fulfils the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended by the 2011 and 2019 Regulations).

Education

22.32. Warwickshire County Council expects to secure financial contributions towards education provision as a result of this development. The County Council does not seek education contributions in respect of one-bedroom properties.

22.33. The contributions sought of £1,740,075 will be used towards additional Early Years, Primary, Secondary and SEND provision in the local area to service the development.

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

Libraries

22.35. Warwickshire County Council seeks a financial contribution to improve, enhance and extend the facilities or services of a specified library service point where local housing development will mean an expected increase in numbers of people using those facilities.

This may include purchase of additional stock, targeted collections, additional seating/study spaces or related facilities, improving family facilities and targeted promotions to inform new residents of the services available to them. The level of contribution is currently estimated on the housing make up as detailed in the planning application. The contribution request is £2,517.

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

Sports Provision

22.37. See 'Loss of Sports provision' section of report.

Public Rights of Way

22.38. Warwickshire County Council seeks a financial contribution to support the increase in the Highway Authority's maintenance liability resulting from the increase in use of local public rights of way by new residents from this development and would be used towards improvements to public rights of way within a 1.5 mile radius of the development site. The contribution requested is £3,065.84.

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

Road Safety

22.40. Warwickshire County Council have requested that the developer provides a contribution of £50.00 per dwelling 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. Based on 115 dwellings the contribution requested will be £5,750.

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

Highway Mitigation

22.42. See highways section of report.

NHS Integrated Care Board

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

22.44. The practices have been identified where they are within a 1.5km radius of the location are:

Name of Practice	Address
Central Surgery	Corporation St, Rugby CV21 3SP
Market Quarter Medical Practice	Drover Close, Rugby CV21 3HX
Beech Tree Medical Practice	Drover Close, Rugby CV21 3HX
Whitehall Medical Practice	Morton Gardens, Rugby CV21 3AQ
Clifton Road Surgery	26 Clifton Rd, Rugby CV21 3QF
Bennfield Surgery	Hilton House, Corporation Street, Rugby CV21 2DN
Westside Medical Centre	Hilton House, Corporation Street, Rugby CV21 2DN

22.45. The capital contribution required is currently estimated at £250,080 to be allocated as part of this application for the improvement and/or extension and/or replacement of primary medical care facilities in the Rugby Primary Care Network. The costs presented need to be index linked.

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

NHS Trust - University Hospitals Coventry and Warwickshire (UHCW)

22.47. UHCW have requested a contribution to address NHS revenue shortfalls for acute and emergency treatment. This is by way of a monetary contribution of £192,721 towards the funding gap in respect of A&E and acute care at University Hospitals Coventry and Warwickshire.

22.48. The request states that it is not possible for the trust to predict when planning applications are made and delivered and therefore cannot plan for additional development occupants as a result. It also states that the funding is negotiated on a yearly basis and this will eventually catch up with the population growth. It is rare that a development is permitted and delivered in the same year and therefore it seems difficult to accept that predications on population growth in line with Council's five-year housing land supply positions could not be made.

22.49. It is stated that the Trust's hospitals are now at full capacity and there are limited opportunities for it to further improve hospital capacity utilisation. The population increase associated with this proposal is stated to directly impact the Trust by adding 802 acute interventions. Due to this the Trust would be required to source agency staff to meet this additional demand until it is in receipt of ICB funding to enable recruitment of substantive posts to manage this additional demand.

22.50. As with other requests RBC have received relating to this from UHCW there is no affordable housing discount applied and this request is higher than other requests for the scale of development proposed.

22.51. This contribution has been considered and it is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid Section 106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by UHCW to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. UHCW is unable to demonstrate that the burden on services arises directly from the development proposed, opposed to a failure in the funding mechanisms for care and treatment. The request made is to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. UHCW has not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings.

Therefore, it has not been demonstrated that the request fairly and reasonable relates in scale and kind to the development proposed.

- 22.52. Further, the Council understands from the cases of R(Worcestershire Acute Hospitals NHS Trust) v Malvern Hills DC and others [2023] EWHC 1995 (Admin) and R (University Hospitals of Leicester NHS Trust) v Harborough District Council [2023] EWHC 263 that Acute NHS Trust funding from CCGs (or their successors ICBs) includes an element for population growth. The Trust's request does not appear to acknowledge this nor explain how much of the funding it receives from CCGs / ICBs is attributable to population growth.
- 22.53. The Council is not satisfied that the Trust has shown that there will be any residual funding gap, nor, if there is such a funding gap, what the size of that gap is. Therefore, it would be unlawful to require the payment of the contribution sought by the Trust. This request is therefore not considered to meet the test of the CIL Regulations.

Affordable housing

- 22.54. Policy H2 of the Local Plan sets a target of 30% affordable housing provision on greenfield sites and 20% on previously developed land. Whilst some of the site is PDL it is predominately greenfield having previously housed a football pitch and tennis court. Therefore, the provision of affordable housing should accord with that for a greenfield site. Based on the 115 dwellings proposed, this equates to a need for 35 affordable dwellings. Paragraph 66 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decision should expect that the mix of affordable housing required meets identified local needs, across social rent, other affordable housing for rent and affordable home ownership tenures. In relation to affordable housing tenure mix the Local Plan requirement would be 82% Rented affordable and 18% affordable home ownership in accordance with the Housing and Economic Development Needs Assessment (2022).
- 22.55. Policy H2 sets out that "The target levels will be expected to be provided unless the local planning authority is satisfied by robust financial viability evidence that development would not be financially viable at the relevant target level. Such evidence will be required to be submitted with the planning application to justify any reduced levels of affordable housing provision proposed for assessment using an open-book approach and may be subject to independent assessment (e.g. by the District Valuer Services or equivalent)."
- 22.56. As outlined above, a Financial Viability Assessment has been submitted with the application which has been scrutinised by an independent viability consultant. It has been found and accepted that the proposed development would not be viable even if no affordable housing is provided and no planning obligations are secured. Specifically, it is accepted that the proposed development would not be financially viable at the 30% affordable housing target level. Moreover, it has been demonstrated that the proposed development would still be unviable even at 0% affordable housing.
- 22.57. The proposed development would therefore comply with policy H2 because it has satisfactorily been demonstrated by robust financial viability evidence that development would not be financially viable at the target of 30% affordable housing. However, the proposed viability review mechanism would allow this to be re-assessed at a later stage. If it is then found that the scheme is viable, the potential for on-site affordable housing

provision or off-site affordable housing contributions can be assessed together with other planning obligations and the views of relevant technical consultees.

Heads of Terms (if the scheme was viable)

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

Obligations	Requirement	Trigger
WCC Education	To secure education provision £1,740,075	Before first occupation.
WCC Libraries	£2,517	Before first occupation.
Public Right of Way	£3,065.84	Before first occupation.
NHS Integrated Care Board	To facilitate primary care £250,080	Before first occupation.
Sports Provision Mitigation	£30,000 towards tennis provision at Caldecott Park or another suitable pitch within the accessibility of the site. £627,500 toward football provision. Provision of pavilion facilities of 1,247.7 sqm floorspace and associated car parking alongside the agreed football provision.	To be confirmed
Road Safety	£5,750	Before first occupation.
Highway Mitigation	TBC	TBC
Open Space	Amenity Greenspace maintenance – £9,180 Natural and Semi-natural maintenance – £24,510 Parks and gardens: Provision – £156,160.80 Maintenance – £39,330 Children and Young People: Provision – £6,982.80 Maintenance - £16,063.20	To be confirmed
Affordable Housing	35 affordable units	Before first occupation.
WCC Monitoring Fee	To contribute towards the cost to the County of monitoring the implementation and compliance with the legal agreement £700 + (5 hours x £40 Officer time x Number of triggers)	Due upon signing of the agreement

Rugby Borough Council – Monitoring contribution	To contribute towards the cost to the Council of monitoring the implementation and compliance with the legal agreement (£590 per relevant obligation)	Due upon signing of the agreement
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- 22.59. Local planning authorities should ensure that the combined total impact of planning conditions, highway agreements and obligations does not threaten the viability of the sites and scale of development identified in the development plan.
- 22.60. If the committee resolves to approve the proposal, this will be subject to the completion of an agreement by way of a section 106 covering the aforementioned heads of terms.
- 22.61. In relation to any financial contributions or commuted sums sought through a s.106 agreement, the financial contributions or commuted sums set out in this report will be adjusted for inflation for the period from resolution to grant to completion of the s.106 agreement. In addition, any financial contributions or commuted sums sought through a s.106 agreement will be subject to indexation from the completion of the s.106 agreement until the date that financial contribution or commuted sum falls due. Interest will be payable on all overdue financial contributions and commuted sums (this applies to both HOT tables).
- 22.62. As outlined above, a Financial Viability Assessment has been submitted with the application which has been scrutinised by an independent viability consultant. It has been found and accepted that the proposed development would not be viable even if no affordable housing is provided and no planning obligations are secured.
- 22.63. The implication of the above is that if none of the requested financial contributions are made there would be a significant and detrimental impact on key services and infrastructure.
- 22.64. The applicant has agreed to pay any required highway contributions to address any safety concerns (due to the assessment being undertaken the full amount associated with these asks is not known) and £230,000 towards sports provision mitigation.
- 22.65. The Community Infrastructure Levy sets out that this could be used towards partial mitigation of the development however this is for a further council decision to agree.
- 22.66. Notwithstanding this, the proposed development would still cause significant and detrimental impacts on education provision, play and open space, libraries, Sports Provision, Public rights of way, health, road safety and the WCC/RBC monitoring and administration funding. This harm would need be weighed up against the benefits in the planning balance.
- 22.67. The proposed viability review mechanism would ensure that this can be re-assessed at a later stage. If it is then found that the scheme is viable, the potential for financial contributions towards these services and infrastructure can be assessed together with affordable housing provision and the views of relevant technical consultees.

Heads of Terms (Adjusted in Line with Viability Issues)

Obligations	Requirement	Trigger
Sports Provision Mitigation	£30,000 towards tennis provision at Caldecott Park or another suitable pitch within the accessibility of the site. £200,000 toward football provision.	To be confirmed
Viability Review Mechanism	Early and late stage viability review requiring the submission of a viability assessment and to then secure additional financial contributions and/or affordable housing if viability is found to have improved.	Early stage - if the permission has not been implemented within two years of permission being granted. Late stage - following the sale of 75% of units.
Highways Mitigation	TBC	TBC
WCC Monitoring Fee	To contribute towards the cost to the County of monitoring the implementation and compliance with the legal agreement £700 + (5 hours x £40 Officer time x Number of triggers)	Due upon signing of the agreement
Rugby Borough Council – Monitoring contribution	To contribute towards the cost to the Council of monitoring the implementation and compliance with the legal agreement (£590 per relevant obligation)	Due upon signing of the agreement

22.68. If the committee resolves to approve the proposal, this will be subject to the completion of an agreement by way of a section 106 covering the aforementioned heads of terms.

23. Other Matters

23.1. Policy SDC9 of the Local Plan sets out the need for new developments to facilitate and contribute towards the provision of broadband infrastructure. Paragraph 119 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Whilst there is in existing broadband infrastructure within the site (except for the pavilion), the site is within the built up urban area of Rugby. A condition would therefore secure the adequate provisions for the site.

23.2. WCC Archaeology have undertaken an assessment of the details accompanying this application and agree with the conclusions of the submitted Archaeological Desk-Based Assessment of the site produced by Lanpro that cumulative phases of 20th century terracing, construction and the creation of hardstanding areas are likely to have had a significant impact on any archaeological deposits, should they have been present. WCC

therefore have concluded that that the proposed scheme is unlikely to have a significant archaeological impact.

24. **Planning Balance and Conclusion**

- 24.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 24.2. The Council cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies. There are relevant development plan policies in the case of this application however the most important for determining the application are out-of-date. Therefore, planning permission should be granted (subject to section 38(6) of the 2004 Act) unless either limb (i) or limb (ii) is satisfied. The application of each limb is essentially a matter of planning judgment for the decision-maker.
- 24.3. In this instance it is necessary to consider limb (i) of paragraph 11d. The sequential test for flood risk has not been applied properly and therefore has not been satisfied. Paragraph 174 of the NPPF (2024) sets out that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. In relation to this point Policy SDC5 of the Local Plan (2019) and paragraph 174 of the NPPF is not complied with. The NPPF does not state that applications which fail the flood risk sequential test must be refused, footnote 7 states there must be a strong reason for refusal for limb (i) to be satisfied. The sequential test is inadequate to determine if there are any other reasonably available sites in areas of lower risk of flooding. Therefore, in accordance with paragraph 174 there is a strong reason for refusal. This holds significant weight in the balance.
- 24.4. The Court of Appeal (Monkhill Ltd v Secretary of State for Housing, Communities and Local Government & Anor (Rev 1) [2021] EWCA Civ 74 (28 January 2021) has reiterated Holgate J.'s eight-point 'practical summary' in relation to the meaning and effect of paragraph 11 of the NPPF. Paragraph 37 of the Monkhill court of appeal judgement endorses Holgate J's approach which sets out that in cases where limb (i) is applied by taking into account only those factors which fall within the ambit of the relevant footnote 7 policy development plan policies and other policies of the NPPF are not taken into account. Where the application of the policy in this instance provides a clear reason for refusal, it is still necessary for the decision-maker to have regard to all other relevant considerations before determining the application. This exercise however must be carried out without applying the tilted balance in limb (ii), because the presumption in favour of granting permission has already been disapplied by the outcome of applying limb (i). Therefore, a normal planning balance is required to be undertaken.
- 24.5. The proposed development is within the urban area of Rugby which is the most sustainable location in the borough. Within the site there is a disused tennis court and lapsed football pitch. The principle of housing on this site within a sustainable location is considered to comply with the Local Plan and NPPF subject to the detailed assessment of the loss of the sporting facilities being satisfactorily addressed and all other matters being satisfactorily addressed within this report.

Harms

- 24.6. The mitigation proposed in relation to the football pitch, pavilion and associated car park is not considered to be detailed or the required level of mitigation needed in order to replace the lost provision *'by equivalent or better provision in terms of quantity and quality in a suitable location'* under 104b. It is therefore considered that this proposal does not comply with Policy HS4C of the Local Plan or paragraph 104 of the NPPF. Moderate weight is attributed to this harm.
- 24.7. Paragraph 139 of the NPPF states that development that is not well designed should be refused. Especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. It is considered that the proposed scheme does not provide a high-quality well designed place and would have a detrimental adverse impact on the character of the area as outlined within this report. There would also be a detrimental impact based on the significant loss of existing green infrastructure. The design does not relate to the existing wider context of the area and there are key design issues. The application is therefore contrary to Policies SDC1 and NE2 of the Local Plan, Paragraph 129, 130 and 135 of the National Planning Policy Framework and the National Design Guide. Significant weight is attributed to this harm.
- 24.8. It is considered that the loss of T149-164 (high quality London Plane) would be detrimental to the character of the area as significant group and a prominent feature within the street scene. It is considered that the proposed 2:1 ratio of planting to mitigate this group and other category A and B trees lost through the proposed development does not adequately address the value of these trees. The proposal is therefore considered to be contrary to Policy SDC2 of the Local Plan and paragraph 136 of the NPPF. The overall loss of existing green infrastructure also conflicts with Policy NE2 of the Local Plan. Significant weight is attributed to this harm.
- 24.9. There is a -40.43% net habitat loss on the site. Agreement has not been received in relation to mitigating this loss through off site habitat units or credits therefore this is contrary to the Local Plan Policy NE1 and paragraph 187 of the NPPF as a net gain has not been achieved. This is attributed significant weight.
- 24.10. The applicant has not demonstrated that there that there will be a safe and suitable access for all users would be provided to the development nor that any significant impacts from the development upon the transport network (in terms of capacity and congestion) can be satisfactorily mitigated. The proposals are therefore contrary to paragraph 115 and 116 of the National Planning Policy Framework (2024) and Policy D1 of the Local Plan (2019). This holds significant weight within the planning balance.
- 24.11. An independently verified viability assessment has confirmed that the proposed development would not be viable even if no affordable housing is provided and no planning obligations are required. The impact on highway safety would be mitigated however, due to the non-viability of the scheme, it would not be able to provide any affordable housing. There would also still be significant and detrimental impacts on education provision, play and open space, libraries, road safety funding, sport provision mitigation, public rights of way, health, RBC monitoring and administration funding and the WCC monitoring and administration funding. These costs would therefore have to be met by WCC, RBC or the CIL receipt used. Education cannot be funded from the CIL receipt therefore would be a

cost to WCC and it cannot be confirmed at this stage that the CIL receipt will be directed to mitigated any of these costs as it is for a further council decision. The lack of contributions would place further pressure on existing infrastructure within the area. This is therefore given significant weight in the balance.

- 24.12. No other conflict with the development plan has been identified therefore all other policies referenced from the Local Plan and the NPPF within this report are considered to be complied with.

Benefits

- 24.13. Weighed against these conflicts is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of 115 houses. These additional houses have significant weight in the planning balance as they would assist in addressing the current shortfall of housing in the borough.
- 24.14. It is important to identify any further benefits. Using the three strands of sustainability as defined in the NPPF, the benefits are broken down into economic, social and environmental.
- 24.15. The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally, the residents of the proposed development would provide ongoing support to local services through new household spending in the Borough and additional council tax revenue. New Homes Bonus generated by the development (approximately £145,360) would also contribute significantly to the Borough. Such matters would have a positive impact upon the local economy and prosperity of the Borough which weighs in favour of the application and attracts significant weight in the planning balance.
- 24.16. From a social objective the revised scheme of 115 dwellings would consequently contribute towards meeting a housing need as set out above. The revised proposals include open space which is to be accessible to members of the public and holds significant weight due to the location of the provision in a ward with deficiencies of all types of open space. In addition to the open space, the provision of new public footpaths across the site, and enhanced pedestrian and cycle links into and out of the site also provide a notable social benefit. These social benefits hold moderate weight within the balance.
- 24.17. From an environmental objective the proposal will bring about environmental enhancements through the additional tree planting and landscaped areas. Due to there already being green space on the site (not publicly accessible) there will not be a notable change in the level of green infrastructure across the site. The proposal meets the environmental arm of sustainable development. The scheme will deliver sustainable drainage systems (SuDS). These benefits hold moderate weight within the balance.

Conclusion

- 24.18. In conclusion the proposal will result in a conflict with policies, as outlined within the harms section above, in relation to loss of sports provision, design, TPO trees,

biodiversity net loss, failure to comply with the flood risk sequential test, highways and pressure on existing infrastructure. The weight to be given to these individual elements is outlined within this balance and the majority hold significant weight.

24.19. Weighed against the identified harm is the economic, social and environmental benefits identified which hold significant and moderate weight.

24.20. The presumption in favour of sustainable development as set out within paragraph 11d is not engaged. It is considered that when the overall harm is weighed against the benefits that on balance the identified harm outweighs the benefits. Therefore, the application would result in a form of unsustainable development and is recommended for refusal subject to the reasons for refusal as set out within the draft decision notice.

25. Recommendation

1. Planning application R24/0111 be refused subject to the reasons for refusal set out within the draft decision notice appended to this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:
R24/0111

DATE APPLICATION VALID:
09-Feb-2024

APPLICANT:

Mr Sam Rogers, St. Modwen Homes St. Modwen Homes, C/O Agent, 5-7 High Street, Sutton Coldfield, B72 1XH

AGENT:

Mrs Debbie Farrington, Cerda Planning Limited Cerda Planning Limited, Vesey House, 5-7 High Street, Sutton Coldfield, B72 1XH

ADDRESS OF DEVELOPMENT:

Land North of Rounds Gardens, Rugby

APPLICATION DESCRIPTION:

Redevelopment of the former football pitch and tennis courts associated with the adjacent employment use, including demolition of the existing pavilion and all other remaining structures and enclosures relating to the previous use of the site; and the erection of 115 dwellings, accesses, landscaping, parking, drainage features and associated works

REASON FOR REFUSAL & RELEVANT DEVELOPMENT PLAN POLICIES:

REASON FOR REFUSAL 1:

The sequential test for flood risk has not been applied properly and therefore has not been satisfied. It has therefore not been shown if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The development is therefore contrary to Policy SDC5 of the Local Plan (2019) and paragraph 174 of the National Planning Policy Framework (2024).

REASON FOR REFUSAL 2:

The mitigation proposed in relation to the football pitch, pavilion and associated car park is not considered to be detailed or the required level of mitigation needed in order to replace the lost provision *'by equivalent or better provision in terms of quantity and quality in a suitable location'* under 104b. It is therefore considered that this proposal does not comply with Policy HS4(c) of the Local Plan (2019) or paragraph 104 of the National Planning Policy Framework (2024).

REASON FOR REFUSAL 3:

The proposal results in a net habit loss of -40.43% therefore a net gain in biodiversity has not been achieved. The proposal is therefore contrary to Policy NE1 of the Local Plan (2019) and paragraph 187 of the National Planning Policy Framework (2024).

REASON FOR REFUSAL 4:

The Applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users contrary to paragraph 115 and 116 of the National Planning Policy Framework (2024) and Policy D1 of the Local Plan (2019).

REASON FOR REFUSAL 5:

The Applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated, contrary to paragraph 115 and 116 of the National Planning Policy Framework (2024) and Policy D1 of the Local Plan (2019).

REASON FOR REFUSAL 6:

The proposals include the removal of T149-164 (high quality London Plane) which is a significant group and a prominent feature within the street scene which contributes positively. This would be detrimental to the character of the area alongside the loss of a further category A tree and 12 category B trees. The proposal is therefore considered to be contrary to Policy SDC2 of the Local Plan (2019) and paragraph 136 of the National Planning Policy Framework (2024).

REASON FOR REFUSAL 7:

The proposed development does not provide a high-quality well-designed place. The development would not be visually attractive or provide a good architectural response to the site in relation to built form, layout and landscaping therefore having a detrimental adverse impact on the character of the area. The application is therefore contrary to Policies SDC1 and NE2 of the Local Plan (2019), Paragraph 130 and 135 of the National Planning Policy Framework (2024) and the National Design Guide (2021).

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:Rugby Borough Council Local Plan 2011-2031 (June 2019)

Policy SDC1: Sustainable Design

Policy SDC2: Landscaping

Policy SDC5: Flood Risk Management

Policy HS4: Open Space, Sports Facilities and Recreation

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

Policy NE2: Strategic Green and Blue Infrastructure

Policy D1: Transport

National Planning Policy Framework (2024)National Design Guide (2021)

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

Reference: R24/0103

Site Address: Land North of Projects Drive, Rugby

Description: Construction of 108 dwellings with associated access, roads, parking and landscaping.

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/39180>

Recommendation

1. Planning application R24/0103 be approved subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chair) be given delegated authority to add, vary or remove any of the financial contributions and/or planning obligations outlined in the heads of terms within this report.

1.0 Introduction

- 1.1 This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major development.

Councillor Sayani has also requested that the application be heard by the planning committee, due to concerns, including the increase in traffic and highway safety.

2.0 Description of site

- 2.1 The site is located to the North of Projects Drive, lying to the north-east of Rugby. It is 2.47 hectares and situated approximately 2km from Rugby Town Centre.

- 2.2 Located on the existing site is a large commercial building alongside other ancillary buildings all associated with GE Energy Power Conversion UK Ltd. The site also comprises associated car parking to the north-west and east. Landscaping is mainly along the boundaries with the largest landscape buffer being to the northern boundary with the Oxford Canal, except for a grassed area to the north-east of the site. The northern part of the site is also the highest level. The site gradient declines towards Projects Drive with a decrease of approximately 3.5 metres across the site.

2.3 The site has existing main and secondary accesses off Projects Drive. There are no public rights of way across the site but there are adjacent to the site (along the canal to the north and the footpath to the south along Projects Drive).

2.4 The land uses which surround the site are predominately residential, industrial, and retail.

3.0 Description of proposals

3.1 The proposal is for full planning permission for 108 affordable dwellings with associated access, roads, parking and landscaping.

3.2 The existing accesses from Projects Drive are to be stopped up and a new access is proposed directly from Projects Drive to the south-east of the site.

3.3 The proposed housing mix comprises of 32 one-bedroomed properties (all flats / maisonettes), 36 two-bedroomed properties (16 flats and 20 dwellinghouses), 36 three-bedroomed dwellinghouses and 4 four-bedroomed dwellinghouses. All dwellings and maisonettes will be either be 2-storey or 2.5-storey. The flats will be 3 to 3.5-storeys. The development will provide a mixture of semi-detached properties and small terraces and will be finished in either red or buff brick, samples of which are to be agreed with the Local Planning Authority.

3.4 The proposed development will include the creation of areas of green open space, adjacent to the new access and throughout the main central core of the site, extending along the northern boundary adjacent to the canal towpath. These areas will provide amenity greenspace on the site.

3.5 Amended plans and additional information has been submitted throughout the course of the application and re-consultations have been carried out. All objections have been satisfactorily addressed.

Planning History

R22/0804 - Prior approval under Part 11 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the demolition of a building – Required and Approved – 01/09/2022.

R23/0135 - Construction of 101 dwellings with associated access, roads, parking and landscaping – Withdrawn by Applicant/Agent – 27/10/2023.

Relevant Planning Policies

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

The Local Plan is over 5 years old, and paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.

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

Rugby Borough Local Plan 2011-2031, June 2019

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy GP3: Previously Developed Land and Conversions

Policy DS1: Overall Development Needs

Policy H1: Informing Housing Mix

Policy H2: Affordable Housing Provision

Policy HS1: Healthy Safe and Inclusive Communities

Policy HS4: Open Space, Sports Facilities and Recreation

Policy HS5 Traffic generation and Air Quality

Policy NE1: Biodiversity

Policy NE2: Blue and Green Infrastructure

Policy NE3: Landscape Protection and Enhancement

Policy SDC1: Sustainable Design

Policy SDC2: Landscaping

Policy SDC4: Sustainable Buildings

Policy SDC5: Flood Risk Management

Policy SDC6: Sustainable Urban Drainage

Policy SDC7: Protection of the Water Environment and Water Supply

Policy SDC9: Broadband and Mobile Internet

Policy D1: Transport

Policy D2: Parking Facilities

Policy D3: Infrastructure and Implementation

Policy D4: Planning Obligations

Supplementary Planning Documents

- Climate Change and Sustainable Design and Construction January 2023
- Planning Obligations March 2012
- Air Quality - Supplementary Planning Document July 2021
- Housing Needs SPD (2021)
- Rugby Borough Council – Green Infrastructure Study 2009

National Planning Policies and Guidance

- National Planning Policy Framework (2024) (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide – January 2021

Other relevant guidance/documents

- Department for Communities and Local Government - Technical housing standards – nationally described space standard - March 2015
- Coventry & Warwickshire Housing & Economic Development Needs Assessment (HEDNA) 2022
- Open Space, Play Pitch and Built Facilities Study (2015)

Technical consultation responses

The following consultees, some subject to conditions and informatives, have no objection:

Rugby Borough Council Environmental Health and Community Safety Department
Rugby Borough Council Housing
Rugby Borough Council Parks and Cemeteries
Rugby Borough Council Trees and Landscape
Rugby Borough Council Work Services Unit

Warwickshire County Council Archaeology
Warwickshire County Council Ecology
Warwickshire County Council Flood Risk Management
Warwickshire County Council Highways
Warwickshire County Council Planning Infrastructure
Warwickshire County Council Public Rights of Way
Warwickshire Fire and Rescue
Warwickshire Police

UHCW NHS Trust
NHS Clinical Commissioning Group
Canal and River Trust
Environment Agency

No comments were made by the following consultees:
Natural England
Severn Trent Water

Third party comments

Neighbours – 10 letters of objection have been received (summary)

- Support for the Electric Vehicle Points.
- Lack of solar power, ground heat source systems etc. Request that the roof structure can accommodate solar panels.
- Request for the developers to engage with wildlife friendly building techniques such as bee bricks, nesting spaces and garden landscaping that encourage diverse planting and wildlife.
- Lack of communal green areas within the development to act as wildlife corridors and refuges. We'd ask the developers to reconsider and add in communal spaces not just for the wildlife but also to encourage socialising especially important for those living in the blocks of flats who will have no access to their own garden.
- No confirmed children's play area on the plans only a landscaped area near the entrance. This is not a sensible location for a play area with the proximity of the road and traffic on to the development. Without adding a play area further into the development, the amount of family housing will add strain to the local play areas which are already showing signs of wear and tear.
- Concern regarding the density of the development in terms of the amount of additional traffic adding to the local roads at peak times. We feel that projects drive will become a bottle neck through the existing traffic calming and the junction on to Boughton road.
- Highway impact – Boughton Road is dangerous, people drive to fast.
- Highway congestion. Increased problems for residents and commuters.
- Flooding
- No safe crossing for pedestrians and cyclists, including children attending the Boughton Leigh schools – a pedestrian crossing is required or prevent speeding.

- Need for affordable housing, GPs and Dentists and schools.
- Kinman Way is used by motorists as a cut through to try and bypass the queues backing up on Boughton Road. 105 houses will create an additional 210+ cars on this stretch of road as most families have 2+ cars. Where will they be parked.
- Approximately 30 cars currently park at the GE site.
- Accidents on road, to include small animals being killed and children and cyclists being injured. The Ambulance has had difficulty parking.
- Overlooking
- The one entrance (in and out) at the top of the junction is poorly considered.
- There is an abundance of wildlife linked to the green space and canal, to include owls, hedgehogs, foxes, various bird species and bats.
- What will happen to the established trees.
- Will there be provision for a park area or green space be provided for children and residents.
Will there be sufficient parking, residents may need to park on paths or roadside outside of development.
- Residents currently park on Brand Road.

Ward Councillor

Cllr Sayani requested that the application be called in to Planning Committee with an organised site visit, providing comments as follows (summary)

- The former GE work site had set operating times, the proposed residential development will mean free movement and an increase in traffic throughout the day and weekends. The growing demographic of rugby will be another consideration.
- There are concerns regarding over development and the capacity of the road network. The turning circles in the new planned development are tight. There needs to be a further review of parking spaces, to ensure there is sufficient provision and to avoid future parking issues. There are some blind corners on the development and these need to be re-designed to ensure safety.
- The land itself needs investigation for potential contaminations and to ensure any remedial work is undertaken.
- This is already a busy housing development with pedestrians accessing Tesco's back entrance, the Black Path and through Elliots Field Shops and Canal areas on foot. The design plans must take in to account current and future footfall, to provide safe areas to cross and sufficient lighting.
- There is currently only one play area. With the increased demographic, we expect there'll be plans to improve and enhance this space for the local community.
- Due to a design flaw, the entrance road leading to Projects Drive has a blind corner, making any traffic flows at speed potentially dangerous. Furthermore, the impact of the Boughton Road Junction for residents in and around the development and Boughton Road in particular, hasn't been fully considered. This junction is already experiencing problems due to cars speeding along this stretch. There is currently no proper crossing for pedestrians including residents for the Reservoir Road. With the increased traffic flow due to this new development. residents from Reservoir Road will have trouble negotiating their exit on to the already busy Boughton Road. The reality is they won't go down Boughton Road to the traffic crossing, they will try and run across the Projects Drive entrance, which is potentially dangerous and increases risk to safety.
- The junction is already busy and becomes worse at key times. The bridge over the canal on Boughton Road experiences speeding vehicles driving in from the Busy Leicester

Road. There is a greater risk of cars going into the back of waiting traffic, particularly at this junction.

- The impact on residents on Kinman Way and adjacent closes, will be detrimental and a closer examination of the impact of increased traffic flow is expected to reduce risk.
- The impact of the junction of Kinman Way and Waterside Drive on Boughton Road will be affected by traffic trying to avoid the Projects Drive onto Boughton Road Junctions, resulting in greater traffic flow on Kinman Way.
- The impact of speeding traffic on Boughton Road is already an issue that residents have reported. This is a through route to industrial units, so it is 24/7, not just peak times. That means a number of HGVs and noisy vehicles, including those carrying skips. With the increased traffic flow from the new development, there will be a rise in noise and emissions. We expect investigations and monitoring to occur, and measures to be put in place to alleviate the issues. Litter from passing skips, must also be addressed.
- 108 houses are overdevelopment and proper curtilage for each house is too narrow.
- Proper controls on noise dust and working hours must be implemented
- A contribution to schools must be included.
- Residents have suggested a change to the speed limit on the Boughton Road both ways to 30 miles per hour and a 3-way Traffic Light at the junction of Projects Drive and Boughton Road.
- Would like to see a comprehensive investigation and traffic management plan to ensure all traffic and safety issues are addressed and that specific measures are put in place to alleviate current and future problems, arising from this project.

4.0 Assessment of proposals

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

- Assessment of strategic planning policies
- Housing Supply and Mix
- Layout and Design
- Trees
- Climate Change and Sustainable Design
- Residential Amenity
- Ecology
- Air Quality
- Flooding
- Pollution
- Highways
- Planning Obligations
- Other Matters
- Planning Balance and Conclusion

5.0 Principle of development

5.1 Paragraph 2 of the National Planning Policy Framework (NPPF) (2024) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision-making.

- 5.2 Policy GP1 of the Local Plan echoes this and states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.
- 5.3 Paragraph 11 of the NPPF states that where there is an up-to-date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’. The development plan in this instance consists of the Local Plan (2011-2031).
- 5.4 The Emerging Local plan for 2024-2045 is at an early stage with the issues and opinions consultation being carried out in 2024. This currently carries no weight.
- 5.5 The Local Plan (2019) sets out the spatial vision for the borough and Policy DS1 sets out the overall development needs, including the need for housing. Policy GP2 of the Local Plan sets out the settlement hierarchy in order to deliver the spatial strategy. The Local Plan identifies and provides allocations for housing and other development within the context of the settlement hierarchy.
- 5.6 Policy GP2 sets out the settlement hierarchy with new development in the Rugby Town Area being considered the most sustainable location. Policy GP3 Previously Developed Land and Conversions supports the use of previously developed land subject to compliance with other policies in the plan. The application site is within the Rugby Town Area and therefore is considered to be a sustainable location. The site is also previously developed.
- 5.7 Policy DS1 sets out that 12,400 additional homes will be provided between 2011 and 2031. This site is not allocated for housing but does propose windfall housing. Policy HS1 Informing Housing Mix seeks to ensure that healthy, safe and inclusive communities will be taken into account when considering development proposals and supports proposals which provide good access to local shops, employment opportunities, services, schools and community facilities. Due to the urban location of the site good access is provided to all of the above and therefore this policy is complied with.
- The presumption in favour of sustainable development*
- 5.8 The Local Plan is now more than 5 years old, and paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.
- 5.9 Paragraph 232 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework. Due weight should be given to them according to their degree of consistency with the framework. Furthermore, it is recognised by the courts that out-of-date policies can still be

given some weight, particularly when their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.

- 5.10 As set out in paragraph 78 of the NPPF and footnote 39 it has been determined that Policy DS1 of the Local Plan is in need of updating due to the age of the plan and the evidence in relation to housing which has been published (HEDNA 2023). Policy DS1 is therefore out of date.
- 5.11 The latest Five-Year Housing Land Supply Position Statement 2024-2029, published in December 2024, confirms the council as of 1st April 2024 could demonstrate a 6.9-year supply of housing. Due to the date of the Local Plan 2011-2031 (June 2019 adoption) the calculation of the Council's five-year housing land supply is now subject to the standard method as set out within the NPPF and PPG. The formal position as set out above is currently being updated however due to the change in standard method within the 2024 NPPF and the date of the adopted local plan the Council acknowledges that the updated position as of 1 April 2024 is a supply of 4.6 years and therefore the Council cannot demonstrate a 5-year housing land supply.
- 5.12 Footnote 8 to paragraph 11 of the NPPF provides that where a local planning authority cannot demonstrate a 5-year housing land supply then the most important policies for determining an application which involves the provision of housing are to be considered as being 'out of date'. Therefore paragraph 11(d) of the NPPF (the 'tilted balance') is triggered. The NPPF is a material consideration. Paragraph 11(d) states:

"Plans and decisions should apply a presumption in favour of sustainable development.

For decision taking this means:

(d) 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 unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*

- 5.13 Whilst the tilted balance is engaged this does not mean all development should be approved. Assessments must be made on a case-by-case basis and particular regard should be given to policies in paragraph 11dii which are referenced in footnote 9 as being paragraphs 66 and 84 of chapter 5, 91 of chapter 7, 110 and 115 of chapter 9, 129 of chapter 11 and 135 and 139 of chapter 12.

Previously Developed Land

- 5.14 The NPPF classifies previously developed land, as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed

surface infrastructure. It is therefore considered the application site can be considered previously developed land from the above definition, given the existing building on site.

- 5.15 The Local Plan Policy GP3: Previously Developed Land and Conversions seeks to support the redevelopment of previously developed land providing that redevelopment does not result in any unacceptable impact, to include (amongst other things), visual and biodiversity impact and potential intensification of the land, and consideration is given to other policies within the development plan. Any potential impact, which are material planning considerations, will be addressed within the report.
- 5.16 The proposal would result in the effective reuse of previously developed land, in accordance with the NPPF and it is considered that this carries weight in favour of the development.

Loss of Employment Land

- 5.17 The site is currently an employment site and therefore Policy ED1 of the local plan applies. Policy ED1 states “All land currently or last used for employment purposes will be protected where a site continues to make a viable contribution to economic development within the Borough. However, in order to ensure land used for economic development continues to provide jobs in the local economy, where a site is proven to be no longer viable for employment uses, a proposal for change of use to a non-B-use class may be considered acceptable.”. The definition of “employment land” in Policy ED1 covers all uses that were at the time classified as B uses. This includes offices which were B1(a) uses and are now Class E(g)(i) of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 5.18 Policy ED1 identifies six tests that will be applied in “order to demonstrate to a sufficient level that market signals indicate that there is no reasonable prospect of the site being used for employment purposes and/or that an alternative land use would support sustainable local communities. Objections have been received relating to the application not complying with Policy ED1.

	Policy ED1 tests	Application of the tests
1	Whether the site is allocated or designated for employment land. Such sites will be given greater protection.	The site is not allocated or designated for employment use.
2	Whether there is an adequate supply of employment sites of sufficient quality in the locality to cater for a range of business requirements. This would involve an assessment of vacant units or land currently being marketed.	Evidence has been presented within the application on the supply of employment sites on 28 July 2023. The latest Authority Monitoring Report shows the Local Plan requirement for additional employment land is on track to be met, but this comprises principally industrial and distribution land rather than offices. The recently published Coventry and Warwickshire Housing and Economic Development Needs Assessment (HENDA) records low vacancy for offices within the borough. The HEDNA

	Policy ED1 tests	Application of the tests
		also provides evidence of significant future need for office space in the borough in the period 2021-2041.
3	Whether the site is capable of being serviced by a catchment population of sufficient size. This may include consideration of whether there is a suitable balance between population and employment in the relevant area settlement, what the impact of employment loss on commuting patterns might be and whether there would be a detrimental impact on the local economy from loss of the employment land. This will be particularly relevant in rural locations.	The applicant notes that the site is located in the built-up area of Rugby, within walking distance of public transport links and within easy reach of the strategic road network. Existing retail, industrial and other employments sites are within reasonable proximity.
4	Whether there is evidence of active marketing. For allocated or designated sites evidence of active marketing should be submitted. This should be for a continuous period of 24 months and should be through a commercial agent with local or sub-regional practice connected to Rugby Borough, at a price that genuinely reflects the market value in relation to use, condition, quality and location of the floor space. A professional valuation of the asking price and/or rent will be required to confirm that this is reasonable.	Marketing evidence is only required for allocated or designated sites, so this requirement is not applicable. The applicant asserts that the site has been marketed since October 2022 (as of July 2023), though as the residential planning application was originally submitted in February 2023 this marketing does not appear to have had substantial time to yield results. The applicant also refers to no interest in the 'building' for office use but provides little evidence in respect of redevelopment for employment uses, beyond an observation of the awkward shape of the site. It is acknowledged however that the evidence base suggests speculative office development is challenging in terms of viability.
5	Whether redevelopment of the site for employment use could be brought forward, taking account of site characteristics (including physical factors, accessibility and neighbouring uses). If employment redevelopment is not viable, whether mixed use redevelopment could be brought forward. It must be demonstrated that consideration has been given to alternative layouts and business uses, including smaller premises with short term flexible leases appropriate for SMEs.	The applicant asserts that the awkward shape of the site would not lend itself easily or viably to redevelopment for employment uses. No exploration of a mixed-use scheme is in evidence in the letter dated 28 July 2023.

	Policy ED1 tests	Application of the tests
6	Whether firms are likely to be displaced through redevelopment, whether there is a supply of alternative suitable accommodation in the locality to help support local businesses and jobs and whether this would promote or hinder sustainable communities and travel patterns.”	There would be no displacement of existing firms as the previous occupier has another site within Rugby which it still occupies.

5.19 Based on the above it is not considered that it has fully been demonstrated that all six tests of Policy ED1 have been satisfied as there is insubstantial evidence that the site could not be redeveloped solely for employment or for a mix of uses.

5.20 Paragraph 125a of the NPPF states that Local Planning Authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans. In particular proposals to use retail and employment land for homes in areas of high housing demand should be supported subject to compliance with other policies within the framework.

Conclusion

5.21 In conclusion, the proposed development is on previously developed land and within the urban area of Rugby which is the most sustainable location in the borough. There is however conflict with Policy ED1 of the Local Plan in that the six tests for employment sites have not been fully satisfied, this conflict will be weighed in the planning balance.

5.22 Due to the Council not currently being able to demonstrate a five-year housing land supply, the presumption in favour of sustainable development in paragraph 11d of the NPPF, ‘the tilted balance’ applies. Therefore, in principle, planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (Footnote 7 policies) provides a strong reason for refusal or (ii) the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits having particular regard to the key policies of the NPPF for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes (individually or in combination).

5.23 To achieve sustainable development, the NPPF states that the planning system has three overarching objectives; economic, social and environmental, which are interdependent. The housing delivery position as set out above is a material consideration in the planning balance.

6.0 Housing Supply and Mix

6.1 New housing in sustainable locations should be supported in accordance with paragraph 11 of the NPPF (2024). The Local Plan does not preclude the development of windfall housing with an allowance of 630 dwellings from windfall sites during the Local Plan period between 1st April 2017 and 31st March 2031, however the windfall allowance within the Local Plan does relate to developments of less than 6 dwellings. Nevertheless, where applications comply with policy, permission should look to be granted to ensure that a mix of housing is being provided in different locations to ensure that a healthy housing land supply is maintained within the Borough in accordance with the NPPF and

the Government’s objective of significantly boosting the supply of homes (paragraph 61). Paragraph 61 of the NPPF also states that the overall aim should be to meet an area’s identified housing need, including an appropriate mix of housing types for the local community.

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

6.3 The proposed development is for 100% Affordable Housing. As the development will not provide market housing, there is no requirement to assess the scheme against Policy H1.

7.0 Affordable Housing Provision

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

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

	1-bed properties	2-bed properties	3-bed properties	4+ bed properties
Dwellings	32	36	36	4
Target	30-35%	30-35%	20-25%	5-10%
Actual	30%	33%	33%	4%

7.3 The Local Plan requirement would be 84% social rent and 16% shared home ownership in accordance with the Housing and Economic Development Needs Assessment (2022). The application proposes the following tenures:

- Shared Ownership – 42 dwellings (39%)
- Social Rent – 66 dwellings (61%)

7.4 RBC housing have commented on the application and in relation to the tenure mix it is considered that a mix of home ownership and rented opportunities has been provided. It is also positive that rent to buy properties have been included as a means to diversify the affordable housing offer on the site. Due to this it is considered that the tenure mix, although not aligned with policy, is acceptable in this instance as more diversity is needed for 108 affordable dwellings in one location.

7.5 As of February 2025 there were approximately 414 households on the waiting list. This provides a snapshot of need and will fluctuate however there is a significant need in the area. In the urban area the need for 1 bedroomed dwellings is the highest followed by 2 and 3 bedroomed dwellings. This is reflected in the Local Plan requirement set out in the table above and justified by the fact of the 414 households on the waiting list 97

households require a 1 bedroomed unit. For 2 and 3 bedroomed properties the combined need is approximately 192 households. It is therefore considered that the proposed dwelling mix does adequately address the affordable housing need and is considered acceptable.

- 7.6 The application is therefore considered to be in accordance with Policy H2 of the Local Plan as the mix of affordable housing units proposed is in accordance with the HEDNA which RBC housing have confirmed accords with the current housing need in the urban area. It is considered that a balanced community would therefore be provided.

8.0 Layout and Design

- 8.1 Policy SDC1 states that all development will demonstrate high quality, inclusive and sustainable design and that new development will only be supported where the proposals are of a scale, density and design that responds to the character of the area.
- 8.2 Policy HS1 states that the potential for creating healthy, safe and inclusive communities will be taken into account when considering all development proposals. In particular layouts should be designed to minimise the potential for crime and anti-social behaviour.
- 8.3 Policy NE2 requires local corridors to be incorporated into new developments where possible to enhance the green and blue infrastructure network.
- 8.4 Paragraph 96 of the NPPF links to Policy HS1 of the Local Plan and states that decision should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.
- 8.5 Paragraph 117 of the NPPF states that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas. Policy D1 of the Local Plan also seeks a safe and convenient access for pedestrians and cyclists.
- 8.6 Paragraph 129 of the NPPF supports development that makes efficient use of land, taking into account the importance of securing well-designed, attractive and healthy places.
- 8.7 Paragraph 135 of the NPPF sets that developments should;
- add to the overall quality of the area
 - be visually attractive as a result of good architecture, layout and appropriate and effect landscaping
 - be sympathetic to local character and history, including the surrounding built environment and landscape setting
 - establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live
 - optimise the potential of the site; and
 - create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.8 Paragraph 139 of the NPPF states that development that is not well designed should be refused. Especially where it fails to reflect local design policies and government guidance

on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 8.9 The layout and design of the proposal has been considered against the 10 characteristics of a well-designed place, as set out in the National Design Guide.
- 8.10 Objections have been received regarding a wide choice of high-quality homes not being provided in line with the NPPF and overdevelopment of the site.
- 8.11 In relation to context and the development enhancing its surroundings it is considered that the proposed layout does address its surrounding context adequately. The proposed layout positively addresses the canal as a green and blue infrastructure feature and the frontage of the development along Projects Drive has dwellings facing outwards to the main road creating an active frontage with parking to the rear.
- 8.12 The National Design Guide states that identity is derived from the interaction of buildings, streets and spaces, landscape and infrastructure. The development has been proposed in such a way as to address its context and provide it with its own identity whilst addressing the wider context.
- 8.13 The layout indicates two footpath connections from within the site northward to the canal footpath that are well-overlooked. It is considered that the location of the connections are acceptable and have been designed in such a way which will encourage the public to use them. This creates a place that is safe, inclusive and accessible or promote health and well-being.
- 8.14 In relation to open space the majority of the amenity greenspace is provided to the south-east of the site, running northwards along the canal. The apartments to the northern and eastern edges of the site will have shared garden / amenity areas which are to be outward facing towards the canal. These areas are to remain open with 1.2m metre high post and rail fencing and hedge planting bounding the curtilages. Similarly, the maisonettes to the central northern area of the site will have outward canal facing curtilages which are to be bounded by the same rail fencing, along with hedgerow planting. The main central and southern areas of public open space are to be demarked with 0.45m high knee-high timber rail fencing. Overall, it is considered that the open amenity space will remain attractive with the footpath links to the canal having an open feel to them with hedgerow planting and 1.2m post and rail fencing adjacent to the links. The green space is considered to be in accordance with policy with this element of the design interlinking with the considerations in relation to the strategic green infrastructure network. It is therefore also considered that the open spaces and linkages to the surrounding network are adequate.
- 8.15 The site is located within the strategic green infrastructure network (as identified in the Green and Blue Infrastructure policies map), and between two blue infrastructure corridors. This policy designation and surrounding context has influenced the layout design substantially with the DAS focussing on this aspect along with the existing trees and hedges within the site boundary. Thus, the proposal is considered to comply with Policy NE2.
- 8.16 Local Plan Policy HS1 Healthy, Safe and Inclusive Communities advises that developers must consider the potential and opportunity for creating healthy, safe, and inclusive communities.

- 8.17 The development is located within the urban area, which provides future residents with good access to recreational facilities, parks, leisure facilities, employment, local shops, services, schools and community facilities. Many of the facilities are accessible by foot or bicycle and will provide opportunity for social interaction, thus, contributing to individual health and wellbeing and the health and wellbeing of the borough, in compliance with Policy HS1.
- 8.18 An assessment has been made as to the design in relation to the cycle storage for the apartments and bin storage for the apartments and dwellinghouses to be accessed directly off private drives. Whilst the design of features such as bin stores and cycle stores are to be approved at a later date, RBC Works Services Unit have confirmed that they are happy with the proposed locations for the bin stores and collection points proposed meaning that all refuse can be collected by RBC in a safe and efficient manner utilising the roads that are to be adopted formally by WCC.
- 8.19 In relation to the dwellings a range of 1 and 2- bedroomed apartments and 2, 3 and 4-bedroomed dwellings are proposed. The apartment blocks are 3.5 storey in nature. The scale of these blocks would be seen in the context of the surrounding area where a maximum of 3.5 storey blocks are found. For this reason, it is considered that they will appear in keeping with the surrounding area and from the canal.
- 8.20 The dwellinghouses are proposed to be a mix of red and buff brick with varying canopy porches. Three-character area designs have been used throughout the site to help define and establish different areas:- frontage style facing onto Projects Drive, central style which are seen throughout the central areas and also canal style which maximise the opportunities for views over the canal whilst ensuring they are appropriate in design to this more publicly viewable area. Variations between these character areas sees the properties have a mix of gable and pitched fronted roofs which helps to break up the roofscape, Juliet balconies to the apartments, traditional brickwork, contemporary windows, brick detailing and doors.
- 8.21 The proposed street scenes show variation and architectural interest. This will result in the area having an interesting and well-defined character with features of interest, variety and definition within the street scene.
- 8.22 The majority of dwellings are set slightly back from the highway and have parking either to the side or rear within parking courtyards. This arrangement will ensure that there is no loss to visual amenity by reason of parked cars being to the side of properties or set within landscaped courtyards.
- 8.23 Overall, it is considered that the proposed scheme provides a high-quality place and would not have a detrimental adverse impact on the character of the area for the reasons outlined above and it is therefore in accordance with local and national policy and guidance.

9.0 Trees and Landscaping

- 9.1 Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments. It goes on to state that existing trees should be retained where possible. Policy SDC2 of the Local Plan relates to landscaping and sets out that proposals should identify important site feature for retention.

- 9.2 The proposal requires the removal of a mature Purple leaved Beech tree (T42 in tree report). It is highlighted within the applicants' tree report as a Category A2 tree i.e. a "high quality tree of particular visual importance". Indeed, it is the most prominent tree which draws the eye as entering Projects Drive from Boughton Road and forms a significant visual amenity feature. The proposed access is in a position whereby T42 will be required to be removed. The Councils arboricultural officer has not objected to this given that there are no alternative safe or suitable alternative options to locate a vehicular access into the site and substantial tree planting is proposed throughout the scheme as a whole.
- 9.3 A condition (**condition 18**) is recommended to ensure that a finalised arboricultural method statement and tree protection plan for the retained trees on the site are submitted to and approved in writing prior to any works on the site commencing.
- 9.4 The soft landscaping scheme submitted illustrates that the vast majority of trees on site are to be retained with only those to the vehicular access, one to the southwestern corner, those to the eastern side and two to the far north, where the apartment blocks are proposed, required to be removed. Proposed soft landscaping comprises of a mix of rich, wet and shade tolerant grassland, native and single species hedgerow, low shrub mix and ornamental planting. Trees are proposed within the parking courtyard to the south of the site to help the visual amenity from within and outside of this area. Overall, the Councils' Arboricultural Officer has confirmed that the planting species proposed are good with tree species for front gardens not growing to excessive heights and tree pit details ensuring the establishment and growth for trees within landscaped areas. Therefore, no objections are raised in this respect to the proposal.

10.0 Climate Change and Sustainable Design

- 10.1 The Council has declared a 'Climate Emergency' pledging to take local action to contribute to national carbon neutrality targets; including recognising steps to reduce its causes and make plans to respond to its effects at a local level.
- 10.2 Local Plan Policy SDC4 read in conjunction with the Climate Change and Sustainable Design and Construction SPD, which sets out further guidance on how the development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.
- 10.3 The application is accompanied by a sustainability checklist and a Sustainability and Energy Statement which provides details of how the development proposes to incorporate Electrical Vehicle Charging for all dwellings, cycle storage, a renewable energy dwelling package and electric air source heat pumps. The applicant has indicated a 'fabric first' approach to the dwellings.
- 10.4 It is considered that the applicant has demonstrated how energy efficiency and sustainability has been incorporated within the development and therefore the development complies with Policy SDC4

11.0 Residential Amenity

- 11.1 Policy SDC1 seeks to ensure that living conditions of existing and future neighbouring occupiers are safeguarded from the impact of new development.

- 11.2 The Sustainable Construction and Climate Change SPD (2023) outlines criteria which could be used to determine whether a development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. It also states that National Described Space Standards (NDSS) should be met. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 11.3 Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policy HS1 of the Local Plan echoes this.
- 11.4 The current use of the site is employment. The offices were in use until 2022/2023 therefore there has been a decrease in activity at the site. The proposed built form would be sited across the majority of the site.
- 11.5 In relation to neighbouring residential amenity the site is bordered to the east, west and south by residential dwellings. The proposed siting of the dwellings would be in locations which accord with the separation distances of 21 metres principal window to principal window and 14 metres principal window to blank elevation. There is existing vegetation which screens the boundaries of the site, the majority of which is to be retained. In relation to any disruption relating to the construction of the scheme it is considered that noise and any other pollution can be controlled via condition (condition 7,8, 9). Construction hours and management conditions could be imposed.
- 11.6 In relation to the residential amenity of future occupiers all dwellinghouses and apartment comply with NDSS.
- 11.7 The SPD sets out that flats/apartments should have usable outdoor space such as communal gardens or balconies. The proposed apartment blocks have private space (communal or otherwise). All dwellinghouses have garden sizes which meet the SPD guidance.
- 11.8 It is considered that the internal space standards, garden sizes and provision of private amenity space for apartments and the overall design of the site would provide high quality residential amenity for future occupiers. It is therefore considered that the proposal is in accordance with policy SDC1 of the Local Plan and paragraph 135 of the NPPF

12.0 Ecology and Biodiversity

- 12.1 Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets states that The Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity. Development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy. Planning permission will be refused if significant harm resulting from development affecting biodiversity cannot be:
- Avoided, and where this is not possible;
 - Mitigated, and if it cannot be fully mitigated, as a last resort;

- Compensated for.

- 12.2 A biodiversity metric has been submitted in support of the application. The metric shows a loss of 2.35 units generated by the loss of heathland and scrub (1.91 units) and trees (0.46 units). It is considered that based on the current layout there is no further scope for further habitat creation within the site therefore an agreement for offsetting would be required and secured through a section 106 agreement. The loss of 0.46 individual tree area biodiversity units would require a £19,081.84 contribution and the 1.91 heathland and shrub loss a £46,017.77 contribution.
- 12.3 Therefore, in relation to net gain the application complies with Policy NE1 of the Local Plan and paragraph 193 of the NPPF.
- 12.4 WCC Ecology have assessed the scheme. An Ecology Assessment has been submitted in support of the application and provides an assessment in relation to protected species. The report concludes that appropriate measures for clearance and construction phases can be incorporated to avoid harm to protected and notable species before and during the development. A condition (condition 14) is recommended in this respect. Furthermore, a lighting condition (condition 16) is necessary to ensure that low levels of light are retained wherever possible, particularly to the northern canal side boundary, to minimise impact on emerging and foraging bats and other nocturnal species.
- 12.5 Overall the proposal is considered to comply with Policy NE1 of the Local Plan and the NPPF.

13.0 Air Quality

- 13.1 Policy HS5 requires that development of more than 1000 sqm of floorspace or 10 or more dwellings must achieve or exceed air quality neutral standards. If air quality neutral standards are not met, points 2, 3 and 4 of the policy detail how developments should address the impacts of poor air quality, including mitigation measures.
- 13.2 Objections have been received in relation to air pollution from the proposed development.
- 13.3 The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.” It is recognised that the current proposal triggers the threshold of a Major development and as such policy HS5 is relevant. The proposal introduces:
- Low NOx heating and boilers for 108 dwellings and;
 - Car parking spaces per dwelling
- 13.4 Within the context of point 1 of the policy, the development is not considered to be air quality neutral and in addition requires an Air Quality Assessment. This has been submitted with the application and concludes that there would be a reduction in annual average daily trips compared to the current office use. Environmental Health agree with the conclusions of the assessment. As a result, only on-site mitigation measures as detailed in points 2 to 4 of the policy are required. The following on-site mitigation measures are proposed:
- Electric vehicle charging – in accordance with approved Document S ‘Infrastructure for charging electric vehicles’.

- Cycle parking spaces
- Solar panels
- Low NOx heating boilers

13.5 Taken as a whole, it is considered that the above package of mitigation measures meet the requirements of points 2-4 of the policy and as such complies with Policy HS5. Details will be secured via condition (condition 6).

14.0 Flooding

14.1 Chapter 14 of the NPPF sets out government requirements on how the planning system should take into account the risks caused by flooding. The Planning Practice Guidance under the chapter entitled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.

14.2 Policy SDC5 of the Local Plan sets out the sequential approach taken in relation to flooding based on the flood zone.

14.3 The application site lies within flood zone 1, having a low probability of flooding from rivers. However, the proposed development may present risks of flooding on-site and/or off-site if the surface water runoff is not effectively managed.

14.4 The detailed Flood Risk Assessment (FRA) and Indicative Drainage Strategy has been reviewed by the Lead Local Flood Authority and the LLFA have no objection to the scheme subject to conditions (condition 11 and 12).

14.5 Subject to conditions relating to detailed surface water drainage schemes, verification report for the drainage system and maintenance plans, the scheme is therefore compliant with Policy SDC5 of the Local Plan and the NPPF.

15.0 Pollution

15.1 The NPPF states that proposals should be prevented from contributing to, being at risk from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 196 of the NPPF states that a site should be suitable for its proposed use by taking account of ground conditions and any risks arising from land instability and contamination.

15.2 Objections have been raised in relation to car pollution, pollution for the demolition of the current building and asbestos issues needing to be dealt with safely when demolition occurs. In relation to the demolition this application does not consider this aspect as the previous prior approval application which was granted on the site was for the demolition. This application deals with the new development only.

Contamination

15.3 A Geo-Environmental Desk Study (June 2023) has been submitted in support of the application. Section 7.7 sets out the recommendations for a Phase II intrusive investigation and Environmental Health offer no objection to this. The report is accepted however further works are necessary therefore a condition (condition 8) relating to contaminated land will be imposed detailing the investigation be carried out prior to any development commencing.

Noise

- 15.4 The 'MEC Acoustic Air, Projects Drive, Rugby Acoustics Assessment January 2024' has been submitted in support of this application. Overall, the report has found to be acceptable by Environmental Health with the recommendations within section 6.11 and table 6.2 (and as per Appendix F) accepted, standard thermal double glazing and standard non-acoustic trickle vents will provide sufficient attenuation.
- 15.5 On the basis the above noted recommendations of the report are implemented, no additional conditions in relation to noise are required over and above the conditioning the recommendations within the report referenced above except in relation to the future installation of air source heat pumps and the potential impact upon residential amenity.
- 15.6 Overall, it is considered that the development complies with the NPPF subject to conditions.

16.0 Highways

- 16.1 Policies D1 and D2 of the Local Plan seeks transport mitigation measures and adequate parking provision. Policy HS1 of the Local Plan seeks to contribute to the development of high quality, safe and convenient walking and cycling network.
- 16.2 The applicants have submitted a Transport Assessment (TA) AND Stage 1 Road Safety Audit which provide an assessment of the potential impacts that the development proposals could have upon the safe and efficient operation of the highway network. The Highway Authority has reviewed the submitted information.
- 16.3 Objections have been received in relation to road safety issues from more cars, development resulting in significant traffic compared to the existing office which is not being used, impact on traffic at peak hours and inadequate parking provision.

Access

- 16.4 A Road Safety Audit (stage 1) has been undertaken for the proposal. Warwickshire County Council highways have reviewed the information and design and are content that the proposed access would not have a highway safety impact. The site layout accords with the county councils design guide.

Trip Generation

- 16.5 WCC highways have concluded that the proposed residential land use is estimated to generate significantly fewer trips than the existing land use (office) and is unlikely to have a detrimental impact upon the local highway network.

Parking

- 16.6 Appendix 5 of the Local Plan sets out the car parking standards for dwellings. The site is in a low access area. The proposed dwellings meet the current adopted parking standards with all apartment blocks having adequate car parking provision and cycle storage. The apartment block floor plans do not show internal cycle provision and the site layout plan does not show any external secure undercover provision.
- 16.7 Each dwelling house is also to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient location.

Sustainable Transport

- 16.8 WCC previously raised concerns over the connectivity of the site to the surrounding network. It is considered that the introduction of footpath links to the canal address these concerns. Section 106 contributions have been requested to provide safer walking routes to bus stops on Broughton Road, cycling and walking routes to local schools and play areas, improved crossing provision on Broughton Road between Projects Drive and Crowthorns, and priority crossings on the cycle track along Projects Drive.

Other Considerations

- 16.9 The main historic access into the site would be stopped up and developed for housing/landscaping. The new access is proposed to the south-east.
- 16.10 Public rights of way team have no objections to the proposal.
- 16.11 WCC Highways have undertaken a full assessment of all of the submitted information and raise no objections to the scheme subject to conditions (condition 20-27) and financial obligations (set out further in the planning obligations section of this report). The scheme does provide adequate car and cycle parking for the apartment blocks and all dwellings. The scheme complies with Policy D1, D2 and HS1 of the Local Plan and the wider policies in the NPPF.

17.0 Planning Obligations

- 17.1 Paragraphs 56, 58 and 59 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.
- 17.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:
(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.
If a requested planning obligation does not comply with all of these tests, then it is not possible for the Council to take this into account when determining the application. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below. It is considered that all of these requests meet the necessary tests and are therefore CIL compliant.
- 17.3 Objections have been received in relation to existing infrastructure not being adequate to deal with existing residents needs and an increase in population will worsen the issues.

Affordable Housing

- 17.4 Policy H2 of the Local Plan (2019) states that affordable homes should be provided on all sites of at least 0.36 hectares or capable of accommodating 11 dwellings or more. This policy further states that on previously developed land 20% affordable housing would be required. The scheme is compliant with this policy as it will deliver 100% affordable housing.

17.5 The s106 will secure the delivery of this provision which is necessary to meet identified affordable housing needs and to be policy compliant and so complies with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) as it is directly related to the application scheme and fairly and reasonably related in scale and kind to the proposed development.

Health

17.6 Paragraph 96 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places and enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs.

NHS Trust - University Hospitals Coventry and Warwickshire (UHCW)

17.7 UHCW have requested a contribution to address NHS revenue shortfalls for acute and emergency treatment. This is by way of a monetary contribution of **£151,013.07** towards the funding gap in respect of A&E and acute care at University Hospitals Coventry and Warwickshire.

17.8 The request states that it is not possible for the trust to predict when planning applications are made and delivered and therefore cannot plan for additional development occupants as a result. It also states that the funding is negotiated on a yearly basis, and this will eventually catch up with the population growth. It is rare that a development is permitted and delivered in the same year and therefore it seems difficult to accept that predications on population growth in line with Council's five-year housing land supply positions could not be made.

17.9 It is stated that the Trust's hospitals are now at full capacity and there are limited opportunities for it to further improve hospital capacity utilisation. The population increase associated with this proposal is stated to directly impact the Trust by adding 604 acute interventions. Due to this the Trust would be required to source agency staff to meet this additional demand until it is in receipt of ICB funding to enable recruitment of substantive posts to manage this additional demand.

17.10 This contribution has been considered, and it is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid Section 106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by UHCW to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. UHCW is unable to demonstrate that the burden on services arises directly from the development proposed, opposed to a failure in the funding mechanisms for care and treatment. The request made is to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. UHCW has not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Therefore, it has not been demonstrated that the request fairly and reasonable relates in scale and kind to the development proposed.

17.11 Further, the Council understands from the cases of R(Worcestershire Acute Hospitals NHS Trust) v Malvern Hills DC and others [2023] EWHC 1995 (Admin) and R (University

Hospitals of Leicester NHS Trust) v Harborough District Council [2023] EWHC 263 that Acute NHS Trust funding from CCGs (or their successors ICBs) includes an element for population growth. The Trust's request does not appear to acknowledge this nor explain how much of the funding it receives from CCGs / ICBs is attributable to population growth.

- 17.12 The Council is not satisfied that the Trust has shown that there will be any residual funding gap, nor, if there is such a funding gap, what the size of that gap is. Therefore, it would be unlawful to require the payment of the contribution sought by the Trust. This request is therefore not considered to meet the test of the CIL Regulations.

NHS Coventry and Warwickshire Integrated Care Board (the ICB)

- 17.13 The ICB has requested a contribution of **£139,331** towards addressing the deficiencies in services within a specific area of the site. The proposed development would create an increased population of 252 patients which would equate to an additional floorspace GIA of 26 square metres. The total cost of this additional capacity would equate to £139,331. The contribution would be used for improvements and/or extension and/or replacement of primary medical facilities in the Rugby Primary Care Network at one of the 3 practices specified within the ICB's response.
- 17.14 The provision of a health care contribution for the CCG is required for compliance with policies D3 and D4 of the Local Plan (2019). The requirement of funding for Health Care provision at an identified local GP surgery or healthcare facility addresses the impacts of the development on existing and future needs of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local health care facilities identified, as set out within the ICB's consultation response, arising from the additional demand on services directly related to the population generated from the development.
- 17.15 The extent of the CCG contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore, the contribution fairly relates in scale and kind to the development proposal.

Education

- 17.16 Warwickshire County Council has requested a contribution towards education based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. The housing mix has been factored in and therefore the number of eligible units is 76 rather than 108. The contribution sought based on current available places is as follows (overleaf):

- Secondary Education £405,648
- Post 16 Education £90,144
- Primary SEN £25,383
- Secondary / Post SEN £25,383

TOTAL - £495,792

17.17 Capacity at the nearest schools to the proposal for each sector of education (as set out above) has been considered and the assessment has determined whether the proposal would create demands upon these services. The total contribution is £495,792 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities.

17.18 The contribution towards addressing the impact of the development upon education is required for compliance with Policy D3 of the adopted Local Plan and would address the impacts of the development on essential infrastructure within the local area. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and has only been requested where there is an identified deficit of places. Therefore, the contribution relates fairly and reasonably in scale and kind.

Open Space and Outdoor Sport

17.19 Policy HS4(A) of the Local Plan states that residential development of 10 dwellings and above shall provide or contribution towards the attainment of the Council’s open space standards as set out within the policy. It also states that contributions through CIL/S106 will be sought from developments where the proposal would further increase an existing deficit in provision or where the proposal will result in the provision standards not being met within the ward or parish it is located within (contained within appendix 4 of the local plan). Policy HS4(B) states that new open space should be accessible and of high quality, meeting a set of criteria.

17.20 Appendix 4 sets out the surplus and deficits for each parish/ward in relation to open space and concludes the following for Newbold and Brownsover Ward (reference 8):

Parish	Population	Provision	Children’s Play (0.2ha per 1,000 pop.)	Natural and semi natural (2.5ha per 1,000 pop)	Amenity Greenspace (0.5ha per 1,000 pop)	Allotments (0.8ha per 1,000 pop)	Parks and Gardens (1ha per 1,000 pop)
Newbold and Brownsover	7,594	Current Provision	0.44	49.02	20.39	1.82	2.82
		Surplus/ Deficit	-1.08	30.04	12.04	-3.12	-8.57

17.21 The above table shows that there is a deficit of Children’s Play, Allotments and Parks and Gardens. It is deemed that Parks and Gardens could not be provided on site due to the nature of this typology. In addition, an off-site contribution was not deemed CIL compliant due to no designated open spaces for this typology being within the accessibility requirements of the site. The same assessment was made for Allotments.

17.22 Although there is a surplus of amenity greenspace within the parish it was assessed that this provision needed to be provided on site due to the requirement for dwellings to be within 100 metres of a Local Area of Play. The on-site open space is only amenity greenspace (Open Space Plan Rev: V indicates 0.294ha where the local plan requirement for this development would be 0.266ha).

17.23 The Planning Obligations SPD states that where on site open space is not provided an off-site contribution is required towards Play and Open Space, subject to negotiation with the Council.

17.24 It is considered that in this instance an off-site contribution can be made towards Children's Provision (i.e. LEAP) as there are two LEAP's which are accessible to the site (within 400 metres) – Projects Drive Play Area and Waterside Drive Play Area. There is also a natural and semi-natural open space within 720 metres of the site which requires improvement therefore it is considered that it is reasonable to request an off-site contribution for Natural and Semi-Natural greenspace.

17.25 A contribution is sought for the maintenance of the on-site open space in accordance with the SPD and calculated as follows:

Type – Open Space	On-site provision	Cost of Maintenance	Maintenance time period	Cost of maintenance provision
Amenity Greenspace	0.302ha	0.54	5	£8,154.00

Note: the maintenance is calculated as provision (sqm) x cost of maintenance x time period.

17.26 The obligations for off-site provision in line with the above assessment is as follows:

Type – Open Space	Local Plan provision requirement	Cost of Provision	Off-site cost of provision	Cost of Maintenance	Maintenance time period	Cost of maintenance provision
Provision for Children and Young People	0.0485	12.65	£6,132.72	2.91	10	£14,107.68
Natural and Semi-Natural	0.6060	5.72	£34,663.20	0.57	5	£17,271.00

17.27 The section 106 will secure these contributions and sets out that if the Borough Council or its nominee does not accept the transfer of on-site public open space then details of a Management Company should be submitted along with it and a maintenance schedule to maintain the public open space in perpetuity.

17.28 The planning obligation is necessary to make the development acceptable in planning terms; is directly related to the development; and is fairly and reasonably related in scale and kind to the development. The formula used to calculate the cost for maintenance are provided by up-to-date costings for these types of open space and the obligations are based on the proposed dwelling number and related population growth in the area. The

obligations are related in scale and kind to the development and its impacts upon the surrounding publicly accessible open spaces.

- 17.29 The contribution meets the tests laid out in paragraph 58 of the National Planning Policy Framework and guidance on Planning Obligations in the Planning Practise Guidance. The contribution sought also fulfils the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended by the 2011 and 2019 Regulations).

Rights of Way

- 17.30 Policy W10 of the Warwickshire Local Transport Plan seeks to develop, support and promote opportunities for recreational walking in the County.
- 17.31 The County Council seeks a financial contribution to support the ongoing maintenance and improvements of public rights of way within a 1.5-mile radius of the site. The rights of way to be considered are RB1-RB9 RB10 Rb13 RB13a RB13b RB13e RB38 RB44 RB48 RB49 R93 R94 R95 R102 - R112a R114 R114a R116 R202 R270 and R271. The requested calculation is based on the length or public rights of way within a one and half mile radius of the site and is calculated at **£3,911.39**.

Highways

- 17.32 As set out within the Highways section of this report it is considered that the two obligations below are required to mitigate the development:
- £100,000 for improved crossing provision on Boughton Road between Projects Drive and Crowthorns.
 - £50,000 to provide priority crossings on the cycle track along Projects Drive.
- 17.33 Therefore, the obligation is necessary as arises for the development and directly related in scale and kind to the development. The obligation is therefore considered to be CIL compliant.

Public Transport and Sustainable Travel Promotion

- 17.34 The County Council is seeking a financial contribution to support the provision of an hourly bus service from the development site to Rugby Town Centre.
The contribution to be payable over a number of years and totals **£231,000**

Year 1 - £ 57 500

Year 2 - £ 57 500

Year 3 - £ 57 500

Year 4 - £ 57 500

- 17.35 The County Council is keen to promote sustainable travel and requests that a condition is secured to ensure the developer provides information on local sustainable travel under a as part of their new dwelling welcome information.

Road Safety

- 17.36 The Warwickshire Local Transport Plan Policy RS1: Supporting the Government's Commitment to Road Safety includes Policy RS12 which ensures the County Council will work in partnership with schools and others to deliver road safety education. Policy RS14 of this document seeks to change young people's perceptions/attitudes to driving.

17.37 A contribution of £50 per dwelling is sought to support road safety initiatives within the community associated within the development. Road safety initiatives include road safety education for schools and training/education for other vulnerable road users within the area. Based on 101 dwellings the of contribution requested will be **£5,400**. It is considered that the contribution is CIL complaint.

Libraries

17.38 Warwickshire County Council have requested a sum of **£1,740** towards provision of additional services at Rugby Library, which is the nearest local library facility to the development.

17.39 The contribution towards addressing the impact of the development upon library facilities is required for compliance with Policy D3 of the adopted Local Plan and addressed the impacts of the development on essential infrastructure within the local area. The Library is within 1.4 miles of the site, the request states that the proposed development will add to the existing library's catchment population which would have a direct impact upon the local library facilities, this is accepted in this instance as the library is a reasonable distance away and bus access is available from the bus stop which is an accessible distance from the site, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and relates to the number of dwellings proposed, therefore the contribution relates fairly and reasonably in scale and kind.

Ecology

17.40 See Ecology section within this report.

Heads of Terms

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

Obligation	Requirement	Trigger
Affordable Housing	100%	Prior to occupation of dwellings
Health	Integrated Care Board £139,331	Prior to occupation of dwellings
Play and Open Space	On-site Maintenance – £8,154.00 Off-site Provision – £40,795.92 Off-site Maintenance – £31,378.68	Prior to Occupation of dwellings
Education	Secondary Education £405,648 Post 16 Education £90,144 Primary SEN £25,383 Secondary / Post SEN £25,383	To be confirmed
Libraries	£1,740	To be confirmed

PROW	£3,911.39 Improvements to Public Rights of Way within a 1.5mile radius of Development site	To be confirmed
Highways	Public Transport £231,00.00 Cost of securing improvements to local bus service to support the forecasted demand in trips by sustainable means Year 1 - £ 57 500 Year 2 - £ 57 500 Year 3 - £ 57 500 Year 4 - £ 57 500 £150,000 - improved crossing provision and priority crossings on the cycle track. Road Safety - £5,400	To be confirmed
Ecology	£19,081.84 – loss of 0.46 individual tree area biodiversity units. £46,017.77 -loss of 1.91 heathland and shrub	To be confirmed
Monitoring	WCC - per trigger £700 + (5 hours x £40 Officer time x Number of triggers) RBC - £550 per obligation *This figure will need to be checked for any increase since previous application	Upon first occupation of the development

17.42 Local planning authorities should ensure that the combined total impact of planning conditions, highway agreements and obligations does not threaten the viability of the sites and scale of development identified in the development plan. The applicant does not claim any viability issues with the development therefore it is considered that there are no viability implications for this development.

17.43 If the committee resolves to approve the proposal, this will be subject to the completion of an agreement by way of a section 106 covering the aforementioned heads of terms.

- 17.44 In relation to any financial contributions or commuted sums sought through a s.106 agreement, the financial contributions or commuted sums set out in this report will be adjusted for inflation for the period from resolution to grant to completion of the s.106 agreement. In addition, any financial contributions or commuted sums sought through a s.106 agreement will be subject to indexation from the completion of the s.106 agreement until the date that financial contribution or commuted sum falls due. Interest will be payable on all overdue financial contributions and commuted sums.
- 17.45 Subject to the completion of a section 106 agreement the development would be in accordance with Policy D3 of the Local Plan.

18.0 Other Matters

- 18.1. Objections have been received referring to the sites proposed use and stating the site should be turned into green space not another housing estate which will reduce the quality of life for existing residents. Open space is proposed within the development. The application has to be assessed and determined based on the information submitted.
- 18.2 Section 16 of the NPPF sets out the approach taken to the historic environment. Policy SDC3 of the Local Plan states that development will be supported that sustains and enhances the significance of the Borough's heritage assets which includes archaeology. WCC Archaeology have reviewed the application and deemed that it is unlikely that the proposed scheme will have a significant archaeological impact. WCC Archaeology therefore have no comment to make on this application.
- 18.3 RBC Waste have commented that all refuse and recycling collections will be kerbside or via collection areas and therefore all access roads will need to be of highway standard to withstand 26-ton collection vehicles, if any flats/apartments are to be included in development then all bin stores will need to be of adequate size to accommodate communal refuse and recycling bins. The scheme complies with all aspects in this respect.
- 18.4 Policy SDC9 - Broadband and Mobile Internet: requires developers to facilitate and contribute towards the provision of broadband infrastructure suitable to enable the delivery of broadband services. A condition (condition 5) will be included within the decision notice to ensure each dwelling is provided with the facility to enable broadband internet connection. It is considered once the condition has been complied with satisfactorily, the proposed development will comply with Policy SDC 9.
- 18.5 Warwickshire Fire and Rescue Service has provided a response of no objection to the proposed development, subject to the imposition of a condition (condition 6) for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site and subject to the development meeting the fire safety criteria, as required by Approved Document B, Volume 1, Requirement B5 – Access and Facilities for the Fire Service. A condition and informative note will be included to notify the applicant/developer's responsibility to fire safety.
- 18.6 Warwickshire Police have been consulted and provided a response of no objection. Warwickshire Police have provided advise on crime and anti-social behaviour prevention, which has been forwarded to the applicant.

19.0 Planning Balance and Conclusion

- 19.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 19.2 The latest Five-Year Housing Land Supply Position Statement 2024-2029, published in December 2024, confirms the council as of 1st April 2024 could demonstrate a 6.9-year supply of housing. Due to the date of the Local Plan 2011-2031 (June 2019 adoption) the method for calculating five-year housing land supply has reverted to the standard method as set out within the NPPF and PPG. The formal position as set out above is currently being updated however due to the change in standard method within the 2024 NPPF and the date of the adopted local plan the Council acknowledges that the updated position as of 1 April 2024 is a supply of 4.6 years and therefore the Council cannot demonstrate a 5-year housing land supply.
- 19.3 Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (with particular regard given to policies within footnote 9 of the NPPF).
- 19.4 There is conflict with Policy ED1 of the Local Plan in that the six tests for employment sites have not been fully satisfied. Weighed against this conflict is paragraph 125a of the framework and the surrounding residential context in this area of high housing demand. This conflict is afforded limited weight.
- 19.5 No other conflict with the development plan has been identified therefore all other policies referenced from the Local Plan and the NPPF within this report are considered to be complied with.
- 19.6 Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of 108 affordable houses. These additional affordable houses have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 19.7 It is important to identify any further benefits. Using the three strands of sustainability as defined in the NPPF, the benefits are broken down into economic, social and environmental. There are a number of financial contributions associated with the s.106, these exist to mitigate impact the proposed development would have and therefore cannot be considered as benefits.
- 19.8 From an economic objective the proposed new dwellings would result in jobs being created during the construction of the site, new household spending in the Borough, a contribution to the viability of local retail uses, services and businesses and additional Council Tax revenue. Such matters would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the application and attract significant weight in the planning balance. As such, the proposed development would satisfy the economic role of sustainable development.
- 19.9 From a social objective the scheme for 108 dwellings of which all would be affordable dwellings, would consequently contribute towards meeting a housing need as identified

above. The proposals include open space which is to be accessible to members of the public. In addition to the open space, the provision of new public footpaths across the site, and enhanced pedestrian and cycle links into and out of the site also provide a notable social benefit. These social benefits, in particular additional affordable houses, have significant weight in the planning balance as they would assist in addressing the current shortfall of affordable housing in the area and therefore hold significant weight within the balance.

- 19.10 From an environmental objective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, trees and hedgerows, archaeology, highway safety, traffic flows, ecology, flood risk, drainage, air quality, noise, contamination, residential amenity, water conservation and carbon emissions have all been considered and weighed against the existing use and buildings on the site. The proposal will bring about environmental enhancements through the additional tree planting and landscaped areas. Due to there already being green space on the site (not publicly accessible) there is not a biodiversity net gain on site however this is to be mitigated off site. The proposal meets the environmental arm of sustainable development. These benefits hold moderate weight within the balance.
- 19.11 Weighed against the identified harm is the economic and social benefits which hold significant weight and the environmental benefits which hold moderate weight.
- 19.12 Overall, it is considered that the proposal would be a sustainable form of 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 without delay in accordance with paragraph 11 (c) of the Framework.

20.0 Recommendation

1. Planning application R24/0103 be approved subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chair) be given delegated authority to add, vary or remove any of the financial contributions and/or planning obligations outlined in the heads of terms within this report.

DRAFT DECISION

REFERENCE NO:
R24/0103

DATE APPLICATION VALID:
01-Feb-2024

APPLICANT:

Morro Partnerships and Rugby Assets Limi Morro Partnerships and Rugby Assets Limi, c/o rg+p

AGENT:

rgp Ltd rg+p Ltd., Waterloo House, 71 Princess Road West, Leicester, LE1 6TR

ADDRESS OF DEVELOPMENT:

Land North of Projects Drive, Rugby

APPLICATION DESCRIPTION:

Construction of 108 dwellings with associated access, roads, parking and landscaping.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Documents received by Council 1st February 2024
Site Location Plan Ref: 101-985LIV/(P)017D
Air Quality Assessment Ref: 27663-ENV-0402 Rev C
Ecological Appraisal Rev A
Water Vole and Bat Emergence Survey Ref: PDR-BWB-ZZ-XX-RP-LE-0001
Acoustics Assessment Ref: 27663-ENV-0401 Rev C
Sustainability and Energy Statement Ref: 101-985LIV
Sustainability Checklist
Broadband Statement Ref: 101-985LIV
Landscape and Ecology Management Plan
Phase II Geo-Environmental Investigation Ref: GML23123/2/1 Rev O
Phase I Geo-Environmental Desk Study Ref: 27663-GEO-0401 Rev B
Tree Constraints Plan 1 of 5 Drwg. No. 22.1740.001 Rev A
Tree Constraints Plan 2 of 5 Drwg. No. 22.1740.002 Rev A
Tree Constraints Plan 3 of 5 Drwg. No. 22.1740.003 Rev A
Tree Constraints Plan 4 of 5 Drwg. No. 22.1740.004 Rev A
Tree Constraints Plan 5 of 5 Drwg. No. 22.1740.005 Rev A
Tree Protection Plan 1 of 5 Drwg. No 22.1740.006 Rev C
Tree Protection Plan 2 of 5 Drwg. No 22.1740.007 Rev C
Tree Protection Plan 3 of 5 Drwg. No 22.1740.008 Rev C
Tree Protection Plan 4 of 5 Drwg. No 22.1740.009 Rev C

Tree Protection Plan 5 of 5 Drwg. No 22.1740.010 Rev C
Arboricultural Implications Assessment Report No: 22.1740.R1C

Documents received by Council 8th April 2024
Flood Risk Assessment and Drainage Strategy Ref: 002460-JPL-ZZ-ZZ-RP-D-2001-A3-C02
Flood Risk Management Supporting Letter dated 2nd April 2024

Documents received by Council 8th July 2024
Design and Access Statement Ref: 04/07/24 Rev C SJG / RAW
Indicative Drainage Strategy Layout Drwg. No. 002460 JPL ZZ ZZ DR D 4051 S3 Rev P11
Flood Risk Assessment and Drainage Strategy Ref: 002460-JPL-ZZ-ZZ-RP-D-2001-A3-C01

Documents received by Council 17th July 2024
Statutory Biodiversity Metric
Transport Assessment and Travel Pack Ref: Job number P1656 Rev 5
Proposed Access and Visibility Drwg. No. P1656/11C

Documents received by Council 5th August 2024
Road Safety Audit Ref: 18606, Revision 1, (Issue 2) 29 July 2024

Documents received by Council 12th September 2024
Habitat Retention Drwg. No. Figure 3 Rev J
Proposed Habitats Drwg. No. Figure 4 Rev J
Habitat Condition and Distinctivness Drwg. No. Figure 5 Rev J

Documents received by Council 24th October 2024
Application Form
Planning Statement
101-985LIV (HT)101C C-C 2B4P Housetype BB Central Style
101-985LIV (HT)103C E - E 3B5P Housetype Central Style
101-985LIV (HT)105D C 2B4P - Gx2 1B2P Housetype Central Style
101-985LIV (HT)106D Gx2 1B2P - C 2B4P Housetype Central Style
101-985LIV (HT)107D Gx2 1B2P - C 2B4P V2 Housetype BB Central Style
101-985LIV (HT)108E Gx2 1B2P Housetype RB Central Style
101-985LIV (HT)109E Gx2 1B2P HANDED Housetype RB Central Style
101-985LIV (HT)110D H - H 3B5P Housetype RB Central Style
101-985LIV (HT)111C H - H SW 3B5P Housetype RB Central Style
101-985LIV (HT)202D Gx2 1B2P Housetype BB Canal Style
101-985LIV (HT)203E Gx2 - Gx2 1B2P Housetype BB Canal Style
101-985LIV (HT)204E H - H 3B5P Housetype RB Canal Style
101-985LIV (HT)205F FLAT BLOCK Housetype RB Canal Style
101-985LIV (HT)206E FLAT BLOCK V2 Housetype Canal Style
101-985LIV (HT)207F FLAT BLOCK HANDED Housetype RB Canal Style
101-985LIV (HT)210C H - H SW 3B5P Housetype RB Canal Style
101-985LIV (HT)303C F 4B6P - Cx2 2B4P - F 4B6P Housetype BB Frontage Style
101-985LIV (HT)304D H - H 3B5P Housetype RB Frontage Style
101-985LIV (HT)305D H - H - H - H 3B5P Housetype RB Frontage Style
101-985LIV (HT)306D H 3B5P - C 2B4P - H 3B5P Housetype RB Frontage Style
101-985LIV (HT)307E H 3B5P - Cx2 2B4P - H 3B5P Housetype BB Frontage Style
101-985LIV (HT)308B F 4B6P - Cx2 2B4P - F 4B6P V2 Housetype BB Frontage Style
101-985LIV (HT)309C E - H - H 3B5P Housetype RB Frontage Style

101-985LIV (HT)310B H - H - E 3B5P Housetype RB Frontage Style

Documents received by Council 13th February 2025

Proposed Site Layout 101-985LIV (P)025S

Proposed Materials -101-985LIV (P)011W

Proposed Boundary Treatment -101-985LIV (P)012V

Proposed Open Space – 101-985LIV (P)013V

Proposed Garden Sizes – 101-985LIV (P)014X

Waste Collection Strategy – 101-985LIV (P)030C

Separation Distances – 101-985LIV (P)016V

Adoptable Highways – 101-985LIV (P)015V

REASON:

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

CONDITION 3:

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

REASON:

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

CONDITION 4:

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

REASON:

In the interests of sustainability and water efficiency.

CONDITION 5:

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

REASON:

To provide broadband connectivity for future occupiers.

CONDITION 6:

The proposed development is subject to the below criteria being met, as required by Approved Document B, Volume 1, Requirement B5 - Access and Facilities for the Fire Service:

- A fire appliance to gain access to within 45 metres of all points inside each dwelling.
- Minimum width of the access road is 3.7 metres along the entire length.
- Minimum width of any gateways is 3.1 metres.
- Minimum height clearance is 3.7 metres.
- Minimum carrying capacity is 12.5 tonnes.
- Dead-end access routes longer than 20 metres require turning facilities.

- Turning circles should be a minimum of 16.8 metres between kerbs or 19.2 metres between walls.

REASON:

To ensure adequate access and facilities for the Fire Service

CONDITION 7:

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

- the control of noise and vibration emissions from demolition and construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the demolition and construction phase
- the control of dust including arrangements to monitor dust emissions from the development site during the demolition and construction phase
- measures to reduce mud deposition offsite from vehicles leaving the site.
- a piling risk assessment if such works are to take place.

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

REASON:

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

CONDITION 8:

Development including investigation and approved schemes of remediation may be carried out simultaneously. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

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

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

(b) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and subject to approval in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The

scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

REASON:

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

CONDITION 9:

Prior to installation of any air source heat pumps (ASHP's) associated with this application, it shall be demonstrated that the noise from such plant will not adversely affect residential amenity in the area with reference to the MEC Acoustic Air Projects Drive, Rugby Acoustics Assessment January 2024 Report Ref: 27663-ENV-0401 Rev C'.

REASON:

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

CONDITION 10:

No development within 15m of the northern site boundary adjoining the Oxford Canal towpath shall take place until a Method Statement detailing the means of demolition of existing buildings or structures and of constructing any new buildings within this area including any proposed earthmoving or excavation works required in connection with their construction and any works to construct roads or vehicle parking area/spaces has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures required to avoid the risk of adversely affecting the stability of the embankment slope along the northern site boundary adjoining the Oxford Canal (such as vibration monitoring if piling operations are required or establishment of stand-off distances from the toe of the slope for operating plant or machinery) during both demolition and construction operations. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

REASON:

In the interests of avoiding the risk of creating land instability arising from any adverse impacts from demolition, construction, earthmoving, excavations or other construction operations which could adversely affect the stability of the embankment slope supporting the Oxford Canal in accordance with the advice and guidance on land stability contained in paragraphs 180, 189 and 190 of the National Planning Policy Framework and in the National Planning Practice Guidance.

CONDITION 11:

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any dwelling. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to reduced runoff rate of 43.65l/s for the site in line with the approved Flood Risk Assessment and Drainage Strategy (ref: 002460-JPL-ZZ-ZZ-RP-D-2001-A3-C01, revision A1-C01, dated 05.07.24) and the Indicative Drainage Strategy Layout (status S3, Revision P11, dated 05.07.24).
2. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).
3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
4. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
 - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
 - a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

REASON:

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

CONDITION 12:

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment and Drainage Strategy (ref: 002460-JPL-ZZ-ZZ-RP-D-2001-A3-C01, revision A1-C01, dated 05.07.24) and the Indicative Drainage Strategy Layout (status S3, Revision P11, dated 05.07.24) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

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

REASON:

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

CONDITION 13:

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

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

REASON:

To ensure the future maintenance of the sustainable drainage structures.

CONDITION 14:

A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year timeframe shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the HMMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a 30-year work schedule (including annual work plan capable of rolling forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.

- h) Ongoing monitoring and remedial measures.
- i) The completed statutory metric applied to the application site to demonstrate that a biodiversity net gain will be achieved.
- j) Locations and numbers of bat and bird boxes, reptile, and amphibian refugia, invertebrate boxes
- k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON:

To ensure a mandatory Biodiversity Net Gain in accordance with the Environment Act, the NPPF

CONDITION 15:

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

REASON:

To ensure that protected species are not harmed by the development

CONDITION 16:

The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the northern side of the development and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats.

REASON:

In accordance with NPPF, ODPM Circular 2005/06.

CONDITION 17:

No above ground works shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place.

REASON:

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

CONDITION 18:

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

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

CONDITION 19:

No construction shall be undertaken until a detailed Construction Management Plan is submitted to, and approved in writing by, both the Planning and Highway Authorities and which should contain details of:

The routeing and timing (avoiding peak periods) of delivery and other construction traffic to/from the proposed development and the measures by which this is to be managed and monitored, including signage and information that will be provided to contractors and delivery companies.

- Suitable areas for the parking of contractors and visitors, including details of the capacity of the on-site staff/visitor/contractor parking areas and confirmation of the assessment that this is sufficient to accommodate forecast demand and thereby ensure that no vehicles will park off site on the highway network.

- Measures to prevent mud and debris on the public highway, including wheel washing facilities and the methods to be used to keep the public highway clear of any mud, debris and obstacles (in the event of spillage).

- The swept path analysis of the expected largest type of delivery/construction vehicle when entering, leaving and turning within the site. This is needed to confirm that vehicles will enter and leave the site (from and to the public highway) safely and in a forward gear.

- The management of the routing and timing of deliveries to and from the site such that large vehicles will not have to wait in the public highway carriageway to gain access to the site.

- Suitable areas for the unloading and storage of materials off the public highway.

The approved Plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON:

In the interests of highway safety.

CONDITION 20:

No groundworks, remediation or built construction shall be undertaken until a construction access point has been identified and submitted in writing for approval by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interests of highway safety.

CONDITION 21:

Before the development is commenced, the further written approval of the Local Planning Authority shall be obtained for the detailed design of the estate road layout serving the development. These details shall include large scale plans and sections showing the layout, vertical alignment, surface water drainage details including the outfall and lighting. The approved details shall be fully implemented prior to the occupation of each respective dwelling and retained in perpetuity.

REASON:

In the interests of highway safety.

CONDITION 22:

The access to the site for vehicles shall not be used unless a bellmouth and pedestrian and cycle facilities have been provided within the public highway in general accordance with Drawing Number P1656/11C, dated 7th July 2024, subject to Highway Authority Technical Approval of the detailed design and a Stage 2 Road Safety Audit and shall be constructed in accordance with the standard specification of the Highway Authority.

REASON:

In the interests of highway safety.

CONDITION 23:

The layout of the estate roads serving the development [including footways, cyclepaths, verges and means of accessing individual plots] shall be provided in general accordance with Drawing Number 101-985LIV/(P)025S (dated 12th February 2025), subject to Highway Authority Technical Approval of the detailed design and a Stage 2 Road Safety Audit.

REASON:

In the interests of highway safety.

CONDITION 24:

The development shall not be occupied until the estate roads [including footways, cyclepaths, verges and means of accessing individual plots] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority and in full accordance with the standard specification of the Highway Authority meeting Warwickshire Design Guide standards, with the details approved in writing by the Local Planning Authority.

REASON:

In the interests of highway safety.

CONDITION 25:

No dwelling shall be occupied until the vehicular access and internal roads and vehicle turning areas have been constructed so as to enable the largest vehicles expected to access the development to turn within the site such that they will leave and re-enter the public highway in a

forward gear, in general accordance with Drawing Number 101-985LIV/(P)030C (dated 12th February 2025), with the details to be approved in writing by the Local Planning Authority.

REASON:

In the interests of highway safety.

CONDITION 26:

No dwelling shall be occupied until secure and sheltered cycle storage and on-site vehicle parking for residents and visitors meeting in full RBC SPD standards in respect of capacity and design has been provided and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of each respective dwelling and retained in perpetuity.

REASON:

In the interests of sustainable travel and connectivity.

CONDITION 27:

The development shall not be occupied until the applicant has provided Residential Travel Packs (or Warwickshire Welcome Packs) for each individual household. This document should include (but not be limited to) details of and information on the opportunities for residents to use active travel (walk and cycle) and public transport modes of transport for journeys to/from the development and of the on-site facilities provided for the secure storage of bicycles.

REASON:

In the interests of sustainable travel and connectivity.

CONDITION 28:

Full details of the siting, design and materials of the proposed bin stores and bin collection points / areas shall be submitted to and approved in writing by the Local Planning Authority. The bin stores and bin collection points / areas shall be provided in full accordance with the approved details before the first occupation of the dwelling which it serves and shall be retained in perpetuity.

REASON:

In the interest of visual and residential amenity.

CONDITION 29:

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

REASON:

In the interest of visual amenity.

CONDITION 30:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting those orders, no development shall be carried out to any plot which comes within Classes B (roof extensions), C (roof alterations) and D (porches) of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION 31:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or reenacting those orders, no development shall be carried out to any plot which comes within Classes A (extensions and alterations) or E (outbuildings) of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION 32:

Notwithstanding the provisions of Class F, Part 1 of the Schedule to The Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 and Class B, Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting those Orders, no hard surface shall be constructed in front of, or to the side of the dwelling houses and no new means of vehicular or pedestrian access constructed to the adjoining public highway without the prior permission of the Local Planning Authority.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority and in the interests of the visual amenities of the locality.

INFORMATIVE:

The conditions require that the access to the development and estate roads [including footways, cyclepaths and verges] are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2022' and constructed in accordance with the Highway Authority's standard specification. This document can be viewed on the link below:

<https://www.warwickshire.gov.uk/warwickshiredesignguide>

The developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads.

In terms of design guidance this is carried out in conjunction with the County Road Construction Strategy 2022 on our website as referred to on the opening page. Please see link below:

<https://api.warwickshire.gov.uk/documents/WCCC-770-261>

The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980.

An application to enter into a Section 38 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall Post Room, Warwick, CV34 4SX or by email to:

<mailto:s38admin@warwickshire.gov.uk>

Unless the developer has entered into an agreement under Section 104 of the Water Industry Act 1991 with the appropriate water supply and sewerage treatment company for the adoption of all sewers contained or passing within the limits of a highway, the Highway Authority may not

be prepared to complete a Highway Works Agreement under Section 38 of the Highways Act 1980 to adopt the highway.

The developer will be required to defray all the County Council's administration, legal, design, technical approval, safety audit, inspection of works costs etc., whenever applicable in respect of any applications to enter into a Highway Works Agreement, or for the issue of licences or similar actions,

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 Street Works Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP or by email to:

mailto:streetworks@warwickshire.gov.uk

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:

The applicant is requesting that the Highway Authority adopt sections of the access within the site. It should be noted that in considering the detailed design of the pedestrian and vehicular access the Highway Authority will have to be satisfied that: the design supports the achievement of a design speed of 20mph, in line with the advice set out in Section 7.4 of Manual for Streets, that safe passage for disabled people has been taken into consideration and that the design has also taken full account of the findings of the Stage 2 Road Safety Audit.

INFORMATIVE:

Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

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

INFORMATIVE:

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

INFORMATIVE :

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

Monday – Friday 7.30 a.m. – 6.00 p.m.

Saturday 8.30 a.m. – 1.00 p.m.

NO WORK ON SUNDAYS & BANK HOLIDAYS.

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

INFORMATIVE:

To avoid an adverse effect on residential amenity, assessments following BS4142:214+A1:2019 (or equivalent standard) and providing a rating level, this should be not less than 5dB below the prevailing representative background LA90 noise level.

INFORMATIVE :

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

INFORMATIVE:

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

INFORMATIVE:

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

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

INFORMATIVE:

Warwickshire Police advise:-

The security requirements for dwellings as set out in Part Q of Schedule 1 to the Building Regulations recommend that all doors meet PAS 24:2022 standard and are third party certified such as companies that achieve 'secured by design' accreditation.

Warwickshire Police request that the below be incorporated into the design as they will go some way to ensuring the residents do not become victims of crime or anti-social behaviour.

- All perimeter fencing should be 1.8 metre high close boarded fencing however where it backs onto open space it should be topped with 0.2 trellis, so the overall height is 2 metres in height.
- Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2020. A Uo value of 0.4 or 40% is recommended to ensure that lighting installations do not create dark patches next to lighter patches where our eyes would have difficulty in adjusting quickly enough for us to see that it was safe to proceed along any route.
- Fencing or similar be considered along the open space areas and balancing pools, this will refrain vehicles driving onto the open space causing anti-social behaviour or injuring someone who is using the space for play.
- Footpaths and emergency routes that lead onto the development should have staggered bollards installed to stop motor bikes riding onto the site.

Warwickshire Police would ask that the applicant/ agent adopts the principles of 'secured by design' and evidence how they have designed in features to deter crime and anti-social behaviour.

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_update_May.pdf

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

CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf (securedbydesign.com)

INFORMATIVE:

This development is subject to a s106 legal agreement.

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions - 23 January 2025 to 19 February 2025
Name of Committee:	Planning Committee
Date of Meeting:	12 March 2025
Report Director:	Chief Officer - Growth and Investment
Portfolio:	Growth and Investment, Digital and Communications
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Chief Officer - Growth and Investment
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	No
Corporate Priorities:	<p>This report relates to the following priority(ies):</p> <p><input type="checkbox"/> A Healthier Rugby – To support people to live healthier, longer, and more independent lives.</p> <p><input type="checkbox"/> A Thriving Rugby – To deliver a thriving economy which brings Borough-wide investment and regenerates Rugby Town Centre.</p> <p><input type="checkbox"/> A Greener Rugby – To protect the environment and ensure the Borough adapts to climate change.</p> <p><input type="checkbox"/> A Fairer Rugby – To reduce inequalities and improve housing across the Borough.</p> <p>Corporate Strategy 2025-2035</p> <p><input type="checkbox"/> This report does not specifically relate to any Council priorities but</p>
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/Health and Safety 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 - 12 March 2025

Delegated Decisions - 23 January 2025 to 19 February 2025

Public Report of the Chief Officer - Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 12 March 2025

Subject Matter: Delegated Decisions - 23 January 2025 to 19 February 2025

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY **YES** **NO**

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Delegated

8 Weeks PA Applications

Applications Refused

R24/0346 8 Weeks PA Refusal 24/01/2025	ELMCROFT, BURTON LANE, BURTON HASTINGS, NUNEATON, CV11 6RJ	Outline application with some matters reserved for the erection of a single infill dwelling on land adjacent to Elmcroft (access only)
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R24/0906 8 Weeks PA Refusal 31/01/2025	Birchwood House, Frankton Road, Bourton-On-Dunsmore, Rugby, CV23 9QT	Proposed garage outbuilding
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R24/1137 8 Weeks PA Refusal 31/01/2025	THE HOLLIES, MOAT LANE, WOLVEY, HINCKLEY, LE10 3HP	Erection of incidental outbuilding within curtilage of dwellinghouse.
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R24/1086 8 Weeks PA Refusal 07/02/2025	1, Chapel Barn, Grandborough Fields Road, Grandborough, Rugby, Warwickshire, CV23 8DT	The erection of a single storey rear extension and a 1-and a half storey rear extension and the installation of 4 (no) dormer windows and other alterations
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The Old Post Office, Flecknoe
Village Road, Flecknoe, Rugby,

Delegated

8 Weeks PA Applications Applications Refused

Warwickshire, CV23 8AT

R24/1163
8 Weeks PA
Refusal
13/02/2025

Proposed alterations to the fenestration of the easterly stone section of the house, enlarging the windows and upgrading these to triple-glazed units.

R24/0402
8 Weeks PA
Refusal
17/02/2025

LAND ADJCENT TO
BROOKSIDE COTTAGE, MAIN
ROAD, Ansty, COVENTRY, CV7
9JA

Outline Planning Application - Access only. Residential development of up to 9no. dwellings, together with the creation of vehicular access on land adjacent to Brookside Cottage, Main Road, Ansty.

R24/1018
8 Weeks PA
Refusal
18/02/2025

4, Tadpole Close, Rugby, CV23
9GG

Constructions of full length dormer on rear elevation of double garage roof.

Applications Approved

R24/0478
8 Weeks PA
Approval
23/01/2025

274, NEWBOLD ROAD, RUGBY,
CV21 1EG

It is proposed to erect a new three bedroom dwelling with associated parking and garden

R24/0512
8 Weeks PA

Delegated

8 Weeks PA Applications Applications Approved

Approval 24/01/2025	GRANDBOROUGH METHODIST CHURCH, CHURCH ROAD, GRANDBOROUGH, RUGBY, CV23 8DH	PROPOSED CHANGE OF USE/CONVERSION OF EXISTING CHAPEL TO FORM RESIDENTIAL ANNEX ACCOMMODATION
R24/0896 8 Weeks PA Approval 24/01/2025	116, HEATHER ROAD, BINLEY WOODS, COVENTRY, CV3 2DB	Proposed single storey rear extension.
R24/1003 8 Weeks PA Approval 24/01/2025	CEDAR HOUSE, 59, BAWNMORE ROAD, RUGBY, CV22 6JN	Two storey rear/side extension and single storey side extension
R24/1010 8 Weeks PA Approval 24/01/2025	12, KINGS NEWNHAM ROAD, CHURCH LAWFORD, RUGBY, CV23 9EP	Retention and completion of a single storey rear extension. Erection of single storey front and side extensions.
R24/1100 8 Weeks PA Approval 24/01/2025	MANOR FARM HOUSE, SCHOOL LANE, STRETTON-ON- DUNSMORE, RUGBY, CV23 9NB	Single storey brick extension to form an utility room.

Delegated

8 Weeks PA Applications

Applications Approved

4, Tudor House, Horton
Crescent, Rugby, CV22 5DJ

R24/0901
8 Weeks PA
Approval
27/01/2025

Proposed refurbishment, internal alterations and external extensions including the addition of a new roof and recladding of the existing kitchen block

R24/1122
8 Weeks PA
Approval
27/01/2025

THE OLD POLICE HOUSE,
RUGBY ROAD, BRINKLOW,
RUGBY, CV23 0LY

Replace existing roof to the west of the property raising the eaves level to the front and reinstate dormer window. Removal of existing conservatory and erect single storey flat roof rear extension. Apply an external insulation system to the west gable and front gable with a rendered finish.

R24/1006
8 Weeks PA
Approval
28/01/2025

125-127, RAILWAY TERRACE,
RUGBY, CV21 3EY

Change of use to a 16 bedroom Large House in Multiple Occupation for 16 occupiers (sui generis)

R24/1027
8 Weeks PA
Approval
29/01/2025

THE HALL, FITZJOHNS, BARBY
ROAD, RUGBY, CV22 5QB

Erection/maintenance of fencing and installation of new entrance gates & posts at The Hall, Fitzjohns (part retrospective).

Delegated

8 Weeks PA Applications Applications Approved

R24/1109 8 Weeks PA Approval 30/01/2025	TRAVIS PERKINS TRADING COMPANY LIMITED, 2 SOMERS ROAD, NEW BILTON, RUGBY, CV22 7DD	Reorganisation of parking locations and traffic management within branch
R24/1046 8 Weeks PA Approval 31/01/2025	19, GREAT ORME CLOSE, RUGBY, CV22 7RT	Single storey rear extension
R24/1118 8 Weeks PA Approval 31/01/2025	CAWSTON GRANGE PRIMARY SCHOOL, SCHOLARS DRIVE, RUGBY, CV22 7GU	Erection of a single storey extension to the existing internal southern courtyard to create space for an open plan learning space and immersive teaching space.
R24/1134 8 Weeks PA Approval 03/02/2025	80, Murray Road, Rugby, Warwickshire, CV21 3JP	Single storey ground floor rear extension with part first floor rear extension
R24/1079 8 Weeks PA Approval 04/02/2025	3, Elstop Avenue, Rugby, CV23 0GQ	Replacement of existing fencing with new 2.2m high fencing, and erection of additional 2.2m high fencing adjacent to the side

Delegated

8 Weeks PA Applications Applications Approved

boundary.

R24/1112
8 Weeks PA
Approval
04/02/2025

THE OLD SCHOOL HOUSE,
MAIN STREET, WITHYBROOK,
COVENTRY, CV7 9LT

Single storey side extension
connecting existing dwelling to
existing garage.

R24/0947
8 Weeks PA
Approval
05/02/2025

12, ST GEORGES AVENUE,
RUGBY, CV22 5PN

Proposed two storey side and
rear extension to existing
dwelling

R24/1123
8 Weeks PA
Approval
05/02/2025

5, Lucas Court, Rugby, CV21
3HU

Rear single storey extension
containing an accessible
bedroom and level access
shower room

R25/0028
8 Weeks PA
Approval
05/02/2025

GATE COTTAGE, MAIN
STREET, BIRDINGBURY,
RUGBY, CV23 8EL

Rear conservatory.

R24/0308
8 Weeks PA
Approval
06/02/2025

Sweet Corner Stables, MAIN
STREET, WITHYBROOK,
Coventry, CV7 9LX

CONVERSION OF EXISTING
STABLES TO CREATE A ONE
BEDROOM EXTENSION &
BATHROOM.

Delegated

8 Weeks PA Applications Applications Approved

Sweet Corner Stables, MAIN
STREET, WITHYBROOK,
Coventry, CV7 9LX

R24/0660
8 Weeks PA
Approval
06/02/2025

Removal of Condition 4
(Ownership & Personal Use) of
R20/0711 (Partial conversion of
existing stables to provide two
bedroom dwellinghouse with
garden area and associated
parking.)

R24/0969
8 Weeks PA
Approval
06/02/2025

20, LIME TREE AVENUE,
RUGBY, CV22 7QT

Proposed single storey rear
extension and first floor rear
extension.

R24/1065
8 Weeks PA
Approval
06/02/2025

145, Lower Hillmorton Road,
Rugby, Warwickshire, CV21 3TR

Two storey side & rear extension
and single storey rear extension.

R24/0497
8 Weeks PA
Approval
07/02/2025

1, RAINSBROOK AVENUE,
RUGBY, CV22 5HB

Double storey extension to side
of existing house and single
storey extension to rear of
property

R24/0945
8 Weeks PA
Approval

72 MOAT FARM DRIVE,
HILLMORTON, RUGBY, CV21
4HG

Two storey side extension and
single storey front extension.

Delegated

8 Weeks PA Applications Applications Approved

10/02/2025

R24/1025
8 Weeks PA
Approval
10/02/2025

9, AVON INDUSTRIAL ESTATE,
RUGBY, CV21 3UY

Retrospective application for
engineering works to lay out car
park and installation of new fence
and gates

R24/1075
8 Weeks PA
Approval
10/02/2025

MANOR FARM, COALPIT LANE,
LAWFORD HEATH, RUGBY,
CV23 9HH

New agricultural building for the
storage of muck/manure.

R24/1093
8 Weeks PA
Approval
10/02/2025

3, THE HALL CLOSE,
DUNCHURCH, RUGBY, CV22
6NP

Front porch extension, two storey
side extension, single storey rear
extension.

R24/1154
8 Weeks PA
Approval
10/02/2025

7, TUTHILL FURLONG, RUGBY,
CV23 0GH

Demolition of existing
conservatory, erection of a single
storey rear/side extension

R24/0712
8 Weeks PA
Approval
11/02/2025

MAGPIE LODGE FARM,
LILBOURNE ROAD, CLIFTON
UPON DUNSMORE, RUGBY,
CV23 0BB

Conversion of existing garage
outbuilding to a residential
annexe

Delegated

8 Weeks PA Applications

Applications Approved

R24/1009

8 Weeks PA

Approval

12/02/2025

KCP NURSERY, HILL
CRESCENT, STRETTON-ON-
DUNSMORE, RUGBY, CV23
9NF

Erection of a single storey flat
roof extension with internal
alterations and external work to
include decking and ramped
access.

R24/0914

8 Weeks PA

Approval

13/02/2025

Land adjacent to and south of
Church Farm, Church Street,
Churchover, Rugby, CV23 0EW

Erection of a dwelling, garage,
car-port and associated parking
on land south of Church Farm
(self-build dwelling).

R24/0533

8 Weeks PA

Approval

14/02/2025

140, RAILWAY TERRACE,
RUGBY, CV21 3HN

Proposed change of use from
Class E office spaces to 5 new
Class C3 residential flats.
Proposed first floor flat roof rear
extension, alterations to the front
of the existing structure, and
proposed boundary treatments.

R24/0929

8 Weeks PA

Approval

14/02/2025

7, LODGE ROAD, RUGBY, CV21
2TF

Single story rear extension with
roof garden and roof light.

Gransden House, Church Road,

Delegated

8 Weeks PA Applications Applications Approved

Grandborough, Rugby, CV23
8DH

R24/1158
8 Weeks PA
Approval
14/02/2025

Variation of Condition 2 (Plans)
and 18 (Wilderness area) of
R21/0132 (Erection of a detached
dwelling, formation of a new site
access and alterations)

R24/0549
8 Weeks PA
Approval
17/02/2025

LAND AT BROADWELL TURN,
SOUTHAM ROAD,
LEAMINGTON HASTINGS

Erection of agricultural barn with
solar panels and relocation of
vehicular entrance.

R25/0008
8 Weeks PA
Approval
17/02/2025

59, Holly Drive, Coventry,
Warwickshire, CV8 3QA

Single storey side and rear
extension.

R24/0816
8 Weeks PA
Approval
19/02/2025

3, Fieldside House, Gate Farm
Drive, Monks Kirby, Rugby, CV23
0RY

Erection of tractor and machinery
store together with associated
works (Re-submission in part of
Application R23/0929)

R24/1017
8 Weeks PA
Approval
19/02/2025

2, NEW STREET, RUGBY, CV22
7BH

Change of use of a residential
garage and bin store to a tattoo
studio, and external alterations.

Delegated

8 Weeks PA Applications Applications Approved

Stockley Spinney, Rugby Road,
Princethorpe, Rugby, CV23 9PN

R24/1077
8 Weeks PA
Approval
19/02/2025

Installation of a pre packaged
underground water treatment
plant (retrospective)

Certificate of Lawfulness Applications Applications Approved

R24/0968
Certificate of
Lawfulness
Approval
31/01/2025

53, Church Road, Ryton-On-
Dunsmore, Coventry, CV8 3ET

Lawful Development Certificate
(Proposed) - Single storey rear
extension

R25/0027
Certificate of
Lawfulness
Approval
31/01/2025

74, Grosvenor Road, Rugby,
CV21 3LE

Certificate of Lawfulness -
Proposed Change of Use from
Dwelling House (Use Class C3)
To 5 Bed HMO (Use Class C4)
and the installation of a new
window.

R24/0757
Certificate of
Lawfulness
Approval
03/02/2025

105, Lower Hillmorton Road,
Rugby, CV21 3TN

Lawful Development Certificate
(Proposed) - Demolition of
Existing Garage, and Proposed
Side Extension.

Delegated

Certificate of Lawfulness Applications Applications Approved

80 , Murray Road, Rugby,
Warwickshire, CV21 3JP

R24/1135
Certificate of
Lawfulness
Approval
03/02/2025

Proposed Lawful Development
Certificate: Change of use of C3
Dwellinghouse to C4 HMO & rear
dormer extension.

R24/1159
Certificate of
Lawfulness
Approval
10/02/2025

1, AUSTIN CLOSE, RUGBY,
CV21 1FU

Proposed Lawful Development
Certificate: Change of use of C3
Dwellinghouse to C4 HMO

R24/0830
Certificate of
Lawfulness
Approval
11/02/2025

49, Main Street, Newbold, Rugby,
CV21 1HH

Lawful Development Certificate
(Existing) - Loft conversion, rear
dormer, and velux lights.

R25/0061
Certificate of
Lawfulness
Approval
12/02/2025

5, Manor Road, Rugby,
Warwickshire, CV21 2SX

Lawful Development Certificate
(Proposed) - Change of use from
a Class C3 (dwellinghouse) to a
Class C4 (house in multiple
occupation) and installation of
rear dormer window

R25/0013
Certificate of

5, Lodge Road, Rugby, CV21
2TF

Delegated

Certificate of Lawfulness Applications

Applications Approved

Lawfulness
Approval
13/02/2025

Proposed Lawful Development
Certificate: Change of use of C3
Dwellinghouse to C4 House in
Multiple Occupation (4
bedrooms).

Conditions

Applications Approved

R25/0046 LAND AT NORTH OF SQUIRES
Conditions ROAD, SQUIRES ROAD,
Approval STRETTON-ON-DUNSMORE,
24/01/2025

Details of condition 29 - Fire
Fighting of application R17/1767.
(Outline application for residential
development.)

R24/0594 THE MALTHOUSE, MAIN
Conditions STREET, THURLASTON,
Approval RUGBY, CV23 9JS
30/01/2025

Approval of details:
Condition 18 - Protected species
method statement (Ecol)
Condition 19 - Drainage Plans
(ST)
Condition 20 - Written Scheme of
Investigation (Arch)
Condition 21 - Arboricultural
method statement (Tree)
Condition 22 - Tree Planting
Specification (Tree)
Condition 25 - Demolition and
Construction Management Plan

Delegated

Conditions Applications Approved

(Env)
relating to application - R21/0477
- Erection of 6 (no) dwellings.

R24/1107
Conditions
Approval
04/02/2025

62, Lawford Road, Rugby, CV21
2ED

Discharge of conditions 4 and 8
of R24/0287 - PROPOSED
CONVERSION OF EXISTING
SHOP AND DWELLING TO A 13
BED HOUSE OF MULTIPLE
OCCUPATION, WITH
ASSOCIATED BIN AND CYCLE
STORE, REAR EXTENSIONS,
NEW WALL TO THE FRONT
BOUNDARY AND DORMER
WINDOWS TO REAR ROOF
SLOPE, approved 19/7/2024

R24/1139
Conditions
Approval
04/02/2025

263A, RUGBY ROAD, BINLEY
WOODS, COVENTRY, CV3 2BB

Details in relation to conditions 5
(Litter Management Scheme) & 6
(Bin & Cycle Stores) of R23/1075
(Change of use from hair salon to
a restaurant/hot food take-away
(Sui Generis))

R24/0327
Conditions
Approval
06/02/2025

Site Of Former Inwoods House,
Ashlawn Road, Dunchurch

Approval of details:
Condition 3 - Materials
Condition 4 - Broadband
Condition 5 – Water Limit 110
Litres
Condition 6 - Electric vehicle

Delegated

Conditions Applications Approved

charging point
Condition 7 - Written Scheme of Investigation (WSI) (archaeological)
Condition 9 - Construction Management Plan (EH)
Condition 10 – Contaminated Land (EH)
Condition 11 - Construction Environmental Management Plan (Ecology)
Condition 12 - Landscape and Ecological Management Plan (Ecology)
Condition 13 - Bats and lighting (Ecology)
Condition 14 - Arboricultural method statement and tree protection plan (Tree Officer)
Condition 15 - Tree planting (Tree Officer)
Condition 16 – Bin and Cycle Store
Condition 26 - Construction Management Plan (Highways)
Condition 28 – Highway works
Condition 29 – Cycle way
Condition 32 – Parking and Cycle Storage (Highways)
Condition 35 – Parking
Condition 36 – Fire Service Access
Condition 37 – Phasing Plan - relating to application -

Delegated

Conditions Applications Approved

R23/0491 - Proposed
construction of 25 no. residential
dwellings.

R23/0248
Conditions
Approval
07/02/2025

LAND NORTH OF COVENTRY
ROAD, COVENTRY ROAD,
LONG LAWFORD

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

R24/1103
Conditions
Approval
07/02/2025

Land to the East of Central Park
Drive, Coton Park East, Rugby

Details of condition 5 (Phasing
Plan) attached to R20/0787
-Erection of up to 475 dwellings,
with land for a Primary School,
land for either Secondary School
Provision or residential
development, with vehicular
access off Central Park Drive and
Emergency Vehicle Access off
Newton Lane, with associated
green infrastructure and public
open space provision (Outline -
Principle and Access Only).

R24/1062
Conditions
Approval
11/02/2025

LAND AT PADGE HALL FARM,
WATLING STREET, BURBAGE

Details for condition 8:
Employment & Training
Statement of R24/0081 Variation
of Condition 1-plans, 14- Surface
Water Drainage Scheme, 46-
approved detail including
drainage and 48- flood risk

Delegated

Conditions Applications Approved

assessment attached to R21/0985 (Hybrid planning application comprising: Outline application (all matters reserved except for site access from the A5) for the demolition of existing structures and the erection of distribution and industrial buildings (Use Class B2 and B8) including ancillary offices and associated earthworks, infrastructure and landscaping, and highways improvements at Dodwells roundabout; a Full application for the development of a distribution building (Use Class B8), including ancillary offices with associated access, hard standing, parking, and on plot landscaping. The proposals include improvements to the existing railway bridge on the A5 Watling Street including increased height clearance. This is a cross boundary application with Hinckley and Bosworth Borough Council and Nuneaton and Bedworth Borough Council (EIA development).)

R24/1070
Conditions
Approval

LAND AT PADGE HALL FARM,
WATLING STREET, BURBAGE

Delegated

Conditions

Applications Approved

11/02/2025

Details for Condition 6:
Employment and Training
Statement of R24/0257 (Full
planning application for the
erection of a Vehicle
Maintenance Unit (VMU), as an
ancillary development within the
yard area of the Unit 1 building
(B8 use) at Padge Hall Farm,
with associated yard, drainage
and infrastructure works).

R25/0062
Conditions
Approval
12/02/2025

Land West of Church, Millers
Lane, Monks Kirby CV23 0QX

Approval of Condition 4 (Habitat
Management and Monitoring
Plan) of R24/0205 (Retrospective
application (part) for the
demolition of agricultural
buildings. Siting of 2 no. shipping
containers and erection of 2no.
Agricultural buildings and 1 no.
polytunnel and laying of a new
road.)

R24/0611
Conditions
Approval
18/02/2025

Land off Parkfield Road, Parkfield
Road, Rugby, CV21 1QJ

Discharge of conditions
application for condition 5-
Drainage, condition 17- FFL &
condition 18 CMP attached to
application R21/0631.

Delegated

Listed Building Consent Applications

Applications Approved

R24/1108
Listed Building Consent Approval
30/01/2025

PARK FARM, SPRING ROAD,
BARNACLE, COVENTRY, CV7
9LG

Internal and External Alterations to the roof, strengthening, repairs and addition of two dormer windows.

R24/1138
Listed Building Consent Approval
12/02/2025

BILTON GRANGE, RUGBY
ROAD, DUNCHURCH, RUGBY,
CV22 6QU

Structural repairs comprising internal floor and internal wall strengthening works located at first floor, above the Pugin Library, on the eastern side of the existing building.

Major Applications

Applications Approved

R24/0369
Major Application Approval
07/02/2025

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

Demolition of existing buildings and erection of theatre and ward complex, including associated parking, access, landscaping and infrastructure.

R23/1189
Major Application Approval
14/02/2025

UNIT 2, SAPPHIRE WAY,
Coombe Fields, COVENTRY,
CV7 9DR

Erection of an extension to the existing FANUC facility

Delegated

Prior Approval Applications

Prior Approval Applications

R24/0783
Prior Approval change
of use
Refusal
24/01/2025

NETHERCOTE BARN,
NETHERCOTE ROAD,
FLECKNOE, RUGBY, CV23 8AS

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

R24/1099
Prior Approval change
of use
Refusal
29/01/2025

SPRINGFIELD FARM, HILL
ROAD, GRANDBOROUGH,
RUGBY, CV23 8DL

Prior approval under Class Q -
Change of use and conversion of
existing agricultural building to 3
dwellinghouses.

R25/0005
Prior Approval
Extension
Not Required
31/01/2025

51, Epsom Road, Rugby, CV22
7PF

Single storey rear extension
measuring 3.70m long, 3.20m
high and 2.65 at eaves.

R25/0089
Agriculture Prior
Approval
Not Required
03/02/2025

GRANGE FARM, COVENTRY
ROAD, CHURCH LAWFORD,
RUGBY, CV23 9HB

Prior approval for an Agricultural
machinery storage building.

R25/0115
Prior Approval
Extension
Withdrawn by
Applicant/Agent

2, MILFORD HOUSE, LONG
ITCHINGTON ROAD,
BIRDINGBURY, RUGBY, CV23
8EG

Prior approval for a single storey
rear extension measuring 7.80m
long, 4.93m high and 3.20 at
eaves.

Delegated

Prior Approval Applications

Prior Approval Applications

04/02/2025

R25/0121
Agriculture Prior
Approval
Required and Refused
12/02/2025

COLLEGE FARM, RUGBY
ROAD, WITHYBROOK,
COVENTRY, CV7 9LN

Prior approval for agricultural
buildings.
