

13th February 2017

PLANNING COMMITTEE - 22ND FEBRUARY 2017

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 22nd February 2017 in the Council Chamber at the Town Hall, Rugby.

Adam Norburn
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the meeting held on 1st February 2017.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

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

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

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

4. Applications for Consideration.
5. Planning Appeals Update.
6. Advance Notice of Site Visits for Planning Applications - no advance notice of site visits has been received.
7. Delegated Decisions – 5th January – 25th January 2017.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be considered.

Any additional papers for this meeting can be accessed via the website.

The Reports of Officers (Ref. PLN 2016/17 – 11) are attached.

Membership of the Committee:

Councillors Mrs Simpson-Vince (Chairman), Mrs Avis, Mrs A'Barrow, Brown, Butlin, Cranham, Ellis, Gillias, Lewis, Sandison and Srivastava (one vacant seat).

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

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

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

Planning Committee – 22 February 2017

Report of the Head of Growth and Investment

Applications for Consideration

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

- Applications recommended for refusal with the reason(s) for refusal (pink pages)
- Applications recommended for approval with suggested conditions (yellow pages)

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R16/2058	Land adj. to Brookside, Hinckley Road, Ansty Outline planning permission for the erection of 16 residential dwelling house including 4 local needs dwelling (all matters reserved except access).	3

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
2	R15/1702	Land at Wharf Farm, Crick Road, Rugby A Hybrid Planning Application consisting of: 1/ Outline planning permission for the erection of up to 380 new homes including a new access from A428 Crick Road; a spine road from Crick Road to northern boundary of the site; a local centre; associated infrastructure including storm water balancing arrangements on land between Moors Lane and the Oxford Canal and the demolition of redundant farm buildings, (all matters except access are reserved) and 2/ Full planning permission for the erection of 88 dwellings including access, appearance, layout and scale. Landscaping is reserved. (phase 1).	14
3	R16/2295	Grange Farm Cottage, Coventry Road, Cawston, Rugby. CV22 7RZ Submission of Reserved Matters for the erection of 10 residential dwellings with details relating to access, appearance, landscaping, layout and scale, pursuant to Outline planning permission reference R12/1947 granted on 22/05/2015.	42

Reference number: R16/2058

Site address: Land adj. to Brookside, Hinckley Road, Ansty

Description: Outline planning permission for the erection of 16 residential dwelling house including 4 local needs dwelling (all matters reserved except access).

Case Officer Name & Number: Nathan Lowde 01788 533725

Introduction

This application is to be determined by members of the planning committee as it constitutes as a major residential development over 16 units.

Proposed Development

The application is made in outline with layout, scale, appearance and landscaping reserved for future determination. An illustrative site plan has been included, to indicate how the site could be developed to accommodate 4 no. Local Need Dwellings and 12 open market dwellings. This would comprise of 8 two storey dwelling houses and 4 bungalows.

The access to the proposed development would be served utilising the existing field access.

Site Description

The site is an open field lying to the south-east edge of Ansty village, outside of the village boundary within an area of the Borough designated as Green Belt. Ansty village itself is identified within the Core Strategy as a local needs settlement. The pattern of development along the north western side of this part of Main Road/Hinckley Road in Ansty is linear in form with properties only one deep fronting the road. Open fields lie to the east and north of the application site.

Access to the field is via an existing field access off the Hinckley Road. Running through the site is an existing public right of way ref R30a.

Relevant Planning History

R14/1741	Outline application for the erection of 4 local need dwellings, together with the creation of a vehicular access (access not reserved)	withdrawn 03/03/2015
R15/1311	Outline application for the erection of 4 local need dwellings, together with the creation of a vehicular access (access not reserved) (Resubmission of previously withdrawn application R14/1741 dated 03/03/15)	Refused 19/08/2015

Third Party Comments

Neighbours

Household Letters of Objection (40 Household Letter)

- Green Belt
- Flood issues
- Outside of the village boundary
- No official needs survey
- Previous applications have been refused and the reasons for these refusals still apply
- Proposed entrance is concealed by existing trees and therefore cannot be seen easily
- Destroy precious green space
- Detrimental impact upon the character and village community

- If approved would set a precedent for further development towards the motorway linking Ansty to Walsgrave
- Local needs survey undertaken by applicant and therefore cannot be impartial
- Full results of the local needs survey not made public
- Several affordable properties for sale in Ansty, or close by
- Increased traffic through the village leading to increased noise pollution
- Not comply with the NPPF
- Impact upon local wildlife
- This Green Belt land provides an important buffer between Warwickshire and Coventry and should be preserved
- Would fail to safeguard the countryside from encouragement and urban sprawl
- Proposed access in hazardous area for children crossing to the children's park
- Existing pumping station for sewerage is not capable of supporting the proposed development
- Contrary to CS1
- Properties for sale in the village and therefore no justification to say shortage of houses
- Based on the Draft Housing Trajectory there is no justification for this site
- The Government in 2015 state that Housing Needs Survey is not a reliable form of gathering data
- The applicant has expressed a personal need for one of the proposed dwellings. However, the applicant does not meet the local needs criteria as he has recently moved to the village
- No reference of public footpath
- Road speeds would need to be reviewed
- Need to protect the Green Belt for future generations to enjoy
- Limited bus service
- Site adjacent to brook
- No schools or doctors surgery in Ansty
- No shops in Ansty
- No chemist in Ansty
- Unclear from the plans what would happen to the existing Right of Way
- Development not part of the Local Investment Plan
- The unmet housing need is unlikely to meet "very special circumstances" to justify Green Belt development
- This development is "piggy backing" on the Local Plan
- Major intrusion into Green Belt land
- The development would be visible given the high road level coming into the village, rather than being a linear aspect to the village
- Spoil views
- The existing water course creates a natural boundary to the village curtilage
- Development consists primarily of open market housing
- No demonstration of alternative sites exist within the settlement boundary

Household Letters of Support (21 household letter with addresses supplied)

- Given the need for housing this is a small development that will not be detrimental to the community
- Add to the Community
- RBC are proposing 4,000 houses in the Green Belt and therefore there is no different to this application
- Add value to the area
- Significant shortage of housing within Rugby/Coventry
- New employers coming to this area will chose to develop their business where staff are within easy reach
- Sympathetic and in keeping with the village setting
- Increase housing stock in Ansty where new jobs are available
- Contributing to meeting Ansty's affordable housing needs
- Not enough affordable housing within this village
- In line with the Governments proposal to build 1 million houses by 2020
- Move closer to family
- Lack of 5 year housing land supply in rugby
- Need for housing nationally will result in development over green belt land
- Not large scale
- Benefit to the local community

- Provide housing for employees of Ansty Business Park
- Attract young people to the area, thereby supporting the village as it grows
- RBC Policies out of date

Parish Council objection

1. The campaign to protect Rural England describes Green Belt as an essential buffer between towns and Countryside, this land provides a green buffer between Warwickshire and the West Midlands Conurbation and should therefore not be developed. The loss of openness has to be counted as a harmful effect of what is proposed. This proposed large development would have a significant impact upon the openness of the green belt and as such the character and appearance of the greenbelt would be harmed. Ansty Support no building in the Green Belt.
2. No housing need is required for 16 houses.
3. The proposals are of a scale and density that would cause material harm to the qualities, character and amenity of our community. Ansty has no local services or facilities to sustain 16 houses.
4. The development would have a significant impact on the local wildlife site there on, which is on part of the site.
5. Public right of way footpath goes through the land of development thus has not been referred to within the plans.
6. The parish are in the process of implementing a safety measure/crossing plan on Main Road, Ansty, thus development greatly impinges on the Safety, due to the development size.

Technical Consultation Responses

WCC Highways	no objections subject to conditions
Tree Officer	no objection
WCC Rights of Way Team	objection the proposal would obstruct the existing public Right of Way
Environmental Services	no objection subject to conditions
WCC Infrastructure Team	no comments received
WCC Flood Management Team	objection until more detailed information relating to the ground raising and surface water flood compensation
WCC Ecology	no objection subject to conditions
WCC Rights of Way Officer	no objection subject to conditions

Relevant planning policies/guidance

Core Strategy

CS1	Development Hierarchy
CS14	Green Infrastructure Network
CS16	Sustainable Design
CS17	Reducing Carbon Emissions
CS19	Affordable Housing
CS21	Rural Exceptions Sites

Saved Local Plan Policies

E6	Biodiversity
GP2	Landscaping

Other material considerations

Ansty Local Housing Needs Survey 2014

National Policy

National Planning Policy Framework (NPPF)
Part 7 – Requiring good design

Assessment of Proposal

1 Principle of development

Core Strategy Policy CS1 sets a settlement hierarchy for locations within the Borough and seek to locate development sustainably within this hierarchy based on a sequential preference. CS1 states "It must be demonstrated that the most sustainable location are considered ahead of those further down the hierarchy. The application site is located within an area of Borough designed as green belt, and policy CS1 states that only where National Planning Policy allows will development be permitted. Section 9 of the NPPF paragraphs 79-92 provides guidance on development within the Green Belt. Paragraph 87 of the Framework stresses that inappropriate development is, by definition, harmful to the Green Belt and paragraph 89 states that, with certain exceptions, the construction of new buildings should be regarded as inappropriate. It is not considered that the proposed development would fall within one of the limited exceptions listed within this paragraph and therefore is judged to be inappropriate development within the green belt which is by definition harmful to the green belt.

Within the supporting text of policy CS1 paragraph 2.7 states that in exceptional circumstances, affordable housing developments will be permitted through the application of Rural Exception Site Policy, on the edge of Local Needs Settlements in the Countryside or Green Belt where it can be demonstrated that there are no suitable sites within existing boundaries.

Policy CS21 relates to Rural Exception Sites, which permits Rural Exception Site adjacent to defined rural settlement boundaries, where development would normally be resisted. Within Annex 2 of the NPPF defines Rural Exception Sites as: *'small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural Exception Sites seek to address the need of the local community by accommodation households who are either current residents or have an existing family or employment connection. Small number of market homes may be allowed at the local authority's discretion...'*

Paragraph 54 of the NPPF indicates the important of local planning authorities being responsive to local circumstances, particularly affordable housing, through Rural Exception Sites where appropriate. Taking into account the scale of the proposed development and the number of marketing houses proposed (11); it is considered that the proposed development would not fall within the definition of a Rural Exceptions Site as set out in the Core Strategy or NPPF. The applicants have not advanced within their supporting evidence that the proposed development is to be considered as a Rural Exception Site. It is therefore considered that this policy is not engaged.

The NPPF establishes that sustainable development should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. However it goes on to say that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a 5 year supply of deliverable housing sites. That is the case here and in such circumstances the housing supply policies in the Core Strategy are not up-to-date, including those relating to the location of housing such as policies CS1 and CS21. The weight to be given to the policy conflict is therefore reduced. In such circumstances the relevant policy comes from Paragraph 14 of the Framework.

Paragraph 14 contains two limbs and it is clear from the word "or" that they are alternatives.

The first limb requires a balance to be undertaken whereby permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole.

The second limb indicates that the presumption should not be applied if specific policies indicate development should be restricted. Footnote 9 includes land designed as Green Belt.

Given the sites location within the Green Belt a presumption in favour of sustainable development does not exist.

As a form of inappropriate development, it is necessary to consider whether 'very special circumstances' exist to outweigh the potential harm to the green belt by reason of inappropriateness and harm to openness, and other harm, such as encroachment into the countryside. The conflict with development plan policies adds further weight against the development. The special circumstances advanced by the applicant's agent is the Council's lack of five year land supply, the sites location adjacent to Ansty Park, its proximity to Home Farm and Crouner Fields Farm, and meeting an identified Local Need.

The applicant's agent have advanced that four of the dwellings would meet the identified need set out within the Ansty Housing needs survey undertaken by the applicant which demonstrated a need of

- **1 was assessed as being in need of affordable housing:**
1 x 2 bed house – affordable rented
- **3 were as being in need of open market housing:**
1 x 2 bed housing – open market purchase
1 x 2 bed bungalow - open market purchase
1 x 3 bed bungalow - open market purchase

Since this housing needs survey has been produced in 2014, development has come forward within the village boundary to meet this need. This includes approved planning permission ref: R15/2147 which granted consent for an open market two bed house as identified within the housing needs survey. The need for this identified dwelling house has, therefore, already been met and there is no longer a need for this dwelling house. As part of this planning application the applicant's agent has not demonstrated, within the supporting documents, that the identified need cannot be accommodated within the confines of the village boundary.

The applicant's agent contend that when assessing the application site against a neighbouring piece of land known as Home Farm and Crouner Fields Farm, this site is better in terms of wildlife, accessibility and its relationship to settlement. Home Farm and Crouner Fields Farm, has not been allocated within the draft Local Plan as it has been assessed as being unsuitable due to landscape sensitivity and conservation area impacts. Therefore no weight is given to this relationship between this site and the application site. In addition to this, for reasons expanded upon below, this application site would not score green/amber in respect to accessibility and relationship to settlement, as contended by the applicant's agent.

In respect to Ansty Business Park, the applicant's agent contends that the site is well related to this major employment site, and therefore there is a direct relationship between the two sites. The application site is located soon 1.5 miles from Ansty Business Park, and there is no public transport directly from Ansty village to Ansty Business Park. Furthermore, having regard to the Chartered Institute of Highways and Transportation published Guidelines for Providing Journeys on Foot; table 3.2, it is not considered that the application site is within an acceptable walking distance to Ansty Business Park. Therefore this site is not sustainably located to assist in providing housing for employees of Ansty Business Park and therefore the relationship advanced by the applicant's agent is very tenuous at best.

The applicant's agent has also contended that the site is sustainably located in terms of supporting the housing need of Coventry. The site is approximately 1 mile from the edge of Coventry, (taken from the application site to the Showcase Cinema complex (this being the nearest services/facilities)). Having regard to the Chartered Institute of Highways and Transportation published Guidelines for Providing Journeys on Foot; table 3.2, it is not considered that the application site is within an acceptable walking distance to the nearest services/facilities within Coventry. Furthermore the bus service from Nuneaton to Coventry which runs through Ansty is limited with only 5 stops per day. It is therefore considered that the proposed site is not sustainably located to meet the housing needs for Coventry.

The applicant's agent stipulates that the proposal is consistent with the findings of GL Hearn's Housing Delivery Study. However, GL Hearn recognise that the National Planning Policy Framework requires the Council to meet its own objectively-assessed housing need (OAN), and to contribute positively to meeting unmet needs from adjoining areas where it is sustainable to do so. It is considered that a presumption in favour of sustainable development does not exist, and therefore, arguably, is not consistent with the objectives of this report.

It is the opinion of the Local Planning Authority, that the 'very special circumstances' advanced by the applicant are not sufficient to outweigh the harm by reason of inappropriateness.

2 The purposes of including land within the green belt

The five purposes of including land within the green belt are set out within paragraph 80 of the NPPF.

These five purposes include:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed development would conflict with the purposes of including land within the green belt in respect to restricting sprawl of built-up areas and safeguarding the countryside from encroachment.

3 Impact upon character and appearance and openness

In respect to the impact upon the character and appearance of area and surrounding countryside, it is noted that the application is made in outline with details relating to layout, scale and appearance reserved for consideration at the reserve matters stage. However, an indicative plan has been submitted to show how such a development could be arranged. It is considered that development on this land for 16 dwelling, would not reflect the character and pattern of housing development along the north western side of this part of Main Road in Ansty which is linear in form with properties only one deep fronting the road. It is therefore considered that the development of this site would have an adverse impact upon the character and appearance of the streetscene and would not reflect to the existing pattern of development.

The applicant's agent within their Design and Access Statement has state that the development would easily blend into the fringe of the village. Taking into account the indicative masterplan, and having regard to the existing pattern of development on the fringe of the village as highlighted above, it is baffling to contemplate how such a development would blend into the fringe of the village.

The site is outside of the village boundary and as such falls within the West Midlands Green Belt. The site is an open grass field, devoid of any permanent structure on the land, (with the exception of a small timber store) and contributes to the green corridor leading into the village of Ansty. Brookside Cottage provides a key function in terms of forming an end stop to buildings within the village, demarcating the point between the village and the open countryside beyond. The proposal would erode the open character of the area. The proposed development would also have a significant impact upon the openness of the green belt, which is an essential characteristic of green belts, and as such the essential characteristic of the green belt would be harmed.

The openness of the green belt beyond Brookside Cottage is considered to be an important part of the character of the streetscene and accordingly the proposal is considered to be unacceptable and contrary to policy CS16 which seeks to ensure that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

The NPPF outlines that the government attaches great importance to green belts. The essential characteristics of green belt are their openness and permanence. The loss of openness, is considered significant, and has to be counted as a harmful effect of what is proposed.

4 Green Infrastructure (GI) Network

The site is located within a Green Infrastructure Network as identified within the Green Infrastructure Proposal Maps. Policy CS14 indicates the need to protect and enhance existing GI assets. It is apparent from the wording of this policy that the term 'green infrastructure' is multi-functional and has many facets

that contribute to it, landscape being one as well as river corridor, canals, disused railway line and biodiversity sites. The essential function of green infrastructure is connectivity. The proposals map shows the site to be within an existing GI network. The 2009 Entec Final Report on Green Infrastructure lists GI functions at page 6 and includes 'contributing an attractive green element to the image of an area'. Environmental benefits include reinforcing and enhancing landscape character and local distinctiveness. Policy recommendations on page 67 discourage the compromise, degradation or reduction in the quality and/or function of GI. The application site assists in contributing an attractive green element to the image of an area, contributing to the green corridor leading into the village of Ansty. It is not considered that the proposal would fit in with these objectives. It further states that all outline and detailed planning application should demonstrate consideration of the development's potential impact upon the existing GI network. This has not been demonstrated.

It is therefore considered that the proposal is contrary to policy CS14.

5 Sustainable Design and Construction

Core Strategy policies CS16 and CS17 refer to sustainable design and reducing carbon emissions. The Sustainable Design & Construction Supplementary Planning Document, 2012 (SDC SPD) states that the Council believes major development proposals provide a valuable opportunity to maximise the potential for reducing carbon emissions through improved energy efficiency in both construction and design.

This policy also states that all new residential development should meet the water conservation standards in Level 4 of the Code for Sustainable Homes. However, it goes on to state that the actual provision will be determined through negotiation, taking account of individual site characteristics and issues relating to the viability of development.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that as a minimum all new development of 10 dwellings or more shall incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%. This policy also goes on to state that the actual provision will be determined through negotiation, taking account of individual site characteristics and issues relating to the viability of development.

The applicants have submitted a Sustainable Statement setting out how the development would incorporate sustainable technology in accordance with policy CS17.

6 Planning obligations

a. Affordable Housing Contribution

Policy CS19 sets out a target affordable housing provision of 33.3%. The applicants have agreed to meet this target provision in accordance with policy CS19.

b. Open Space Contributions

The Planning Practice Guidance Planning Obligations, stipulates when infrastructure contributions can be sought from developers. Given the size of the development proposed, the applicant is required to provide contributions towards open space. The Council's Planning Obligations SPD stipulates that there is a deficiency within Ansty of the provision for young people and children. This deficiency can either be met on site through an on-site LEAP of 04ha in size or on off-site contribution towards the nearby Ansty play area.

The applicant has agreed to make an off-site financial contribution toward the existing open space within Ansty in accordance with the Planning Practice Guidance Planning Obligations.

7 Agricultural land classification

The NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile land. Where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality. This implies that a sequential approach should be considered where poorer graded land is potentially considered in advance of the higher quality land. Although no sequential approach has been undertaken by the applicants with regard to agricultural land, the NPPF indicates that it is for Local Planning Authorities to judge the economic and other benefits of the best and most versatile agricultural land.

The best and most versatile land is defined as Grade 1 (excellent), 2 (very good) and 3a (good) with remaining agricultural land graded as 3b (moderate), 4 (poor) and 5 (very poor). According to Natural England's statistics approximately 12% of land, 23,692ha in Warwickshire is Grade 1 or 2. In Rugby Borough there is no Grade 1 land but there is 4,186 ha of Grade 2 land which equates to 11.8% of land within the Borough. The figures for Grade 3 land provided by Natural England do not split Grades 3a & 3b but indicate that approximately 75.5% of land, 26,686 ha is Grade 3 land.

The agricultural land grading of the application site is considered to be of a 3b (moderate) and therefore not of higher quality land.

8 Ecology

Policy E6 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. This policy is consistent with one of the core planning principles outlined within paragraph 17 of 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 (paragraphs 109, 113, 114, 117 and 118). It particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.

WCC Ecology have reviewed the application, together with supporting documentation and have concluded that the proposed habitat creation and biodiversity enhancements in the revised Ecological Impact Assessment will result in a no net loss of biodiversity, in accordance with saved local plan policy E6.

9 Highway Access, Parking and Public Right of Way

One of the core principles outlined within paragraph 17 of the NPPF sets out the need for planning to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'. This is then further expanded upon in section 4 of the NPPF which also sets out the need to consider the suitability and safety of accesses. Paragraph 32 of the NPPF is particularly important and indicates that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. It further indicates the value of travel plans and the promotion of a mix of uses on larger residential developments (paragraphs 17, 36 and 38). Policy CS11 of the Core Strategy is consistent with this and states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. The Planning Obligations SPD expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability of development proposals. Policy CS11 and policy T5 of the Local Plan also state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD.

a. Access

WCC Highway Authority has raised no objection to the proposal subject to conditions

b. Parking

The application is outline at present and therefore the scale of dwellings and layout is reserved to further consideration. It would be at this stage that the proposal would be assessed against the Council's parking standards.

c. Public Right of Way

The NPPF establishes the need for planning to protect and enhance public rights of way and access (paragraph 75).

As existing a public right of way R30a currently runs through the site. The applicants have demonstrated how the footpath could be accommodated as part of the proposal, to which WCC Right of Way Team have raised no objection.

As existing, from this public right of way, open views of the countryside can be obtain and appreciated. The proposed development would cause an urbanising effect upon views from the public footpath. The indicative layout would not maintain views of the countryside from the public footpath, which would run along the rear boundaries of the proposed dwellings. The result of which is a stark contrast to the experience currently enjoyed along the public footpath. As a result, the adverse visual effects seen from the right of way would be significant. It is therefore considered that the proposal would have an adverse impact upon the existing footpath. The applicants have failed to demonstrate how the existing public right of way would be enhanced.

The retained footpath route would run along the rear boundaries of the proposed dwellings, resulting in an enclosed, tunnelled footpath, without the benefit of natural surveillance, creating an unpleasant experience with a sense/fear of crime. In addition to this it would create easy access to the rear of the proposed dwelling resulting in an increase risk and fear of crime. Whilst it is noted that the development is in an outline for, the applicant has not demonstrated that a development as proposed can be designed in such a manner that it would create a safe and accessible environment, where crime and disorder, and the fear of crime, do not undermine the quality of life.

10 Flood Risk and Drainage

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraphs 100-103). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Policy CS16 of the Core Strategy and policy GP2 of the Local Plan are consistent with this and set out that sustainable drainage system (SUDS) should be proportionality incorporated into new development where practical.

It is considered that insufficient information has been submitted to demonstrate that ground raising and surface water flood compensation can be provided within the scheme. The proposal therefore conflicts with Core Strategy policy CS16, saved Local Plan policy GP2 and guidance contained within the NPPF.

11 Trees and Hedgerows

Paragraph 118 of the NPPF sets out that permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. Three of the core planning principles outlined within paragraph 17 of the NPPF establish the need to 'seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings', 'take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside' and to 'help conserve and enhance the natural environment'. Policy CS16 of the Core Strategy is consistent with this and requires proposals to not cause material harm to the qualities, character and amenity of the areas in which they would be situated. Policy GP2 of the Local Plan also sets out the need for proposals to retain and enhance the landscape character of an area, retain important site features and incorporate new landscape planting.

The Council's Tree Officer has assessed the applicant and content that the existing trees would not be adversely impacted on as a result of the proposed development.

12 Recommendation

Refusal

APPLICATION NUMBER

R16/2058

DATE VALID

20/10/2016

ADDRESS OF DEVELOPMENT

LAND ADJACENT TO
BROOKSIDE COTTAGE
HINCKLEY ROAD
ANSTY

APPLICANT/AGENT

Richard Palmer
Hb Architects
The Old Telephone Exchange
Albert Street
Rugby
Warwickshire
CV21 2SA
On behalf of Steve Tayton

APPLICATION DESCRIPTION

Outline planning permission for the erection of 16 residential dwelling house including 4 local needs dwelling (all matters reserved except access).

REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

RBC Core Strategy

CS1 Development Hierarchy
CS14 Green Infrastructure Network
CS16 Sustainable Design

Saved Local Plan Policy

GP2 Landscaping

National Planning Policy

National Planning Policy Framework 2012

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

REASON FOR REFUSAL: 1

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to the NPPF not to grant planning permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages. Therefore the proposal which seeks the erection of 16 residential dwelling houses constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on the openness of the Green Belt.

In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for a scheme for residential development in the face of a strong

presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policy CS1 of the Rugby Borough Core Strategy 2011 and the NPPF.

REASON FOR REFUSAL: 2

It is considered, taking into account, the location of the site, together with the scale of development proposed, and having regard to the illustrative masterplan submitted, that the proposed development would have an adverse impact upon the character and appearance of the streetscene and would not reflect the existing pattern of development within the area. It is therefore considered that the proposal would conflict with policy CS16 of the Rugby Borough Core Strategy 2011 and the NPPF.

REASON FOR REFUSAL: 3

The site is located within a Green Infrastructure Network as identified within the Green Infrastructure Proposal Maps. Policy CS14 indicates the need to protect and enhance existing GI assets. The term 'green infrastructure' is multi-functional and has many facets that contribute to it, landscape being one. It is considered that the proposed development would fail to protect and enhance this Green Infrastructure Network contrary to policy CS14.

REASON FOR REFUSAL: 4

The NPPF establishes the need for planning to protect and enhance public rights of way and access (paragraph 75). The applicant has failed to demonstrate that the proposal would enhance the existing public right of way ref R30a contrary guidance contained within the NPPF.

REASON FOR REFUSAL: 5

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it. Policy CS16 of the Core Strategy and policy GP2 of the Local Plan are consistent with this and set out that sustainable drainage system (SUDS) should be proportionality incorporated into new development where practical. It is considered that insufficient information has been submitted to demonstrate that ground raising and surface water flood compensation can be provided within the scheme. The proposal therefore conflict with Policy CS16 of the Core Strategy and policy GP2 of the Local Plan and guidance contained within the NPPF.

REASON FOR REFUSAL: 6

Whilst it is noted that the development is in an outline for, the applicant has not demonstrated that a development as proposed can be designed in such a manner that it would create a safe and accessible environment, where crime and disorder, and the fear of crime, do not undermine the quality of life contrary to guidance contained within the NPPF relating to designing out crime.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF. However, for the reasons given, and the clear conflict with local and national planning policy, it is not possible to grant planning permission for the development proposed.

Reference number: R15/1702

Site address: Land at Wharf Farm, Crick Road, Rugby

Description: A Hybrid Planning Application consisting of: 1/ Outline planning permission for the erection of up to 380 new homes including a new access from A428 Crick Road; a spine road from Crick Road to northern boundary of the site; a local centre; associated infrastructure including storm water balancing arrangements on land between Moors Lane and the Oxford Canal and the demolition of redundant farm buildings, (all matters except access are reserved) and 2/ Full planning permission for the erection of 88 dwellings including access, appearance, layout and scale. Landscaping is reserved. (phase 1).

Case Officer Name & Number: Owain Williams – 01788 533789

This application has been brought forward to committee due to its status as a major application

Site Description

The land to which the application relates extends to 16.2 hectares at Wharf Farm, Rugby. The Wharf Farm Site, hereafter referred to as 'the Site', forms part of the wider Rugby Radio Station (RRS) Sustainable Urban Expansion (SUE), also known locally as the 'Mast Site', and it is located to the south-east of Rugby town centre, at a convergence point between the West Coast Main Railway Line and the Northampton Loop Line.

The Site is bounded by the A428 Crick Road to the south, the Oxford Canal to the west, formal open space to the east (as indicated on the RRS SUE approved Key Phase 01 Masterplan) and, to the north, by Key Phase 2 of the RRS SUE.

Wharf Farm is currently in agricultural use, and laid to pasture. The land does not comprise any buildings other than two dilapidated farm buildings of modern construction. The only other distinct features on site are that of two ponds which are located centrally and to the north eastern corner.

Background

The Rugby Borough Core Strategy adopted in 2011 allocates the Rugby Radio Station (RRS) Site for a Sustainable Urban Extension (SUE) to deliver up to 6,200 homes. The site is allocated under Policy CS4 of the Rugby Borough Core Strategy 2011.

Outline planning permission for the RRS SUE (reference R11/0699) was granted in May 2014 and encompassed the entire allocation within the Core Strategy. As the Wharf Farm Site is not within the control/ownership of the applicant and master planners for the overall RRS SUE proposal, a separate new planning application is required to facilitate the delivery of this key phase.

Proposal Description

The application, which was accompanied by an Environmental Statement, is a hybrid proposal; this is where an applicant seeks outline planning permission for one part and full planning permission for another part of the same site.

Outline Permission

The outline permission sought is for the erection of up to 380 dwellings including a new access from A428 Crick Road; a spine road from Crick Road to northern boundary of the site; a local centre; associated infrastructure including storm water balancing arrangements on land between Moors Lane and the Oxford Canal and the demolition of redundant farm buildings.

The parameter plans and illustrative layout submitted to support the outline permission highlights the proposed land use, green infrastructure, access and movement and building heights of the site. The land use of the site is predominately residential development with small areas of mixed use sited centrally and

close to the canal which could create a local centre and opportunities for services respectively for the development.

The green infrastructure includes a large natural and semi natural space to the west of the site along with allotments and community gardens and a green link running through the site which would link to the wider green infrastructure network of the wider SUE. The green link running through the site widens in areas to potentially create small pocket parks along the route.

The access and movement plan indicates the potential routes of movement around the site both vehicular and pedestrian which again would link in with the wider SUE. The plan highlights the main spine corridor which would dissect the site and link the Crick Road from the South of the Site to the North of the site and Key Phase 2 of the SUE which sits beyond. All the links shown are to highlight the connectivity with the wider SUE site.

The building height plan submitted indicates a maximum height restriction to areas of the site with the central section located either side of the spine road and an area close to the canal being up to 3 storeys (max height of 12 metres) and up to 2.5 storeys (max height of 10 metres) elsewhere.

The design and access statement has highlighted that there will be four distinctive character areas created within the site to provide a variation of building form. These areas are highlighted as the Gateway, Formal Urban area, Rural Edge and Canal Side.

The Environmental Impact Statement that has been submitted provides assessment on the 'main' or 'significant' environmental effects to which a development is likely to give rise. The main topic areas covered by the statement are as follows:

- Landscape and Visual Impacts
- Biodiversity
- Archaeology and Cultural Heritage
- Air Quality
- Noise
- Transport
- Water Resources
- Socio Economics and,
- Cumulative Impacts

Full Permission

Full planning permission is sought for erection of 88 houses, of the 380 proposed, including access, layout and scale. These dwellings will be located to the south of the site in and around the main access into the site and along the frontage of Crick Road.

The 88 dwellings will consist of the following:

- 27 – Four Bedroom Units
- 35 – Three Bedroom Units
- 8 – Two bedroom Units
- 14 – Two Bedroom Flats
- 4 – One Bedroom Flats

The apartments indicated are to be located on opposite corners of the main access into the site and will form key corner properties for the entrance. The larger taller dwellings will be located either side of the main spine road with the smaller dwellings dispersing further into the site off other streets.

There are four distinct street types within the street hierarchy which are Primary Street, Secondary Street, Side Street/Shared Surface and Lanes

These streets are made distinct through their width, provision of footpath and also surfacing which will help differentiate the streets and provide a more interesting appearance. As highlighted above there are different character areas within the site as a whole and three of those areas fall within the detailed scheme for the

88 dwellings. This provides the opportunity to provide a good mix of house types and design to coincide with the different character areas.

During the process of the planning application there have been amendments submitted which have made improvements to the Green Infrastructure running through the site, highlighted the connectivity between the site and the wider SUE and have made alterations to the detailed section of the site to ensure the satisfaction of Warwickshire County Council Highway Authority.

Relevant Planning History

R11/0699 - Outline application for an urban extension to Rugby for up to 6,200 dwellings together with up to 12,000sq.m retail (A1), up to 3,500sq.m financial services (A2) and restaurants (A3 - A5), up to 3,500sq.m for a hotel (C1), up to 2,900sq.m of community uses (D1), up to 3,100sq.m assembly and leisure uses (D2), 31 hectares (up to 106,000sq.m) of commercial and employment space (B1, B2 and B8), and ancillary facilities; a mixed use district centre and 3 subsidiary local centres including retention and re-use of the existing buildings known as 'C' Station (Grade II listed), 'A' Station and some existing agricultural buildings; a secondary school and 3 primary schools; public art; green infrastructure including formal and informal open space and amenity space; retention of existing hedgerows, areas of ridge and furrow and grassland; new woodland areas, allotments and areas for food production, wildlife corridors; supporting infrastructure (comprising utilities including gas, electricity, water, sewerage, telecommunications, and diversions as necessary); sustainable drainage systems including ponds, lakes and water courses; a link road connecting the development to Butlers Leap, estate roads and connections to the surrounding highway, cycleway and pedestrian network; ground remodelling; any necessary demolition and any ground works associated with the removal of any residual copper matting, with all matters reserved for future determination except the three highway junctions on the A428, the two junctions on the A5 and the link road junctions at Butlers Leap and Hillmorton Lane. – Approved 21st May 2014

Technical Consultation Responses

Environmental Services – No objection subject to conditions

Work Services – No objections

WCC Ecology – No objections subject to conditions

WCC Highways – No objections subject to conditions

WCC Archaeology – No objections subject to conditions

WCC Flood Risk Management – No objections subject to conditions

WCC Infrastructure Team – No objection subject to contributions being made via S106

Natural England – No objections

Canal and River Trust – No objections subject to conditions

Environment Agency – No objection subject to conditions

Severn Trent – No objection subject to conditions

Highways England – No objection

Warwickshire Fire and Rescue – No objection subject to conditions

NHS – No objection

Police – No objection

Third Party Responses

Neighbours – Objection

- Traffic volumes have been massively increasing since the development of DIRFT and this development will add further traffic to an already inadequate road system.
- Heavy good lorries take the wrong route and end up trying to get under the bridges leading to traffic congestion
- Air quality for the residents of Crick Road and the surrounding area will worsen.
- The introduction of a restriction of vehicles along Moors Lane will increase the number of vehicles using Watts Lane which passes a primary school.
- The proposal does not allow for improvements to the junction at Moors Lane and Crick Road for cyclists nor is there any provision for cyclists when travelling up to the development from the railway bridge.
- Would request that there is a condition placed on the development to have wheel washes for all site vehicles in place throughout the duration of the construction works.
- I believe the proposed location of some of the houses will create a serious loss of privacy and light and will impact on my family's ability to function normally.
- Concerned about the potential additional pressures on school places, medical and dental services and local roads that this large housing development would create.
- A comprehensive and coordinated approach to development across the whole Rugby SUE site, to ensure compliance with the policy objectives of Policy CS4, is paramount.
- Consistency with the SUE outline planning permission is necessary to ensure that Wharf Farm can be delivered as a component of RBC's largest strategic site, within the framework of the outline planning permission.
- The SUE outline planning permission reflects a careful and considered balance in terms of its design approach and its S106 package. Each aspect of the SUE development framework has been rigorously tested to ensure it is the most acceptable form of development to deliver RBC's needs
- Object to this application on the basis of the lack of consistency with OPP and the lack of ability of the Wharf Farm to effectively deliver the necessary components of the site wide development framework. The holistic benefits of the Rugby SUE have been secured through the OPP and any standalone permission for Wharf Farm must secure appropriate obligations.

Parish Council – No comments received

Sustainable Rugby – Comments

- Concerns the development was extending up to the edge of the canal corridor which appeared to be in conflict with the green infrastructure plan.
- The canal corridor should be protected with a substantive buffer zone.
- Can it be reconfigured to move the ponds closer to the canal corridor to create nesting breeding habitat rather than housing on the edge of the canal?
- It is felt that the flat development on the canal edge was unsightly and over intense which took away from the visual amenity of the location.

Relevant Planning Policy

Rugby Borough Core Strategy 2011

- CS1 Development Strategy
- CS4 Rugby Radio Station Sustainable Urban Extension
- CS10 Developer Contributions
- CS11 Transport and New Development
- CS16 Sustainable Design
- CS17 Sustainable Buildings
- CS19 Affordable Housing

Rugby Borough Local Plan Saved Policies 2009

- GP2 Landscaping

E6	Biodiversity
T5	Parking Facilities
H11	Open space provision in residential developments in the urban area
H12	Open space provision in residential developments in the rural area
LR1	Open space standards
LR3	Quality and accessibility of open space

Guidance

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

National Guidance

National Planning Policy Framework (NPPF) (2012)
 National Planning Practice Guidance (NPPG)

Assessment of Proposals

The determining issues to take into account in this case are:

- Principle of the Development
- Connectivity and Consistency with wider SUE
- Landscape and Visual Impacts
- Biodiversity
- Archaeology and Cultural Heritage
- Air Quality and Noise
- Contamination
- Transport and Highway Safety
- Water Resources including flood risk
- Socio Economics and,
- Cumulative Impacts

Principle of Development

Policy CS1, Development Strategy, states that the location and scale of development must comply with the settlement hierarchy. It must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy. As already stated above whilst the site is located in a Countryside location it forms part of the Sustainable Urban Extension allocation referred to in policy CS4 of the Core Strategy 2011, therefore, the principal policy that is relevant to this proposal is Policy CS4 – Rugby Radio Station Sustainable Urban Extension. The policy states that development proposals for Rugby Radio Station Site, as defined on the Proposals Map, should be accompanied by:

- *A Masterplan covering the full extent of the Urban Extension showing how all of the relevant elements covered in this Core Strategy have been achieved.*
- *An overall development brief and design code for each phase of the site to be prepared by the developer and approved by the Council prior to commencement of each phase.*
- *A detailed development brief for each parcel of development land.*
- *A local economic development strategy for the site to help achieve Rugby Borough Council's aspirations to enhance and diversify the Borough's economy, whilst demonstrating statutory duties have been met.*

Policy CS4 thereafter sets out the development requirements for the Sustainable Urban Extension. Policy CS4 states that 'Further on-site requirements are determined through the application of other relevant policies within the Core Strategy.

As this site is situated within the allocation of the RRS SUE (policy CS4), and the outline permission associated with it (R11/0699) has been granted and implemented, the principle of developing Wharf Farm as proposed would be acceptable.

However, as the Council is currently unable to demonstrate a five year supply of deliverable housing sites to meet the identified housing need within the Borough the Council need to be aware and consider the guidance in Paragraph 49 of the NPPF.

Paragraph 49 of the NPPF states that “policies relating to the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites.” Policy CS1 and CS4 relates to the supply of housing and therefore cannot be considered up-to-date. The effect of this is not such that policy CS1 and CS4 should be ignored but rather that consideration should be given as to what weight it holds in the decision. This results in the balancing of material considerations within each individual case at the same time being mindful of the presumption in favour of sustainable development as defined by para 14 of the NPPF and paras 18-219 of the NPPF.

The assessment that the Council must therefore take would be whether the proposed development would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme.

The first immediate benefit that would be highlighted is that the application brings forward the delivery of new homes in circumstances where the Borough Council is not able to demonstrate a deliverable 5 year supply of housing land. Substantial weight is placed on this benefit within the social dimension of sustainable development along with equal weighting for the provision within the application for the delivery of affordable housing.

The economic dimension of sustainable development is benefited from the provision of new jobs during construction and the provision of goods and services when new homes are occupied. The agent has indicated that the Housing Strategy Laying the Foundations states that ‘every £1 million of new house building output supports 12 net jobs (seven direct and five indirect) for a year. If it is assumed that on average the construction of a new home is £100,000 then this development would provide some 456 net jobs for a year on this basis and therefore moderate weight would be given to this economic benefit of the development.

The site proposes an ecological park and areas of natural and semi natural open space which would provide features to enhance the environment, however the development would result in a loss of greenfield land and farmland which would be a negative to the planning balance. However the weight to be given to this effect needs to be set in context with the fact Wharf Farm is allocated within the Core Strategy for development, and the site has the benefit of outline planning permission which has been implemented along with the other benefits the site brings.

From the assessment of the proposal there aren’t any adverse impacts evident which would significantly and demonstrably outweigh the benefits of the scheme. The fact that the site is allocated and has been implemented would allow significant weight to be accredited to policy CS4 which would outweigh any other consideration when assessing the principle of the development.

Taking into account the above it is therefore considered that the principle of the development would be acceptable complying with policy CS1 and CS4 of the Core Strategy and also the NPPF.

Connectivity and Consistency with wider SUE

It is important that the proposed development at Wharf Farm is in substantial accordance with the extant outline permission for the wider site to ensure that the site can co-exist with the SUE OPP and secure the comprehensive development and vision set out in the parameter plans of that application.

The land uses indicated within the Wharf Farm site show areas of mixed use alongside the canal and centrally with the opportunity of a local centre being created. This allocation of land within the site would be consistent with the wider SUE which had envisaged a local centre within this area and also had sought to provide some element of commercial/service use alongside the canal.

The movement and access parameter plan shows the different movement of vehicles, cycles and pedestrians through the site. There is the main spine road running through the site connecting Crick Road with wider SUE and Key Phase 2 which already had approval as part of the SUE OPP. There are

pedestrian and cycle routes through the site via the green link which will enable free movement from Moors Lane through to the formal open space of Key Phase 1 of the SUE OPP and then beyond to the A5.

The Green Infrastructure plans confirm the connectivity of the open spaces via the green link which would encourage movement through these areas by pedestrians and also wildlife. The open spaces within the route would further enhance this link.

The building heights proposed across the Site would be consistent with that indicated within the parameter plans of the wider SUE.

Overall it is considered that the proposed development would be connected and would have consistency with the parameters set within the wider SUE therefore would be an acceptable form of development to sit alongside it.

Landscape and Visual Impacts

Two of the core planning principles outlined within paragraph 17 of the NPPF establish the need to 'Take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside' and to 'Help conserve and enhance the natural environment...land for development should prefer land of lesser environmental value'. Furthermore, paragraphs 109 and 113 of the NPPF outline the need to protect and enhance valued landscapes whilst ensuring protection is commensurate with their status and gives appropriate weight to their importance and contribution. Policy CS16 of the Core Strategy is consistent with this and requires proposals to not cause material harm to the qualities, character and amenity of the areas in which they would be situated. Policy GP2 of the Local Plan also sets out the need for proposals to retain and enhance the landscape character of an area, retain important site features and incorporate new landscape planting.

The site as stated above is a site comprising 16.2 ha of undulating grassland enclosed within a field system which is bounded to the south by the A428 carriageway, to the west by the Oxford Canal, to the east by detached residential houses, gardens and Dollman Farm, and to the north open pasture fields.

As part of the submission a landscape and visual impact assessment was submitted as part of the Environmental Impact Assessment (EIA) which highlighted the impacts upon the different character areas to which the site is located and also the specific effects on the visual/sensory character, the topography, hydrology and fabric of the Site itself. The assessment concluded that the proposal will not give rise to significant effects on the wider character of the 'Feldon Ironstone Fringe', of which the Site forms part.

The assessment quite rightly pointed out that the proposed change of use from the agricultural use to proposed residential and mixed use would give rise to significant effects on the visual and sensory character of the Site. This is obviously unavoidable and would be the same for any proposed 'greenfield' development, however the principle of the conversion of the land has already been tested and found to be acceptable as part of the SUE OPP, so the loss of the site's visual and sensory character cannot be given any weight in the determination of this application.

There are areas which are more sensitive than others with regards to the visual impact, such as the area surrounding the canal. Whilst the principle of canal side development has been approved in principle there would be a need to ensure that whatever development is proposed in these areas it is sympathetic to the character of the area and that it also enhances the area and amenities within it. The canal side area of the site is not within the full detailed section proposed so the proposals shown within the submission are only indicative and are by no means to the satisfaction of the Council. However some form of development with wharf style buildings, an element of public open space and service facilities included would be something to which could be found acceptable.

The full detailed section of this application for the 88 dwellings is sited to the south of the site and will front the majority of the Crick Road (A429). The dwellings to which will front the site will be larger detached dwellings that have a more informal building line and have a varied building setback which would be more akin with a rural setting. The dwellings will have semi-rural appearance with the combination of the materials and features such as chimneys and window headers so would appear more in character with the countryside to which they are sited and front out onto.

The corner buildings on the main entrance into the site will act as focal feature buildings to define the junction whilst also providing the transition from the rural edge to the gateway. The transition via the apartment buildings to the gateway through the site provides a gradual step up in height and integrates into a more formal building line to emphasise the hierarchy of the street. Buildings facing onto the main spine road running through the site will be 2 ½ storeys in height and will have consistent setbacks and spacing between them providing a strong avenue and gateway into the site and the wider SUE.

Taking into account the above it is considered that the proposal would not have significant impact upon the visual aspects of the landscape mainly due to the allocation of the RRS SUE therefore would comply with policy GP2 and CS16 of the Core Strategy and also the NPPF.

Biodiversity

Saved policy E6 of the Rugby Borough Local Plan 2006 states that the Borough Council will seek to safeguard maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern.

Developers will be required to take measures during the development process to prevent the disturbance of wildlife and to make provision for the protection and subsequent retention of natural features and necessary supporting habitats, such as ponds, hedgerows, ditches and trees which are to be retained. Where loss of habitat is unavoidable, adequate mitigation measures should be undertaken and only where this is not possible, adequate compensation measures should be implemented. Where necessary the Borough Council will seek long term management plans, which will be secured by planning conditions or obligations

The existing site comprises areas of non-statutory sites of nature conservation Ecosites 25/57 Rugby Radio Mast Site and 26/57 Hillmorton Grasslands. Immediately adjacent to the south-western boundary lies Oxford Canal pLWS. Protected species records within the site itself include great crested newts and there are known records of badgers, bats, brown hares and grass snakes in the local surrounding area.

The site itself largely comprises poor semi-improved grassland, with an area of semi-improved grassland adjacent to the canal, bounded by species-poor hedgerows. There are two ponds within the site and areas of scrub.

The impact on biodiversity has already been considered at the outline stage of the SUE application through the creation of a site wide Green Infrastructure Strategy to address this. The proposed parameter plans have similarities with that of the wider SUE with the green corridor running through the site in similar alignment. The proposals look to retain only one of two ponds identified on the SUE plans for retention however the proposals look to compensate and mitigate against this with the introduction of further pond to the west which will result in two purpose made ponds forming the area highlighted as the ecological park on the plans.

The County Council Ecologists have considered the proposed site plan and Environmental Strategy Plan submitted and welcomed the creation of the east-west greenway and Ecology Park in the western area. However they have stated that it would be important to minimise lighting along the greenway and indicated that there would be a need for a detailed Landscape Management Plan (LMP) to secure the long term management of the Ecology Park for wildlife and the successful creation of lowland neutral meadow habitat. Both of these issues highlighted by the ecologists can be conditioned.

As highlighted above the proposals would result in the loss of a pond in the centre of the site which has been confirmed as a breeding pond for Great Crested Newts (GCN). The other pond on site will be retained within the development and linked to the strategic Green Infrastructure. The mitigation measures put forward within the proposal is to provide two replacement ponds to the western area to which the County Ecologists agree will be better connected to better quality terrestrial habitat than the existing pond would be if it were to be retained within the development. It is recommended by the County Ecologists that GCN have access to suitable and sufficient terrestrial and aquatic habitat throughout the phases of the proposed development and the adjacent phases of development and that a GCN mitigation plan is submitted prior to any site clearance works, to detail the timing of the trapping and translocation and to include long term management and monitoring of the GCN metapopulation across the SUE site.

To conclude the County Ecologists largely agree that appropriate mitigation within the proposed development can be achieved through the provision of a Construction Environmental Management Plan, a specific Ecological Construction Method Statement and a Landscape Management Plan so therefore would comply with saved policy E6 of the Local Plan 2006.

Archaeology and Cultural Heritage

Within the Environmental Statement submitted as part of this application it has highlighted that previous archaeological evaluative fieldwork, including geophysical survey and trial trenching has been undertaken across a large portion of this site. This established that significant archaeological features survive across this site. These included an enclosure with internal divisions, a possible ring ditch, storage pits and post holes. These features most likely represented the remains of a small, defended farming settlement. Pottery recovered from one of the ditches was dated to the Mid Iron Age with other pottery found from the Roman period.

Whilst a large portion of the site has been trial trenched the most westerly portion of the site has not. The County Council Archaeologist has stated that whilst they do not wish to object to the development they consider that some archaeological work should be required if consent is forthcoming. This work would be in the form of a phased approach including the archaeological evaluation of those areas not yet trial trenched. This work requested by the County Archaeologist will be covered by condition requiring a Written Scheme of Investigation, a programme of archaeological evaluative work and associated post excavation analysis, report production, archive deposition and an archaeological mitigation strategy document.

Taking the above into account it is considered that the proposed development can be carried out with minimal impact on the archaeology of the area complying with policy CS16 of the Core Strategy 2012.

Air Quality and Noise

The NPPF establishes the need to consider whether the proposed development would result in unacceptable levels of air quality to the detriment of new or existing development (paragraph 109). It further outlines a requirement to consider the impact on Air Quality Management Areas (AQMA) and the cumulative impacts on this (paragraph 124). This is consistent with policy CS10 of the Core Strategy and the Air Quality section of the Planning Obligations SPD which set out the need to ensure that new development does not result in a significant increase in the production of air quality pollutants.

As part of the SUE an air quality assessment was undertaken and this was found acceptable by the Environmental Service Officers. As the traffic and road infrastructure improvements have been agreed with the WCC Highway department as part of the SUE approval and this proposal will not increase the numbers of dwellings upon the overall SUE site it is considered that it would not be reasonable to request further information regarding air quality.

Paragraph 123 of the NPPF outlines the need to consider the impact of noise resulting from new development on health, quality of life and areas of tranquillity. It also indicates the need to consider measures, including the use of conditions, to minimise noise and mitigate against the impact from it. Paragraph 17 of the NPPF and policy CS16 of the Core Strategy is consistent with this in outlining that planning should seek a good standard of amenity for all existing and future occupants of land and buildings

The noise report submitted as part of the application is considered to be comprehensive and deemed adequate for an outline planning permission of this size by the Council's Environmental Protection Officers. The findings of the assessment demonstrate the site is suitable for residential use, subject to further assessment to determine suitable mitigation for various high noise areas of the site. The report indicated that where noise levels exceed 50 dB LAeq, 8h and 55 dB LAeq, 16h possible alternative external building fabric measures may be required which would result in further noise monitoring upon the detailed design phase being completed. This would allow for the final layout of housing to determine the effectiveness of measured noise levels in external amenity spaces and to determine potential building façade mitigation. This further assessment would be conditioned as part of any approval.

Taking into account the above it is considered that the proposal would comply with policy CS10 and CS16 of the Core Strategy along with the specific paragraphs of the NPPF.

Contamination

The NPPF sets out the need to ensure that contaminated land does not affect the health of the future occupiers of new development (paragraphs 109, 120 and 121).

The submitted Phase 1 Ground Condition Assessment (Contamination and Land Instability) reviews the geological, environmental and historical setting of the site, the existing condition of the Site and surrounding area, potential risk and hazards within the land and the ground stability and was done so to comply with the above paragraphs in the NPPF.

The Councils contamination officer has agreed with the conclusions of the report, that given the scale of the identified potential sources of contamination, site setting and nature of the proposed development and the risk levels identified in the preliminary Tier 1 risk assessment it is anticipated that the requirement to carry out a Phase 2 intrusive investigation can be satisfactorily dealt with through conditions in any granted Planning Consent.

Transport and Highway Safety

One of the core principles outlined within paragraph 17 of the NPPF sets out the need for planning to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'. This is then further expanded upon in section 4 of the NPPF which also sets out the need to consider the suitability and safety of accesses. Paragraph 32 of the NPPF is particularly important and indicates that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. It further indicates the value of travel plans and the promotion of a mix of uses on larger residential developments (paragraphs 17, 36 and 38). Policy CS11 of the Core Strategy is consistent with this and states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. The Planning Obligations SPD expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability of development proposals. Policy CS11 and policy T5 of the Local Plan also state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD.

As part of the submission a transport assessment was included that stated that "As the application site at Wharf Farm forms part of the wider Rugby SUE development, it is considered that the impact of the proposed development would have been addressed within the outline application for the Rugby SUE. Therefore no other off-site junctions will be assessed for this proposed development other than the proposed signalised site access with Crick Road (A428)". The applicant also proposed to address the contribution to off-site highway works through the Section 106 agreement rather than through the Transport Assessment as the long term solution has already been identified.

Through several meetings and discussions regarding the site it became clear that the applicant did not want to contribute proportionately (i.e. 6%) to the transport elements identified in the RRS s106 agreement. This meant that the Highway Authority who have assessed all relevant information and were involved in the meetings originally objected to the application as the highways contributions offered had not been evidenced as being necessary or sufficient to make the proposed development acceptable.

The Local Highway Authority (LHA) requested the submission of additional information in order to consider the impact of the proposed development on the network and revised layout drawings in connection with the proposal. The approach that was agreed by the LHA was for the development impacts to be considered independently to those of the RRS using a junction by junction modelling approach, whilst acknowledging that the development proposals do provide for infrastructure that will ultimately also serve the RRS i.e. site access junction, bus stops, spine road and footway/cycleways within and adjacent to the site. In terms of highway impact, the key areas of concern for the Highway Authority were the impact of the development trips on the network along the A428 corridor to the town centre, and the promotion of sustainable travel.

The further assessments and information were submitted to which the results showed that with the exception of the A428/Ashlawn Road junction, increases in delay at the A428/Barby Road/Deering Road junction and a small increase in queue at the A428/Boundary Road, the impacts of the additional development trips could be accommodated. However as there are significant capacity issues at the

A428/Ashlawn Road junction that will be exacerbated by the development trips, the LHA requests that rather than accepting contributions to a few junctions to provide small capacity improvements, that the improvement proposed for the A428/Ashlawn Road is provided by the developer. The improvements proposed for the junction would be in the form of signalisation which will be put in place before a certain number of dwellings are occupied on site.

Assessment of the site access junction on to the A428 and the internal layout of the development of 88 dwellings which full permission has been applied for has been undertaken by the Highway Authority and after several amendments it is now acceptable in terms of highway standards, regulations and safety aspects. Other highway related aspects considered regarding the development is parking, cycling, bus stop provision, bus services, travel plans and construction phases which have been deemed acceptable subject to conditions and contributions to be included within the decision and section 106 agreement respectively.

The mitigation measures and Section 106 obligations requested by the LHA vary to those offered by the applicant however these have been justified in the response given by the LHA. It is recognised that the some of the infrastructure proposed by the applicant is of a larger scale than would necessarily be required for the development on its own e.g. site access junction, spine road and A428 frontage footway/cycleway in order to provide for the RRS development and connections as applicable. However, the mitigation measures, conditions and contributions identified are considered necessary to ensure opportunities for sustainable travel are provided, the off-site highway improvements provide mitigation for the significant impacts of the development and the alterations to the network are acceptable. Based on the additional information submitted, and the conditions and financial contributions requested by the LHA raises no objection to the proposal therefore it is considered the proposed development would comply with policy CS11 and the NPPF.

Water Resources including Flood Risk

The NPPF requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraphs 100-103). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Policy CS16 of the Core Strategy and policy GP2 of the Local Plan are consistent with this and set out that sustainable drainage system (SUDS) should be proportionality incorporated into new development where practical.

The site is located in Flood Zone 1 defined in NPPF as having a 'Low Probability' of flooding. The Canal River Trust has confirmed they hold no records of historic incidents of flooding from the Oxford Canal adjacent to the site to which the site Surface water runoff from the site currently drains into by overland flow or infiltrates to groundwater. There is no evidence of formal land drainage infrastructure.

The Flood Risk Assessment submitted as part of the application outlines an indicative surface water strategy for the Proposed Development that will restrict surface water runoff to existing greenfield rates into the receiving system. The strategy will also include pollution prevention measures to ensure there is no adverse impact on surface water and groundwater quality. These mitigation measures will ensure there is no adverse impact on human health in terms of flood risk and water quality. Water efficiency measures will also be included in the scheme and will reduce the impact on water resources.

The proposals put forward include a large detention basin positioned to the west of the site which is adjacent to the Oxford Canal. It has been confirmed there is an agreement in principle with the Canal and River Trust to discharge surface water out into the canal and also it has been confirmed there is capacity and an agreement with Severn Trent for surface water to be discharged into the storm water sewer. Whilst the detention basin is a form of Sustainable Urban Drainage (SUDs) it has yet to be determined what other types of sustainable urban drainage systems are to be incorporated into the design however as the majority of the developed is indicative and within an outline permission there is still an opportunity to achieve some form of SUDS with in the development. The imposition of a negative condition to request a scheme including the timing of the delivery for the disposal of storm water for the entirety of the site before any phase of development commences would ensure a detailed scheme is provided before development commences and that it will ensure full consideration can be given to the opportunity to install SUDs measures.

Socio Economic

Section 1 of the NPPF highlights the need for the planning system to support sustainable economic growth with notable references to job creation and prosperity. In view of this, a Socio-Economic Sustainability Statement has been included within the ES submitted as part of the application. It highlights that the principles of the development have been established through granting of the approval for the SUE and that the proposal which relates to the provision of mainly housing development; and includes a local centre as envisaged in the Master Plan for the Mast Site would be brought forward earlier therefore contributing to socio-economic considerations. It indicates that an early commencement of development would provide new jobs earlier; when homes are occupied, expenditure occurs on goods and services thereby contributing towards additional sources of employment and the provision of new homes would also contribute to remedying the current shortfall in the supply of deliverable housing land.

Notwithstanding the above, it is recognised that the benefits arising from this proposed development would not be unique. Indeed, the same benefits would arise if development was carried out at other locations on the edge of Rugby town. However, not enough homes are being constructed within the Borough to meet identified housing needs and these potential benefits are therefore not being realised. In such circumstances, the availability of any site that could contribute to house building and economic development, in the short term, should attract significant weight.

Affordable Housing Provision

Policy CS19 of the Core Strategy and the Housing Needs SPD sets out that 40% of new homes should be affordable homes on sites with an area greater than 1 hectare or capable of accommodating more than 30 dwellings. These affordable homes should be provided in a range of different sizes, types and tenures.

Policy CS19 however does state that in circumstances where the provision of the targets set out here are likely to threaten the financial viability of a development scheme, the Council will consider a reduced target. It would be for the applicant to demonstrate that the viability of the scheme would be vulnerable. This would normally be done through the submission of a comprehensive financial appraisal of the proposed scheme, together with details of the financial model used, which the Council would be able to have independently assessed.

The applicant has indicated that the development will offer 5% affordable housing and have demonstrated why this is the case through a comprehensive financial appraisal as suggested. The Council have had this appraisal independently assessed with the findings showing that 13.7% of affordable housing could possibly be delivered as part of the development. At the time of writing this report the difference in the amount of affordable housing has not been agreed and is still being discussed between both parties and an update will be verbally presented on the night of the committee.

Cumulative Impacts

The cumulative effects of the development have been assessed against the committed development for the Rugby Radio Station site which has taken into account the committed development at DIRFT and the Sustainable Urban Extension at The Gateway Rugby. The cumulative impacts were found to be acceptable when the RRS site was approved and considering this site benefits from that approval it would be unreasonable for any other sites to be considered as part of the developments cumulative impact therefore the proposed impact of developing upon Wharf Farm would be acceptable.

Infrastructure and Planning Obligations

Policy CS10, the Planning Obligations SPD and paragraph 203 of the NPPF 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 CS13 also states that 'Where new developments are proposed the implications on existing services need to be taken into account. This may result in contributions to existing services or new provisions being accrued'. This is consistent with one of the core planning principles outlined within paragraph 17 of the NPPF which outlines the need for planning to 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

Throughout the process of the planning application substantial discussions and negotiations have occurred to ensure that fair, reasonable and justifiable contributions are being provided for the development which takes into consideration the wider SUE and also whether they would be CIL compliant. Contributions have been sought for the following areas:-

- Education
- Off Site Highway Works
- Public Transport Contributions
- Police
- Community infrastructure
- Canal towpath improvement and maintenance

Conclusion

The proposed development at Wharf Farm is in principle acceptable with significant weight being given to its allocation within the Core Strategy and it being part of the implemented approval of the RRS OPP. The proposed development would be well connected and would have consistency with the parameters set within the wider SUE whilst, mainly due to the allocation of the wider SUE, not impacting upon the visual aspects of the landscape. There are no technical objections to the proposal, contributions are being sought for infrastructure and services and an element of affordable housing is being provided, albeit which hasn't yet been agreed, which would therefore comply with all the relevant policies to which this development has been assessed. Taking the above into account the proposal is deemed acceptable and should be approved as per the recommendation below.

Recommendation

Head of Investment and Growth be granted delegated powers to approve the application subject to an agreement on the level of affordable housing provision being reached, completion of Section 106 agreement and subject to conditions set out below.

DRAFT DECISION

APPLICATION NUMBER

R15/1702

DATE VALID

13/01/2016

ADDRESS OF DEVELOPMENT

LAND AT WHARF FARM
CRICK ROAD
HILLMORTON
RUGBY

APPLICANT/AGENT

Mr Peter Frampton
Framptons
Oriol House
42 North Bar
Banbury
Oxfordshire
OX16 0TH
On behalf of , Barwood Development Securities
Ltd and The Wharf Farm Partnership

APPLICATION DESCRIPTION

A Hybrid Planning Application consisting of: 1/ Outline planning permission for the erection of up to 380 new homes including a new access from A428 Crick Road; a spine road from Crick Road to northern boundary of the site; a local centre; associated infrastructure including storm water balancing arrangements on land between Moors Lane and the Oxford Canal and the demolition of redundant farm buildings, (all matters except access are reserved) and 2/ Full planning permission for the erection of 88 dwellings including access, appearance, layout and scale. Landscaping is reserved. (phase 1).

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

CONDITION 2:

Application for approval of the reserved matters specified in Condition 4 below associated with the OUTLINE planning permission, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of five years from the date of this permission.

REASON

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION 3:

The development hereby permitted, as referred to in Condition 2 above, must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION 4:

Details of the following reserved matters associated with the OUTLINE planning permission shall be submitted to and approved in writing by the Local Planning Authority before that part of the development associated with the OUTLINE planning permission has commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a - Scale;
- b - Layout
- c - Appearance; &
- d – Landscaping

Landscaping includes soft and hardlandscaping and also boundary treatments. Each reserved matters submission for layout and landscaping shall be accompanied by a phasing plan.

REASON:

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

CONDITION 5:

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Full Permission

- 3111-01 Rev F - Proposed Site Plan
- 3111-02 Rev G - Housing Mix Plan - House Types
- 3111-03 Rev G - Housing Mix Plan - Beds
- 3111-04 Rev G - Building Heights Plan

3111-05 Rev F - Materials Plan
3111-08 Rev E - Proposed Site Plan Boundary Details & Hard Landscaping
3111-09 Rev B - Street Hierachy
3111-41 Rev B - Refuse Strategy
3111-42 Rev A - Proposed Floor Levels
Received by the Local Planning Authority on the 3rd January 2017

3111-23 Rev A - House Type GW Apt
34545-5501-SK7- General Arrangement Plan - Phase1
34545-5501-SK8- Proposed Sections Phase 1
Received by the Local Planning Authority on the 13th June 2016

3111-11 Rev A - House Type - FU-1
3111-13 Rev A - House Type - RE-1(B)
3111-19 Rev A - House Type - FU-5(B)
3111-29 Rev A - House Type - FU-9
3111-30 - House Type - FU-7
Received by the Local Planning Authority on the 29th March 2016

3111-10 - House Type - GW1 (Buff)
3111-12- House Type - FU-6
3111-14 - House Type - FU-2
3111-16 - House Type - FU-5(R)
3111-17 - House Type - FU-4(B)
3111-18 - House Type - FU-4(R)
3111-20 - House Type - RE-1(R)
3111-21 - House Type - GW-2(B+R)
3111-22 - House Type - GW-1(B)
3111-24 - House Type - FU-8
34545-5508-0100-General Arrangements Plan

Received by the Local Planning Authority on the 13th January 2016

Outline Permission

RG-M-12 Rev F - Parameter Plan - Green Infrastructure Plan
Received by the Local Planning Authority on the 3rd January 2017

RG-M-11 Rev J - Parameter Plan - Land Use Plan
RG-M-13 Rev C - Parameter Plan - Building Heights Plan
RG-M-AI02 Rev D - Parameter Plan - Access and Movement Plan
Received by the Local Planning Authority on the 1st July 2016

RG-M-15D - Hybrid Application Boundary
Received by the Local Planning Authority on the 3rd June 2016

Environmental Statement dated January 2016 - Ref PF/9282
Design and Access Statement dated January 2016
34545/3501 Phase 1: Ground Condition Assessment (Contamination and Land Instability) Project
34545/4001 - Flood Risk Assessment
34545/2501 - Utility Infrastructure Report
34545/5501 Rev: B - Transport Assessment
34545 TN002 Rev A - Foul Drainage Strategy
Received by the Local Planning Authority on the 13th January 2016

Supportive Drawings and Documents

34545: TN004 - Off-site highway assessments to inform Section 106
Received by the Local Planning Authority on the 31st October 2016

REASON:

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

CONDITION 6:

The details submitted in relation to Condition 4 above shall have regard to the principles set out in the Design & Access Statement by Barwood dated January 2016

REASON:

To ensure the detailed development of the site is acceptable to the Local Planning Authority

CONDITION: 7

No development shall commence on either the FULL or OUTLINE/RESERVED MATTERS element of the scheme unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces of all buildings and structures, together with samples of the facing materials and roof tiles/slates and details of reveal depths, headers & cills for all windows & doors, for that element of the scheme, 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 8:

No development shall commence unless and until a comprehensive hard and soft landscaping scheme including the full planting schedule specifying species, location, number, density, height and eventual spread and location of grass turfing or seeding, the depth of top soil where necessary the timing of implementation and future management and maintenance details. The landscape works shall be permanently retained and managed in accordance with the submitted details. In event that any trees or plants which within a period of 10 years from their planting die, are removed or become diseased, they shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON:

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

CONDITION 9:

The details of landscaping for each built part of the development submitted pursuant to the requirements of Condition 4 shall include a phasing scheme for implementation. The landscaping shall be implemented in accordance with the approved phasing scheme.

REASON:

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

CONDITION 10:

No external lighting, including roadway and pathway lighting, shall be erected or installed unless and until full details of the type, design and location of the lighting columns, fixtures and fittings, together with their associated angle, fall, spread and intensity, have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected and installed in accordance with the approved details.

REASON:

To prevent unnecessary light pollution and in the interests of the amenities of the area.

CONDITION 11:

Prior to development commencing on either the FULL or OUTLINE/RESERVED MATTERS element of the proposed development, a fully detailed scheme for provision of surface water and foul drainage, for that element of the scheme, shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details prior to the dwellings first being brought into use on the relevant element of the proposed development.

REASON:

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

CONDITION 12:

Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence on either the FULL or OUTLINE/RESERVED MATTERS elements of the scheme until points (a) to (d) below have been complied with for that element of the scheme. This shall include a Phase II Contaminated Land intrusive investigation. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

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

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

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

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

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

(d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition

(a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (c).

REASON:

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

CONDITION: 13

Prior to development commencing on either the FULL or OUTLINE/RESERVED MATTERS element of the scheme further noise monitoring shall be undertaken in compliance with paragraph 9.57 and 9.85 of the Environmental Impact Assessment and any mitigation measures identified shall be carried out in full prior the occupation of the dwellings in that part of the scheme and retained thereafter.

REASON:

In the interest of health and safety.

CONDITION: 14

Prior to the commencement of any works on either the FULL or OUTLINE/RESERVED MATTERS element of the scheme, a site specific Construction Method Statement shall be submitted for each development phase in writing to, and approved by, the Local Planning Authority. This shall include details relating to:

- The control of noise and vibration emissions from construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase;
- The control of dust including arrangements to monitor dust emissions from the development site during the construction phase
- Measures to reduce mud deposition offsite from vehicles leaving the site.
- Construction phasing plan and HGV routing plan.
- Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority

REASON:

In the interests of residential amenity

CONDITION 15:

Unless otherwise agreed in advance in writing with the Local Planning Authority, in relation to the demolition and construction works at the site, no external plant or machinery shall be operated, no external process shall be carried out and no construction or demolition traffic shall enter or leave the site outside the hours of 07:30 to 18:00 hours Mondays to Fridays, nor outside the hours of 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.

REASON:

In the interests of the amenities of the locality, including neighbouring properties

CONDITION: 16

Prior to the proposed foul water pumping station being constructed on site as identified on the approved plans detailed in Condition 5 above, full details of its exact location, design and appearance shall be submitted to and approved in writing by the Local Planning Authority. The pumping station shall be built in accordance with the approved details.

REASON:

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

CONDITION: 17

Full details of any refrigeration or air handling plant, flues or other equipment to be located externally to the buildings potentially located in the allocated local centre and the other mixed use area within the scheme, to include proposed measures for acoustically treating such equipment, shall be submitted to and approved by the Local Planning Authority prior to such plant being installed. The equipment shall then be installed in accordance with the approved details.

REASON:

In the interest of residential amenities

CONDITION: 18

The development hereby permitted, including site clearance, shall not commence on either the FULL or OUTLINE/RESERVED MATTERS element until an Ecological and Landscape Management Plan has been submitted and agreed between the applicant and the Local Planning Authority in consultation with WCC Ecological Services for that part of the development. The scheme must include a timetable of activities and all aspects of biodiversity enhancement outlined in the Environmental Statement produced by EDP. This should include:

- i) Description and evaluation of the features to be managed;
- ii) Ecological trends and / or constraints on site that may influence management;
- iii) Aims and objectives of management;
- iv) Selection of specific techniques and practices for establishing vegetation;
- v) Details of planting and sources of habitat materials (e.g. plant stock) or species individuals;
- vi) Method statement for site preparation and establishment of target features;
- vii) Appropriate management options for achieving aims and objectives;
- viii) Prescriptions for management actions;
- ix) Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually;
- x) Personnel responsible for the implementation of the plan;
- xi) Monitoring and remedial/contingencies measures triggered by monitoring.

The agreed scheme to be fully implemented in accordance with an agreed timetable before/during development of the site as appropriate.

REASON:

To protect/enhance the ecological character of the area in accordance with the National Planning Policy Framework, RBC Policy CS14 and the NERC biodiversity duty.

CONDITION: 19

The development hereby permitted, including site clearance, shall not commence, shall commence on either the FULL or OUTLINE/RESERVED MATTERS element until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with WCC Ecological Services for that part of the development. In discharging this condition the LPA expect to see details of a great crested newt mitigation plan and pre-commencement checks for

bat, badger, reptiles, amphibians, breeding birds and appropriate working practices and safeguards for sensitive habitats and wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

REASON:

To ensure that protected species and sensitive habitats are not harmed by the development

CONDITION: 20

The accommodation for car parking, motor cycle and cycle parking and loading and unloading of vehicles shall be provided before the dwelling to which it relates is occupied or brought in to use and shall be retained permanently for the accommodation of vehicles and cycles of persons residing in or calling at the properties/premises and shall not be used for any other purpose.

REASON:

In order to ensure that satisfactory parking and access arrangements are maintained within the site and in the interests of visual amenities of the overall site.

CONDITION: 21

No development, shall commence on either the FULL or OUTLINE/RESERVED MATTERS element of the scheme unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, for that element of the scheme, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be first occupied on either the FULL or OUTLINE/RESERVED MATTERS element of the scheme until the details above have been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety

CONDITION: 22

No development shall commence in relation to the OUTLINE/RESERVED MATTERS element of the scheme unless and until full details of existing and proposed ground levels together with finished floor levels of all buildings and ground levels of all associated parking areas, for that element of the scheme, to include cross and longitudinal sections have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure the proper development of the site and to ensure that the levels are contiguous with the adjoining Rugby Radio Station development.

CONDITION: 23

The finished floor levels shown on the approved plans for the FULL element of the scheme shall not be varied without the prior written permission of the Local Planning Authority

REASON:

To ensure the proper development of the site and to ensure that the levels are acceptable

CONDITION: 24

No development shall take place within 25m of the canalside boundary unless and until a Construction Methodology has first been submitted to and approved in writing by the Local Planning Authority to demonstrate that any proposed earthmoving, excavations, foundation construction or other building operations can be safely carried out without adversely affecting the stability of the adjacent canal. Development within 25m of the canal shall thereafter only be carried out in accordance with the approved Construction Methodology.

REASON:

In the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the canal adjacent to the application site boundary, in accordance with the advice and guidance on land stability contained in paragraphs 120-121 of the National Planning Policy Framework 2012 and in the National Planning Practice Guidance.

CONDITION: 25

No development, shall commence on either the FULL or OUTLINE/RESERVED MATTERS until:

A) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the LPA.

B) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

C) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

REASON:

In the interests of archaeology

CONDITION: 26

The vehicular access junction onto the A428 Crick Road as shown on the approved drawing shall be formed before the commencement of works of any dwelling house. The phased construction of the junction shall be submitted to and approved by the LPA.

REASON:

In the interests of highway safety

CONDITION: 27

The spine road shall be constructed between the A428 Crick Road and the northern boundary of the site, and a timetable/phasing plan shall be submitted to and agreed in writing by the Local Planning Authority for approval in consultation with the LHA prior to the first occupation on the site. The phasing plan should include detailed plans for the location of two bus shelters (one either side of the spine road) and the timetable for installation. The timetable/phasing plan shall be implemented as approved. The details submitted shall ensure the spine road links seamlessly with the adjoining primary street on the adjoining Rugby Radio Station development.

REASON:

In the interest of highway safety

CONDITION: 28

Prior to occupation of 50 dwellings a detailed design of the alterations to Moors Lane (southern and northern ends) shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority and thereafter implemented.

REASON:

To ensure the details of the development are acceptable in the interests of public and highway safety

CONDITION: 29

Prior to occupation of 50 dwellings a detailed design of the junction improvement scheme for the A428/Ashlawn Road shall be submitted for and approved by the Local Planning Authority in consultation with the Local Highway Authority and thereafter implemented.

REASON:

To ensure the details of the development are acceptable in the interests of public and highway safety

In the interests of sustainability

CONDITION: 30

No development shall commence upon the FULL or OUTLINE/RESERVED MATTERS element of the scheme unless a delivery plan of the Green Infrastructure shown on drawing no. RG-M-12 Rev F received by the Local Planning Authority on the 3rd January 2017 is submitted to and agreed in writing by the Local Planning Authority

REASON:

To ensure satisfactory delivery of the informal open space upon the site.

CONDITION: 31

The quantum and mix of floorspace in the Local Centre and/or in the other mixed use area identified within OUTLINE/RESERVED MATTERS element of the scheme shall not in total exceed the following figures for the specified uses:

- Class A1 (Retail) - 500sqm
- Class A3 (restaurants and cafes) - 250sqm
- B1a (office) – 7200sqm

Additionally the development could include A4/A5 (drinking establishments and Hot Food Takeaways) uses as long as the floorspace did not exceed that attributed to A3 uses. There could also be an element of Class D1 use with the Local Centre or mixed use area of up to 300sqm.

REASON:

To maintain a hierarchy of shopping centres and to ensure that there is no undue adverse impact on the vitality and viability of the town centre.

CONDITION: 32

Within the Local Centre and/or other mixed use area within the scheme, individual retail units shall not exceed 250sqm and shall not be used for the sale of comparison goods and at no time shall any of the units be amalgamated to create larger units or shall any mezzanine floors be constructed within any units.

REASON:

To maintain a hierarchy of shopping centres and to ensure that there is no undue adverse impact on vitality and viability of the town centre.

CONDITION: 33

Notwithstanding the provisions of Class D1 (Non-residential institutions) of the Town and Country Planning (Use Classes Order) 1987 as amended, or any such order revoking or re-enacting the Order, no development shall be used for the purposes of art galleries, museums or law courts without the prior permission of the Local Planning Authority.

REASON:

To safeguard the vitality and viability of the town centre where such uses would be more appropriately located.

CONDITION: 34

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

REASON:

In the interest of visual amenity.

CONDITION: 35

Walls, fences and railings shown on the approved drawings shall be erected concurrently with the development to which they relate and shall not be maintained or replaced at any time other than with walls and fences of an identical height, design, materials and finish.

REASON:

In the interests of amenity

CONDITION: 36

In relation to condition 4 of this permission no development shall commence on the OUTLINE/RESERVED MATTERS element of the scheme until full details of the children and youth play provisions, including a timetable of implementation, highlighted on drawing no. RG-M-12 Rev F has been submitted to and agreed in writing by the Local Planning Authority

REASON:

To ensure adequate play provision is provided.

CONDITION: 37

Prior to the commencement of works upon the FULL element of the scheme details of the design and appearance, including materials, of the substation shall be submitted to and agreed in writing by the Local Planning Authority

REASON:

To ensure satisfactory appearance of the development.

CONDITION: 38

Details of the distribution of affordable housing either in the FULL or OUTLINE/RESERVED MATTERS element of the scheme shall be submitted before any development is commenced in that phase shall be submitted to and agreed in writing by the Local Planning Authority

REASON:

To ensure satisfactory provision of Affordable housing.

CONDITION: 39

Full details of waste management provision and a refuse strategy for the OUTLINE/RESERVED MATTERS element of the scheme, shall be submitted to and agreed in writing by the Local Planning Authority Prior to the commencement of development on any phase. The details and the refuse strategy shall be implemented in accordance with the approval by the Local Planning Authority.

REASON:

To ensure satisfactory waste management and provision.

CONDITION: 40

All dwellings shall be provided with appropriately sized and located hardstandings in rear gardens for the storage of refuse (wheelie) bins prior their occupation.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority in the interests of amenity

CONDITION: 41

No development shall commence on the FULL or OUTLINE/RESERVED MATTERS element of the scheme, until details of all retaining walls, including section drawings, have been submitted to and agreed in writing by the Local Planning Authority.

REASON:

To ensure satisfactory appearance of the development.

CONDITION: 42

No development falling within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking or re-enacting that Order shall be carried out in relation to plots 17, 18, 19, 20, 21, 22 and 30.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority in the interests of amenity

CONDITION: 43

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes or artificial sett if required, shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

REASON:

To ensure appropriate measures are taken in relation to protected species.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

ENVIRONMENTAL STATEMENT:

The information contained within the Environmental Statement submitted under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) as part of this planning application has been taken into account in the assessment, consideration and determination of the application by the Local Planning Authority.

INFORMATIVE: 1

The applicant will require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE: 2

The applicant is required to ensure that the estate roads [including footways, cycleways, verges and footpaths] are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway Authority's standard specification. The applicant / 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.

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, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

INFORMATIVE: 3

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

INFORMATIVE: 4

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

INFORMATIVE: 5

The applicant/developer is advised to contact Osi Ivowi on 01908 302591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

INFORMATIVE: 6

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

INFORMATIVE: 7

It is recommended that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the contaminated land pages on GOV.UK for more information.

INFORMATIVE: 8

The applicant / developer should refer to our 'Groundwater Protection: Principles and Practice' (GP3) document, available from gov.uk. This sets out our position on a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination

- Drainage
- Storage of pollutants and hazardous substances
- Management of groundwater resources

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).

If the waste from the demolition work is intended to be used on site in the construction of the earth mounds (or any other structure) the applicant should contact the Environment Agency to discuss whether this can be carried out under an exemption or whether a permit for the activity would be required.

INFORMATIVE: 9

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

INFORMATIVE: 10

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Definition of Waste: Development Industry Code of Practice on the CL:AIRE website and;
- The Environmental regulations page on GOV.UK.

INFORMATIVE: 11

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

INFORMATIVE: 12

It is advised that all new dwellings that are to be built under the OUTLINE/RESERVED MATTERS element of the scheme, shall be constructed to comply with the published Building Regulations that are relevant at the time of construction.

INFORMATIVE: 13

Warwickshire County Council have advised that the construction of the estate roads serving the development including footways, cycleways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.

INFORMATIVE: 14

The supportive drawings RG-M-07 Rev L - Illustrative Layout, received by the Local Planning Authority on the 1st July 2016 and RG-M-A125A - Green Way Concept, received by the Local Planning Authority on the 3rd June 2016 aided the decision process, however they are only supportive illustrative drawings so are not approved drawings or documents.

OFFICER REPORT

Reference number: R16/2295

Site address: Grange Farm Cottage, Coventry Road, Cawston, Rugby. CV22 7RZ

Description: Submission of Reserved Matters for the erection of 10 residential dwellings with details relating to access, appearance, landscaping, layout and scale, pursuant to Outline planning permission reference R12/1947 granted on 22/05/2015.

Case Officer: Mary-Ann Jones (01788 533845)

1. INTRODUCTION/ RECOMMENDATION

- 1.1 In accordance with the Council's scheme of delegation, this proposal is presented to the planning committee because over 15 letters of objection have been received from local residents.
- 1.2 Recommendation is to grant planning permission subject to the conditions outlined at the end of this report.

2. DESCRIPTION OF SITE

- 2.1 The application relates to a long narrow site which is orientated north to south, located within Cawston, accessed from Coventry Road. The site currently contains a residential dwelling, Grange Cottage with associated gardens. The property has a pitched roof with brown tiles and is constructed of buff brick. The site is located in the countryside, immediately adjacent to the Rugby Urban Area. The site is also located within the area identified by policy CS5 as the South West Broad Location.
- 2.2 The rear of the site is occupied by an agricultural contractors business. This area is mostly grassed with a hard surfaced track running the length of the site. There are shipping containers sited close to the rear boundary of Grange Cottage and the land is used site for storing tractors and other machinery. At the rear of the site is a large building built of timber and cladding with a shallow pitched roof, this also contains machinery and other equipment. This is largely screened from within the site by a conifer hedge.
- 2.3 There is a footpath/cycleway to the front of the site which links to other routes within Cawston.
- 2.4 To the north of the site is a pathway and landscaping/open space which form part of the Cawston Grange development. There is a hedgerow including trees on the boundary between the site and this area, some trees are within the site whilst others are in this open space area. Houses on Durrell Drive face the site across this area; some of these are separated from the open space by a hedge whilst others are more open with a post a rail fence providing the boundary treatment.
- 2.5 To the other side of the site (south west) is Cawston Manor which currently shares a vehicular access with this property from Coventry Road. Cawston Manor is occupied by a plastic surgery clinic with flats at first floor. This property is white render with grey slate tiles and stone detailing.
- 2.6 The land to the rear of Cawston Manor and to the side and rear of the application site is agricultural land, which has a gated access from the site. This forms part of the Cawston Extension site where outline planning permission (R11/0114) has been granted for

residential development. This development is currently under construction. This side boundary of the site is formed by a hedgerow containing mature trees.

- 2.7 There are a mix of house types and styles on Coventry Road including detached and semi-detached properties. There are many traditional properties including hipped roofs and bay windows. The houses on Durrell Drive are modern detached houses in a mix of styles, with a traditional design emphasis.
- 2.8 The site is generally level with a slight drop in level forming a gentle slope at the rear of the site which is maintained and employed in the proposed development.

3. DESCRIPTION OF PROPOSAL

- 3.1. The application seeks planning permission for reserved matters. Reserved matters include, layout, scale, appearance, access, landscaping.
- 3.2. The Design and Access statement states the layout and design has defined the nature of the site being long and narrow in shape and having various constraints that have informed the position of the dwellings. The dwellings are positioned adjacent a new access and associated road with gardens backing onto the flanking boundaries to the North and South.
- 3.3. Plot 1 is orientated with a frontage facing onto Coventry Road. Plot 2 – plot 5 are orientated at a 45 degree angle with the frontages facing the access road which runs to the south of the site along the boundary with the Redrow housing site to the south west. The rear gardens of these properties bound the existing boundary to the Cawston development to the north and north east. There are mature hedges and trees to this boundary. Most of the hedging will be retained, however some trees will be removed to make way for the new dwellings. Plots 6-10 are positioned with the rear boundaries abutting the rear boundary with proposed residential properties to the Redrow site. Plot 6-9 are orientated parallel to the access road. Plot 10 is located at the turning head of the private drive and will be turned 90 degrees to the road.
- 3.4. Due to the narrow nature of the site, all the proposed plan types (House Types A-C inclusive) are of a wide frontage design and narrow width which occupy a lesser footprint whilst attempting to maximise garden depths.
- 3.5. The dwellings are all designed with the main 2.5 storey element constituting the main body of each house, and the garages positioned lower with a set-back so as to appear as subservient elements. The dwellings do not exceed 8.7m to the tallest ridge; the proposal dwellings are therefore comparable in height to the properties on Durrell Drive. The tallest property on Durrell Drive is 8.9 metres in height.
- 3.6. Variations in ridge heights and the design decision not to include dormer windows to the top storey ensure the dwellings exemplify a typical 2 storey vertical scale, however still facilitate rooms within the roof which are naturally lit and ventilated by roof-light windows.
- 3.7. The developer has stated they are keen to introduce a fresher more contemporary design to the area and the design has been developed with this brief in mind. The inclusions of abstract forms and horizontal elements have been utilized to maintain a visually modest aesthetic. This is also combined with extruding and recessing bays on the plan to further animate the elevations and overall street scene.
- 3.8 Proposed materials include:
- Facing Brick – Mixture of red and buff brick dependent upon plot (details to be conditioned)
 - Fibre Cement Slate roofs – To suite roof pitch (details to be conditioned)

- Acrylic Render – White smooth.
- Horizontal boarding – Marley Eternit Cedral or similar – Exact Colours to be conditioned
- Doors & Windows – Timber Frames painted grey – Exact RAL Colour Top be conditioned
- Dormers – Lead lined cheeks with lead or GRP roof finish
- Fascias – Timber painted grey to match window frames

- 3.9 An existing vehicular access off Coventry Road splits to serve Cawston Manor to the left and Grange Farm Cottage to the right. On Grange Farm Cottage the road runs straight through to service the structures at the back currently employed as agricultural sheds. For the new development the current site access is to be redesigned and relocated slightly central to the front of the new development. The road will be built to an adoptable standard from the access up to plot 5 and be maintained at 5m wide thereafter as a private access. A turning head is provided adjacent to Plot 10.
- 3.10 Pedestrian access was initially proposed as part of the proposal; however this has now been removed from the scheme. There will be no footpath link created between the application site and Durrell Drive.
- 3.11 The proposal will provide for 2 parking spaces to the front of properties and 2 parking spaces within double garages on plot.
- 3.12 A proposed landscaping plan has been submitted. The landscaping proposal plan indicates that all hedges are to be retained with the exception of the section to be removed on the eastern boundary to make room for the proposed access road and a section on the north eastern boundary to make way for the proposed pedestrian access into Cawston on the eastern boundary of the site. Some trees are also indicated to be removed.
- 3.13 The large attractive lime tree to the frontage of the site (marked as T1 on the associated plans and supporting tree survey) is indicated to be retained as part of the proposal.
- 3.14 A total of 36 trees are to be removed and are indicated on the plan. Replacement trees are indicated on the landscaping plan. 32 high quality replacement trees and low level landscaping are offered within the site. Further details of additional landscaping to the turning head between plot 5 and 6 will be secured by condition to allow for a landscape screen to the turning head.

4. PUBLICITY

4.1 Third Party Comments

- 4.2 A total of 29 neighbour notifications were sent to neighbouring properties on 8th November 2016.
Ward and parish councillors on 8th November 2016.
A site notice was erected at the site and a press notice was published in the local press.
- 4.3 The Council has received 27 letters of objection raising the following concerns;
- Dwellings are too high and out of keeping with the character of the area.
 - Dwellings should be restricted to two storey
 - Density of development is too high
 - Height of dwellings will severely impact natural light.
 - Height of dwellings out of character with the existing two storey dwellings on Durrell Drive
 - Height will result in overlooking and loss of privacy to the occupiers of Durrell Drive
 - Houses face directly onto Durrell Drive

- Plots 6-9 are all level and face directly onto Durrell Drive – reducing privacy and increasing overlooking. Plots 1-5 are staggered, which reduce the risk of direct overlooking. All plots should be staggered.
- Footpath should be removed from the scheme. It serves no purpose. all amenities and the public areas can be easily accessed from the Coventry road.
- Footpath will lead to increased parking on Durrell Drive because occupiers and visitors of the new development will park on Durrell Drive.
- Hedgerow removal to form footpath.
- Footpath link will encourage antisocial behaviour
- Increased noise and disturbance from additional residents and traffic
- Increased light pollution from additional street lighting
- Number of bedrooms has increased by 30% from outline planning permission.
- Excessive dirt and pollution during the construction phases and during evenings and weekends.
- No need for the development given the vast amount of houses already being constructed in the vicinity.
- Emergency service access severely restricted.
- Entrance onto Coventry road dangerous.
- Removal of all trees.
- Trees provide an attractive screen between Durrell Drive and the application site. This leafy character will be lost once the trees and hedges are removed. The trees should be retained.
- Removal of horse chestnut tree (T30). The tree is a good healthy specimen. Tree has become integral to the character and amenity of the area and enhances the area for public and wildlife. Its removal and loss will be devastating.
- Turning area between plots 5 and 6 will result in headlights from cars shining directly into Durrell Drive.
- Treatment of the front elevations. White acrylic coloured external sections to the front elevations of houses facing Durrell Drive throughout the whole 2.5 storeys will produce significant glare from sun reflection in the mornings into the windows of properties along Durrell Drive.
- The glazed 2.5 storey staircase should be obscure glazed to reduce loss of privacy to the occupiers of Durrell Drive.
- The private drive of plots 6 – 10 will run immediately adjacent to the boundary with the public open space necessitating the removal of all hedgerow and trees on the application site of the boundary. This will undermine the integrity of the open space.
- More robust fencing should be used between the boundary of the public open space and new development.
- Removal of trees is detrimental to wildlife
- Gardens should be backing up to the public open space, not the private road.
- Not enough parking included in the development. This will lead to residents parking on neighbouring roads i.e. Durrell Drive.
- Scheme represents pure greed of house builders and has no regard to the existing development.
- The narrow and restricted shape of the site means that there will be a more exaggerated and imposing visual impact upon the adjoining houses in Durrell Drive and those being constructed in Williams Field

4.4 Following receipt of revised plans as a result of highways matters being addressed neighbours were re- consulted for a further 12 days on 13/01/2017
The council has received 4 letters of objection from neighbouring. (No new properties have objected). Objections raised the following concerns;

- removal of the Horse Chestnut tree T30;
- headlight glare from the proposed turning area;

- the unnecessary footpath link;
- the front elevation treatment of house type C- acrylic render is inappropriate;
- The need for planting /fencing reinforcement from plots 6 – 10.
- Permitted development rights should be removed from the proposed development to prevent dormer windows from being added to roof slopes which would increase overlooking to neighbouring properties.
- Bin store for plots 6-10. If this is intended to be a permanent structure to which residents deliver their rubbish on a daily basis then we consider it to be a potential eyesore and highly objectionable as well as unnecessary given the collection of refuse is in wheelie bins.

4.5 A third public consultation was undertaken following amendments which began on 03/01/2017 and ran for 10 days. Amendments included the removal of the footpath link and other minor amendments in respect of visibility splays and access on to Coventry Road in response to highways concerns.

The council has received objections from 3 properties raising the following concerns;

- Welcome the removal of the footpath link.
- Boundary treatment to turning head should be brick wall and or close board fencing.
- White acrylic render should have non reflective properties.
- Trees on plots 1-5 are in jeopardy as canopies already overlap proposed dwellings.
- Whole site should have an article 4 direction to remove permitted development rights.
- All other objections still stand with the exception to that of the removal of footpath link.
- Works should be undertaken outside of the nesting season to avoid the risk to nesting birds in the main house.
- Developers should not be allowed to park in front of Cawston Manor during the construction phase.
- Parking is not adequate on site.
- Landscaping is inadequate and will overhang highway
- Overlooking and overbearing impact to Cawston Grange.
- Poor layout
- Proposed boundary treatment to Cawston Manor inadequate.

4.5 Technical Consultation Responses

- WCC Ecology
No objection.
Happy with the proposed landscaping in particular the proposed native hedgerow planting along the south west boundary of the site. Happy with the reserved matters details. However we note that a Construction Environmental Management Plan (CEMP) will be required by condition prior to any works commencing on site to safeguard bats, nesting birds, reptiles/amphibians and badgers and we look forward to receiving this when available.
- WCC Highways
No objection
The Highway Authority raised a number of issues following the initial assessment and appraisal of the development proposals which, following a number of iterations have now been addressed.
Therefore our response is now one of no objection, subject to conditions and informative notes.

Conditions 1;:
The development shall be laid out in general accordance with drawing no. 16033/102 Rev F Development Access Proposals.

Condition 2:

The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb, footpath/ cyclepath and verge have been reinstated in accordance with the standard specification of the Highway Authority.

Condition 3:

The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.

- WCC Archaeology No response received. Archaeological conditions have already been discharged in connection with the outline planning permission.
- Environmental Health No objection
- RBC Tree and Landscape Officer No objection, subject to conditions.

Condition

All tree protection measures and tree works identified within the tree survey, arboricultural impact assessment and method statements (dated: September 2016 ref: SB/JS/486TS,AIA&MS) relating to the approved design details (including the erection of protective fencing to create construction exclusion zones) must be implemented prior to the demolition and construction phase and to the satisfaction and written approval of the LPA. Protective measures must remain in place until the completion of all construction works. Construction exclusion zone should be treated as sacrosanct with no building activity, ground disturbance or storage of building materials taking place within it. 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. Pre-commencement site meeting to be arranged with the applicant, LPA tree officer and designated arboricultural consultant responsible for the site to inspect tree protection measures. Reason: to ensure retained trees are successfully incorporated into the design and is suitably protected from damage during the demolition/construction phase.

Condition

All tree/hedge/shrub planting detailed within "Landscape planting scheme" drawing "SB/JS/486/LPS(October 2016)

must be planted in the 1st planting season following completion of development. If within a period of 5 years from the date of planting of any tree/hedge/shrub that tree, or any tree/hedge/shrub planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/hedge/shrub of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations. Reason: to maintain and enhance continuity of tree/hedge/shrub cover within the site.

- Severn Trent

No objections, subject to condition and informatives.

Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

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

Suggested Informative

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

- Warwickshire Fire and rescue
- RBC Works services unit
- Parks and recreation (Chris Worman)
- WCC Flood Risk Management

No comment received to date – email sent chasing response 25/01/2017

No response to date.

No response received to date

No Objection. This approval does not specifically approval any drainage related details, only that the proposals are deemed compatible with the provision of a suitable drainage scheme. Note that the Decision Notice provided as part of the outline approval under reference R12/1947 included Condition 14 relating to drainage. This condition will need discharging as part of a separate application. In order to discharge this

condition, we would expect to see the detailed surface and foul water drainage schemes for the site

which should include:

- a. Results of infiltration testing, in accordance with BRE 365 guidance submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS.
- b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
- c. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change at the time of outline approval) critical rain storm has been limited to the QBAR runoff rates for all return periods or 5 l/s *where appropriate).
- d. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- e. Evidence from Seven Trent Water (STW) will be required granting approval of discharge of sewerage to their assets including discharge rate and connection points.
- f. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing
- g. A foul water drainage scheme including evidence from Severn Trent Water (STW) that there is adequate capacity within their sewerage assets for this development
- h. Provide a Maintenance Plan to the LPA giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

5. RELEVANT PLANNING POLICIES/GUIDANCE

- 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 Core Strategy 2011, Rugby Borough Local Plan Saved Policies 2009, The Warwickshire Waste Core Strategy 2013 and The Warwickshire Minerals Local Plan Saved Policies 2007.
- 5.3 It is considered that there are no policies within The Warwickshire Waste Core Strategy and The Warwickshire Minerals Local Plan which are relevant to this application. The relevant policies of the Rugby Borough Core Strategy and Rugby Borough Local Plan Saved Policies are outlined below.
- 5.4 RBC Core Strategy

- Policy CS1 Development Strategy Complies
- Policy CS2 Parish Plans Complies
- Policy CS5 Growth Delivery Complies
- Policy CS10 Developer Contributions Complies
- Policy CS16 Sustainable Design Complies
- Policy CS17 Reducing Carbon Emissions
- SPD Sustainable Design and Construction SPD: Appendix B Residential Design Guide Complies
- SPD Planning Obligations Complies
- Cawston Parish Plan, 2010

5.5 RBC Saved Polices

- Policy GP2 Landscaping Complies
- Policy GP6 Safeguarding development potential Complies
- Policy E6 Biodiversity Complies
- Policy T5 Parking Facilities Complies
- Policy H11 Open space provision in residential developments in the urban area Complies
- Policy LR1 Open space standards Complies
- National Planning Policy Framework (NPPF) Complies

6. **RELEVANT PLANNING HISTORY**

Application number	Proposal description	Decision
R12/1947	Outline application for the erection of up to 10 dwellings including new access onto Coventry Road (all matters reserved) including the demolition of Grange Farm Cottage and outbuildings.	22/06/2015 (subject to S106)
Relevant planning history adjacent to the site:		
R11/0114	Erection of up to 600 dwellings (outline)	Granted 01/04/2014
R15/0540	Erection of 113 dwellings including new vehicular access to Coventry Road (reserved matters)	Granted 08/04/2016
R11/1521	Land south of Coventry Road and north east of Cawston Lane, Coventry Road, Cawston, Rugby. Outline planning application for the development of the site for up to 250 dwellings (Use Class C3), with means of access from Coventry Road and an emergency access from Cawston Lane, together with drainage and flood attenuation measures, the creation of public open space and hard and soft landscaping and associated infrastructure	Granted 06/05/2014

7. **ASSESSMENT OF PROPOSAL**

7.1. The main issues concerning this application are;

- Principle of development
- Impact on the character of the area
- Impact on Neighbour's residential amenity
- Impact on biodiversity, trees and hedgerows
- Impact on Highways and parking

- Sustainable design and construction
- Planning obligations

7.2 Principle of development

7.2.1 The principal of allowing residential development on this site has previously been accepted following the approval of the outline consent R12/1947, granted on 22/06/2015. Condition 1 of this permission requires the submission of reserved matters applications within three years of the date of this permission, i.e. by 30/07/2017. This permission is consequently in accordance with the outline permission.

7.2.2 This reserved matters submission in line with the particulars granted under the outline permission therefore the principal of the development in this location remains acceptable. No other material changes in local circumstances or policy have occurred since the granting of the outline planning permission; therefore it is considered the reserved matters submission is acceptable in principle.

7.3. Impact on the character of the area

7.3.1 Density

7.3.2 The application site is area of 0.67 hectares. With 10 dwellings on the site this equates to a density of 15 units per hectare. The nearby Cawston development (including Durrell Drive) has a density of circa 12 dwellings per hectare, therefore the density whilst, slightly higher than the neighbouring development to the north east, it is not considered excessive.

7.3.3 To the south west of the site, the Red Row housing development is currently under construction. Density on this site is higher at circa 24 dwellings per hectare. It is therefore considered the proposed density of the development is not of out character with the surrounding area and is acceptable in this respect.

7.3.4 Form, mass and layout

The development is deigned in a linear layout as a result of the sites long and narrow size. The dwellings are designed to be narrow in depth but relatively wide frontages in order to accommodate the built form on site given the narrow nature of the development site.

7.3.5 Plots 1 – 5 are oriented to ensure rear gardens bound the north eastern boundary. This allows for a greater separation distance to Cawston Manor and the Red Row development to the south and south west.

7.3.6 Plots 6-10 are oriented back to back with the proposed development to the south west. Garden depths are in some places less than 10 metres, however given the width of plot and the window to window distances of 21 metres or more, it is consider this distance will provide adequate rear amenity space for future occupiers of the dwelling houses, on both sites.

7.3.7 The proposed ridge height of the dwelling is 8.4 metres high to the ridge height. The dwellings are indicated as 2.5 storey high dwellings; however the 0.5 storey refers to the room in the roof. Comparatively the height of the dwelling is not dissimilar to the neighbouring dwelling on Durrell Drive, which has a maximum ridge height of 8.3 metres, which are two storeys.

7.3.8 Dwellings on the Red Row development to the south west are indicated to varying ridge height dependant on house type ranging from 8.1 metres to 9.40 metres high. It is therefore considered the proposed roof heights are not out of character with the surrounding development.

7.3.9 Design

- 7.3.10. All houses are proposed to be a contemporary design. The pallet of materials (see para 3.8 above) presents a contemporary appearance with a mixture of render, brick, long double storey windows and flat roofed elements. The submitted street scenes show the use of render panels and it is considered that this would add interest to the elevations, a condition is considered necessary to ensure that suitable materials are used.
- 7.3.11. Subject to conditions relating to materials it is considered that the impact on visual amenity and the character of the area will be an improvement on the previously approved scheme and is acceptable in accordance with CS16.
- 7.3.12. Parking to the houses will be at a ratio of 4 spaces per dwelling (2 on drive and 2 in double garages). This meets the RBC parking standards, which include a provision for visitor parking. The driveways to the properties are laid out within wide plots with landscaping therefore it is considered the layout is acceptable.

7.3.13 Housing mix

- 7.3.14. All dwellings are indicated to be 4 bed roomed detached dwellings, which will be offered for sale on the open market. There are no affordable homes proposed. All dwellings will also benefit from a double garage and off road parking for two cars.
- 7.3.15. The house type is typical if those existing and proposed within the local area. The site is on the edge of the Rugby Urban Area, whereby larger family homes are commonplace. It is acknowledged the total floorspace of each dwelling is generous, however in the absence of any other circumstances which would be in opposition to the suggested sizes, it is considered the housing mix is appropriate for the plot and the area, and is acceptable in this respect.

Plot	type	Tenure	scale	Area
1	A	4 bed detached	2.5 Storey	215 m ²
2	A	4 bed detached	2.5 Storey	215 m ²
3	B	4 bed detached	2.5 Storey	190 m ²
4	A	4 bed detached	2.5 Storey	215 m ²
5	B	4 bed detached	2.5 Storey	190 m ²
6	C	4 bed detached	2.5 Storey	215 m ²
7	C	4 bed detached	2.5 Storey	215 m ²
8	C	4 bed detached	2.5 Storey	215 m ²
9	B	4 bed detached	2.5 Storey	190 m ²
10	B	4 bed detached	2.5 Storey	190 m ²

7.4. Impact on Neighbour's residential amenity

- 7.4.1 The nearest residential property to the proposed development is Cawston Manor which is located to the south west of the site. Plots 1, 2 and 3 are the closest dwellings to Cawston Manor. The shortest separation distance between Cawston Manor and Plot 2 is 23 metres which is between the side of Cawston Manor and the front elevation of Plot 2. This is considered acceptable.
- 7.4.2 Objections have been received from the occupier of Cawston Manor who has raised concerns regarding the distance between Plot 2 and the existing barn within the curtilage of Cawston Manor. The separation distance at this point is 18 metres, which is considered adequate. There will be no overlooking to the proposed dwelling given the black elevation of the barn; therefore it is considered the neighbouring amenity of the future occupiers of plot 2 will be acceptable. Whilst it is accepted the proposed development will be visible from the rear windows of Cawston Manor, it is considered given the separation distances involved, the proposed will not cause harm through overlooking, loss of light, visual

intrusion and loss of privacy to the occupier of Cawston Manor and the proposal is acceptable in this respect.

- 7.4.3 In terms of the properties along Durrell Drive to the north east of the site, the minimum window to window distances are 22 metres between Plot 1 and Number 88 Durrell Drive, This is a side to rear relationship with no habitable room windows in the side elevation of 88 Durrell Drive facing directly onto the site, therefore it is considered the proposal is acceptable in this respect.
- 7.4.4 It is generally acknowledged separation distances should be in excess of 21 metres rear window to window in relation to neighbouring properties in new residential development. Distances range from circa 32 metres to 45 metres. Furthermore between the application site and properties along Durrell Drive is an attractive Green space with a footpath running through. This footpath link serves the wider Cawston estate and provides an attractive landscaped area which is well used. The boundary to the application site is sporadically planted with trees and hedgerows. Some trees are indicated to be removed, however all hedgerow will remain. It is considered, given the separation distances, the proposal will not cause demonstrable harm to the occupiers of Durrell Drive and it is acceptable in this respect.
- 7.4.5 Objections have been raised concerning the increase in noise and disturbance which could occur from a footpath link which was originally included on the proposed layout plan. Through officer negotiation this footpath link has now been removed from the scheme. It is hoped the majority of neighbour objections will now be satisfied as a result of this amendment to the scheme.
- 7.4.6 Objections have also been raised due to the space between plots Sand 6. It is noted the lights from headlights when vehicles are turning to enter the private road will cause light pollution to nearby properties. The planning agent has agreed to provide a denser hedgerow in this section of the development in order to increase the screening to the site. A condition is included in the attached draft decision notice which secures this planting and has been agreed with by the planning agent.

7.5. Impact on biodiversity, trees and hedgerows

- 7.5.1 Saved Local Plan Policy E6 states that the Borough Council will seek to safeguard, maintain and enhance features of ecological and geological importance. In addition, Part 11 of the NPPF (Conserving and Enhancing the Natural Environment) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.
- 7.5.2 There are a number of mature and semi mature trees identified for removal and there are indicated to be replaced with large specimen trees such as 16 – 18cm diameter 3.5m tall Standards as part of the landscaping scheme for the final development. Trees of this stature will have immediate visual impact and help to replace any loss to local amenity particularly along the southern boundary. The trees proposed are of native species that are of greatest benefit to wildlife.
- 7.5.3 An additional condition will be placed on the decision notice, should members be minded to approve the application, which required additional landscaping details to be provided between plots 5 and 6 at the tuning head of the adopted highway. This is to ensure a dense planting screen is provided to screen the turning head from the occupiers of Durrell Drive to reduce glare from car headlights at night when vehicle turn in this area.
- 7.5.4 Objections have been raised to the removal of trees within the site, however this is considered necessary to facilitate the development. The Tree officer has reviewed the

proposed felling and does not consider the trees to be removed are worthy of a TPO (Tree Protection Order). Whilst the loss of trees is unfortunate, it is considered the replacement planting is adequate to compensate for the loss of the trees.

7.5.5 Objections have also been raised in regard to the remaining trees and the close proximity to the proposed new dwellings. The Tree officer has been consulted and he considers the dwellings are sited far enough away to allow the trees sufficient space to grow for their lifespan. On the basis of expert advice provided, it is considered the siting of the dwellings adjacent to mature trees is acceptable in this respect.

7.5.6 WCC Ecology has no objection to the proposal and welcomes the proposed native planting. It is therefore considered that this proposal will not have an adverse impact on biodiversity and is complies with Policy E6 and the NPPF and is acceptable in this respect.

7.6. Impact on Highways and parking

7.6.1 An existing vehicular access off Coventry Road splits to serve Cawston Manor to the left and Grange Farm Cottage to the right. On Grange Farm Cottage the road runs straight through to service the structures at the back currently employed as agricultural sheds. For the new development the current site access is to be redesigned and relocated slightly central to the front of the new development. The road will be built to an adoptable standard from the access up to plot 5 and be maintained at 5m wide thereafter as a private access. A turning head is provided adjacent to Plot 10.

7.6.2 The Highway Authority raised a number of issues following the initial assessment and appraisal of the development proposals which, following a number of iterations have now been addressed. In conjunction with Warwickshire County Council Highways a Road Safety Audit (type 1 and 2) has been undertaken. This report made several recommendations which resulted in a revised site layout and an additional consultation period.

7.6.3 Objections have been raised in respect of parking provision and the lack of provision. Parking to the houses will be at a ratio of 4 spaces per dwelling (2 on drive and 2 in double garages). This meets the RBC parking standards, which includes a provision for visitor parking within the required quota.

7.6.3 Based on the further assessment and appraisal of the revised development proposals the Highway Authority raises no objection to the planning application and has recommended conditions and informatives to be attached to the decision notice.

7.7 Planning obligations

7.7.1 A section 106 agreement was signed and sealed with the outline planning permission. The clauses and requirements of this agreement were conditional on the following;

- i. The grant of planning permission;
- ii. The total floor space of the dwellings being over 1000 square metres; and
- iii. For the purposes of the public open space facilities on 6 or more dwellings being proposed and
- iv. For the purposes of indoor sports facilities on at least 10 dwellings being proposed

7.7.2 The development meets the above criteria (dwellings occupy in excess of 2000 square metres and there are more than 6 dwellings proposed), therefore the S 106 is relevant and payable using the following timings detailed below.

Contribution type	Amount payable	Trigger
Offsite natural and semi natural open space	£669.70* per dwelling made up of: a) £502.30* off site space provision b) £167.40* off site space maintenance. *(Subject to indexation)	Commencement of development
Indoor sports facilities at the Queen's Diamond Jubilee Centre	*£5210.00 (*Subject to indexation).	Upon first occupation
Sustainable welcome packs	*£75.00 per dwelling (*Subject to indexation)	Upon first occupation

7.7.3 No development has been commenced on the site to date; therefore no monies have been paid in respect of the above agreement.

8. CONCLUSION

8.1 The reserved matters application accords with Rugby Borough Council Core Strategy policies, supplementary planning documents and the NPPF for the reasons outlined in the above report. The proposal will not have an adverse effect on amenities of the nearby residential properties or the surrounding area and therefore the application is recommended for approval, subject to additional conditions attached to the schedule below.

DRAFT CONDITIONS

Town and Country Planning Act 1990 (As amended). **Approval of reserved matters.**

Notice is hereby given that the Borough Council in pursuance of its powers under the above mentioned Act and Rules, Orders and Regulations made there under approves the details below in accordance with the planning permission and conditions referred to in the schedule.

SCHEDULE

Planning Permission Reference

R12/1947

Date of Permission

22/06/2015

Development

Outline application for the erection of up to 10 dwellings including new access onto Coventry Road (all matters reserved) including the demolition of Grange Farm Cottage and outbuildings.

Address of Development

Grange Farm Cottage, Coventry Road, Cawston, Rugby. CV22 7RZ

Condition number and details

Condition 3 (reserved Matters)

- a) Layout,
- b) Scale,
- c) Appearance,
- d) Access,
- e) Landscaping (in part)

Plans and details approved

- 15-30-PL-101-D – Site Location & Layout Plan
- 15-30-PL-201-B – Type A Floor Plans
- 15-30-PL-202-A – Type A Elevations
- 15-30-PL-203-A – Type A Floor Plan (Handed)
- 15-30-PL-204 – Type A Elevations (Handed)
- 15-30-PL-301-B – Type B Floor Plans
- 15-30-PL-302-A – Type B Elevations
- 15-30-PL-303-A – Type B Floor Plans (Handed)
- 15-30-PL-304 – Type B Elevations (Handed)
- 15-30-PL-401-B – Type C Floor Plans
- 15-30-PL-402-A – Type C Elevations
- 15-30-PL-403-A – Type C Floor Plans (Handed)
- 15-30-PL-404 – Type C Elevations (Handed)
- 15-30-PL-501-C – Site Cross Sections/ Street elevations
- 15-30-PL-502-C – Localised Site Cross Section C’C
- Tree Report, Arboricultural impact assessment and method statement – Ref SB/JS/486TS,AIA & MS (Sacha Barnes landscape)
- Planning Sustainability Report – Ref 16122 Rev A (Low Carbon Box)
- 16033/102 Rev F – Development access proposals (Abington Consulting)
- 16033/107 Rev D - Fire Appliance Swept Path Analysis (Abington Consulting).
- SB/JS/486/LPS REV A- Landscape planting plan - Sacha Barnes Landscape
- 15-30-DAS-V03 - Design & Access Statement

(February 2017).

- 16033/106 Rev D - Refuse Vehicle Swept Path Analysis (Abington Consulting).
- Details of acrylic render finish (email 27/01/2017)
- Flood Risk Assessment - 18th October 2016 First Issue (Abington Consulting)

This decision is subject to the following additional conditions:

CONDITION 1:

All tree protection measures and tree works identified within the tree survey, arboricultural impact assessment and method statements (dated: September 2016 ref: SB/JS/486TS,AIA&MS) relating to the approved design details (including the erection of protective fencing to create construction exclusion zones) must be implemented prior to the demolition and construction phase and to the satisfaction and written approval of the LPA. Protective measures must remain in place until the completion of all construction works. Construction exclusion zone should be treated as sacrosanct with no building activity, ground disturbance or storage of building materials taking place within it. 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. Pre-commencement site meeting to be arranged with the applicant, LPA tree officer and designated arboricultural consultant responsible for the site to inspect tree protection measures. Reason: to ensure retained trees are successfully incorporated into the design and is suitably protected from damage during the demolition/construction phase.

REASON: To ensure retained trees are successfully incorporated into the design and are suitably protected from damage during the construction phase.

CONDITION 2:

All tree/hedge/shrub planting detailed within "Landscape planting scheme" drawing B/JS/486/LPS REV A (07/02/2017) must be planted in the 1st planting season following completion of development. If within a period of 5 years from the date of planting of any tree/hedge/shrub that tree, or any tree/hedge/shrub planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/hedge/shrub of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations. Reason: to maintain and enhance continuity of tree/hedge/shrub cover within the site.

REASON: In the interests of visual amenity.

CONDITION 3:

Notwithstanding the details contained within the "Landscape planting scheme" drawing B/JS/486/LPS REV A (07/02/2017), prior to the commencement of development, details of additional planting to the area marked point 7 'enhanced screening' on drawing 15-30-PL-101-D Site location and layout plan' shall be first submitted and approved by the local planning authority in writing and shall thereafter be planted in the first planting season following completion of the development.

If within a period of 5 years from the date of planting of any tree/hedge/shrub that tree, or any tree/hedge/shrub planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/hedge/shrub of the same species and size originally planted shall be planted at the same place, unless the LPA

gives its written consent to any variations. Reason: to maintain and enhance continuity of tree/hedge/shrub cover within the site.

REASON: In the interests of visual amenity.

CONDITION 4:

No development shall commence unless and until full details of the colour, finish and texture of the acrylic render to be used on all external surfaces of all buildings, together with samples have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

CONDITION 5:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A - G 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 6:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting that order, the garages serving all dwellings hereby approved shall not be converted to living accommodation.

REASON: In the interest of highway safety.

CONDITION 7:

None of the dwellings hereby permitted shall be occupied unless and until the car parking provision for those dwellings has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwellings and thereafter those spaces shall be retained for parking purposes unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of highway safety

CONDITION 8:

The development shall be laid out in general accordance with drawing no. 16033/102 Rev F Development Access Proposals.

REASON: In the interests of highway safety.

CONDITION 9:

The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb, footpath/ cycle path and verge have been reinstated in accordance with the standard specification of the Highway Authority.

REASON: In the interests of highway safety.

CONDITION 10:

The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of

operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.

REASON: In the interests of highway safety.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

INFORMATIVE NOTE 1:

Conditions attached to outline planning permission reference R12/2295 remain outstanding in relation to this development.

INFORMATIVE NOTE 2:

This development is subject to a S 106 agreement in association with outline planning permission R12/2295.

INFORMATIVE NOTE 3:

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

INFORMATIVE NOTE 4:

Condition numbers 8 & 9 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Street works Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/ developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	22 February 2017
Report Title	Planning Appeals Update
Portfolio	
Ward Relevance	All
Prior Consultation	None
Reporting Director	Head of Growth and Investment
Contact Officer	Greg Vigars Tel: Ext.3621
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	<p>This report relates to the following priority(ies):</p> <p>Ensure all the Borough's residents are aware of our services and can access and influence them. Enable the delivery of excellent Value for Money services in line with our corporate plans.</p>
Statutory/Policy Background	The Planning Appeals procedure which came into effect on 6 th April 2009.
Summary	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 01/10/2016 to 31/12/2016.

<i>Risk Management Implications</i>	There are no risk management implications arising from this report.
<i>Financial Implications</i>	Increases the scope for related costs claims within the Planning Appeals process.
<i>Environmental Implications</i>	There are no environmental implications arising from this report.
<i>Legal Implications</i>	Advice/support with regard to Cost Claims and any subsequent Costs awards.
<i>Equality and Diversity</i>	No new or existing policy or procedure has been recommended.
<i>Options</i>	N/A
<i>Recommendation</i>	The report be noted.
<i>Reasons for Recommendation</i>	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

Planning Committee – 22 February 2017

Planning Appeals Update

Report of the Head of Growth and Investment

Recommendation

The report be noted.

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

1.1 Appeals determined

During the last quarter from 1st October 2016 to 31st December 2016 a total of four planning appeals were determined.

Three were dealt with via Written Representations and related to Enforcement Notices of which one was part allowed/part dismissed, one was dismissed and the Enforcement Notice upheld and one had the Enforcement Notice quashed.

The fourth, dealt with under the Householder Appeal Service, was allowed and planning permission granted.

A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

1.2 Appeals outstanding/in progress

As at 31st December 2016 there were 10 planning appeals and 0 enforcement appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee
Date of Meeting: 22/02/2017
Subject Matter: Planning Appeals
Originating Department: Head of Growth and Investment

LIST OF BACKGROUND PAPERS

* There are no background papers relating to this item.

(*Delete if not applicable)

APPENDIX A

PLANNING APPEALS DETERMINED FOR THE PERIOD: 1st October 2016 – 31st December 2016

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal and Type of Appeal	Appeal Outcome
Fosse Cottage Farm Rugby Road Street Ashton CV23 0PL	Retention of an outbuilding and lean-to extension to shed (retrospective)	Paul Varnish Enforcement Notice Appeal against R15/2056 APP/E3715/C/16/3142842	Refusal 27/11/2015 Written Reps	Part Allowed/Part Dismissed Enforcement Notice (as amended) is Upheld 03/10/2016
Land on the West Side of Gypsy Lane To the Rear of Rosemere Hinckley Road Wolvey LE10 3HQ	Appeal submitted against Enforcement Notice	Richard Redford ENF/2016/0170 APP/E3715/C/16/3152393 APP/E3715/C/16/3152394	Written Reps	Appeals Dismissed and Enforcement Notice Upheld 17/11/2016
The Bridles Homestead Coventry Road Dunchurch Rugby CV22 6RB	Erection of conservatory	Mary-Ann Jones R16/1513 APP/E3715/D/16/3160564	Refusal 06/09/2016 Householder Appeals Service	Appeal Allowed and Planning Permission Granted 07/12/2016
Highview Withybrook Lane Shilton Coventry CV7 9HY	Appeal against Enforcement notice in relation to erection of a wall and gates	Karen McCulloch APP/E3715/C/16/3159593 APP/E3715/C/16/3159594	Written Reps	Enforcement Notice quashed 12/12/2016

APPENDIX B

PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 31.12.2016

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal	Type of Appeal
Land North of Ashlawn Road Ashlawn Road Rugby CV22 5SL	Outline application for the demolition of existing buildings, erection of up to 860 dwellings, land for a potential primary school, two vehicular accesses from Ashlawn Road and the provision of a bus link control feature to Norton Leys, open space, green infrastructure, landscaping and associated infrastructure, including sustainable urban drainage features. All matters to be reserved except access points into the site.	Richard Holt and Karen McCulloch R13/2102 APP/E3715/W/16/3147448	Committee Refusal 27/01/2016	Inquiry
The White House Oxford Road Princethorpe Rugby CV23 9QD	Certificate of lawful development for existing use of buildings for storage, fabrication, car repairs and light engineering within Use Classes B1, B2 and B8.	Richard Redford R15/0490 APP/E3715/X/16/3150665		Written Reps
Land at Gypsy Lane Wolvey LE10 3HQ	New stables and menage (Re-submission of application R15/0334 refused on 14th May 2015).	Richard Redford R16/0951 APP/E3715/W/16/3156198	Delegated Refusal 13/07/2016	Written Reps
Land to the Rear of Marisburn House Parrotts Grove Coventry	Change of use of land to the stationing of caravans for 3 gypsy pitches with associated hardstanding and utility/dayrooms.	Jo Orton R16/0038 APP/E3715/C/16/3153820	Delegated Refusal 11/05/2016	Hearing
Oakfield Playing Field Bilton Road Rugby CV22 7AL	Outline application with access for the erection of 50 residential dwellings (amended).	Chris Kingham R13/1528 APP/E3715/W/16/3156619	Committee Refusal 09/03/2016	Inquiry

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal	Type of Appeal
Glebe Farm Barn Birdingbury Road Bourton-on-Dunsmore Rugby	Removal of Condition 3 of planning permission E2E 878 relating to the removal of permitted development rights.	Jo Orton R16/1677 APP/E3715/W/16/3158926	Delegated Refusal 26/08/2016	Written Reps
Land at Gypsy Lane Gypsy Lane Wolvey LE10 3HQ	New stables and menage (Re-submission of application R15/0334 refused on 14th May 2015).	Richard Redford R16/0951 APP/E3715/W/16/3156198	Delegated Refusal 13/07/2016	Written Reps
Highview Withybrook Lane Shilton Coventry CV7 9HY	Variation of condition 2 of planning permission R16/1115 (Retrospective application for extensions and alterations to dwelling house, retention of detached garage and outbuilding and alteration to boundary of residential curtilage.) to allow the construction of buildings etc. incidental to the enjoyment of the dwelling house as permitted development. (Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended).	Karen McCulloch R16/1783 APP/E3715/W/16/3160222	Delegated Refusal 21/09/2016	Written Reps
Spinney Farm Main Street Withybrook Rugby CV7 9LX	Retention of and alterations to the stables and construction of a menage.	Nathan Lowde R16/0794 APP/E3715/W/16/3160264	Delegated Refusal 08/09/2016	Written Reps
Popehill Cottage Draycote Road Draycote Rugby CV23 9RB	Extension and alteration of the existing dwelling.	Chris Davies R16/1061 APP/E3715/D/16/3162706	Delegated Refusal 14/09/2016	Householder Appeals Service (HAS)

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions – 5 th January 2017 to 25 th January 2017
Name of Committee:	Planning Committee
Date:	22 nd February 2017
Report Director:	Head of Growth and Investment
Portfolio:	
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Dan McGahey 3774
Public or Private:	Public
Report subject to Call-In:	Not applicable
Report En-Bloc:	Not applicable
Forward Plan:	Not applicable
Corporate Priorities:	
Statutory / Policy Background:	Planning and Local Government Legislation
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers
Financial Implications:	N/A
Risk Management Implications:	N/A
Environmental Implications:	N/A
Legal Implications:	N/A

Equality and Diversity:

N/A

Options:

N/A

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 – 22nd February 2017

Delegated Decisions – 5th January 2017 to 25th January 2017

Report of the Head of Growth and Investment

Recommendation

The report be noted.

1.1 BACKGROUND

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

Name of Meeting:
Planning Committee

Date of Meeting:
22nd February 2017

Subject Matter:
Delegated Decisions – 5th January 2017 to 25th January 2017

Originating Department:

List of Background Papers

Document No.	Date	Description of Document	Officer's Reference	File Reference
1.				

* 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:

Document No.	Relevant Paragraph of Schedule 12A
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* There are no background papers relating to this item.

(*Delete if not applicable)

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER
DELEGATED POWERS FROM 05.01.2017 TO 25.01.2017

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R16/2461 Refused 13.01.2017</i>	19 Hillmorton Road Rugby	Proposed repositioning of vehicular access to include demolition of existing front wall and its replacement with low wall, gates and railings, extension to existing dropped kerb and removal of protected beech tree to front elevation and removal of protected lime tree to side elevation (re-submission of previously refused planning application R16/0778)
<i>R16/2037 Refused 13.01.2017</i>	23 Bracken Drive Rugby	Erection of a single storey side and rear extension.
<i>R16/2555 Refused 20.01.2017</i>	Land off Rugby Road (known as Spikes Lane) Rugby Road Harborough Magna Rugby	Outline Planning Permission for the erection of 2 semi-detached houses and one bungalow, all matters reserved
Applications Approved		
<i>R16/2379 Approved 05.01.2017</i>	55 Shakespeare Gardens Overslade Rugby	Erection of a two storey side and single storey rear extension
<i>R16/2302 Approved 05.01.2017</i>	Unit 3 Rugby Gateway Employment Waver Way Rugby	Alterations to eastern and southern elevations of building, including additional glazing and louvres, plus the provision of a boiler flue to the roof.
<i>R16/2155 Approved 06.01.2017</i>	46 Heather Road Binley Woods Coventry Road	Conversion of integral garage into residential room.
<i>R16/2495 Approved 06.01.2017</i>	5 Bloxham Gardens New Bilton Rugby	Erection of a single storey rear extension.

<i>R16/1923 Approved 09.01.2017</i>	Rolls Royce Public Limited Company Ansty Aerodrome Combe Fields Road Coventry	Demolition of existing gatehouse to southern entrance and erection of replacement gatehouse to northern entrance and associated works to include alterations to access
<i>R16/2432 Approved 09.01.2017</i>	2 Dalkeith Avenue Rugby	Proposed demolition of existing porch and erection of replacement porch
<i>R16/2538 Approved 10.01.2017</i>	The Old Coach House Flecknoe Village Road Flecknoe Rugby	Erection of replacement flue
<i>R16/1619 Approved 10.01.2017</i>	Spinney Farm Main Street Withybrook Rugby	Certificate of Lawfulness for existing use comprising the erection of stables and formation of a menage used for agricultural horses substantially completed more than four years before the date of the application.
<i>R16/1781 Approved 11.01.2017</i>	46 Catesby Road Rugby	Demolition of the existing outbuilding and garage, the erection of a single and two storey side and rear extension and the erection of a replacement outbuilding.
<i>R16/2503 Approved 11.01.2017</i>	89 Lower Hillmorton Road Rugby	Erection of a two storey side extension and single storey rear extension.
<i>R16/2270 Approved 11.01.2017</i>	3 Cornflower Drive Brownsover Rugby	Erection of new boundary fencing to side elevation
<i>R16/2447 Approved 11.01.2017</i>	326 Bilton Road Bilton Rugby	Demolition of two existing conservatories and erection of single storey rear extension
<i>R16/2552 Approved 12.01.2017</i>	Fosse Cottage Farm Rugby Road Rugby	Part retention of an existing outbuilding (In connection with the previously refused planning application R15/2056)
<i>R16/2524 Approved 12.01.2017</i>	Rear of 102 Magnet Lane Bilton Rugby	Erection of one new dwelling.
<i>R16/2494</i>	20 Farm Grove	Erection of a two storey side and rear

<i>Approved 12.01.2017</i>	Rugby	extension.
<i>R16/2557 Approved 12.01.2017</i>	2 Noble Drive Cawston Rugby	Erection of a first floor rear extension.
<i>R16/2455 Approved 12.01.2017</i>	211 Rugby Road Binley Woods	Erection of single storey side and rear extensions
<i>R16/2236 Approved 12.01.2017</i>	41 Dalkeith Avenue Bilton Rugby	Erection of a single storey rear extension and single storey side extension
<i>R16/2324 Approved 12.01.2017</i>	Rugby School Macready Theatre Lawrence Sheriff Street Rugby	Proposed disability access ramp and upgrade to existing steps
<i>R16/2413 Approved 13.01.2017</i>	The Dog and Foam 218 Lawford Road Rugby	Proposed change of use from dog groomers (Sui Generis) to hairdressing and beauty salon (A1)
<i>R16/2424 Approved 13.01.2017</i>	9 Main Street Stretton under Fosse Rugby	Erection of one and a half storey rear extension, single storey rear extension and erection of new porch to side elevation.
<i>R16/2501 Approved 13.01.2017</i>	17 Long Furlong Rugby	Erection of a two storey side and rear extension (re-submission of previously approved application R14/1706 with alterations to roof, Eastern elevation and addition of render)
<i>R16/1630 Approved 13.01.2017</i>	The Abbeyfield Society Jim Gillepsie House 291 Dunchurch Road Rugby	Erection of two storey side extension for 11No. bedrooms and associated internal alterations and parking
<i>R16/2531 Approved 13.01.2017</i>	Hawthorns Smeaton Lane Stretton Under Fosse Rugby	Change of use of former games room to primary living accommodation comprising living room and bedroom with en-suite bathroom (retrospective)
<i>R16/2528 Approved 17.01.2017</i>	40 Naseby Road Rugby	Erection of first floor rear extension

<i>R16/1121 Approved 17.01.2017</i>	38 Howkins Road Brownsover Rugby	Erection of a single storey rear extension
<i>R16/2385 Approved 18.01.2017</i>	36 Bawnmore Road Rugby	Demolition of existing porch and detached garage and erection of a two storey side and front extension and single storey rear extension with existing drive extended and alteration to front elevation of host dwelling
<i>R16/2465 Approved 19.01.2017</i>	Pailton Fields Farm Lutterworth Road Rugby	Erection of new car port and store
<i>R16/2559 Approved 19.01.2017</i>	10 Glebe Farm Road Rugby	Erection of two storey side extension and new pitched roof to existing dormers
<i>R16/2568 Approved 19.01.2017</i>	Middlemuir Fields Farm Lane Marton Rugby	Installation of dormer window.
<i>R16/0960 Approved 20.01.2017</i>	The Stables Green Lane Brinklow Rugby	Demolition of existing buildings and construction of 7No. Residential bungalows and associated works.
<i>R16/1823 Approved 20.01.2017</i>	Land at Larkfield Ashlawn Road Rugby	Outline Permission for the erection of a single dwelling house with all matters reserved except access.
<i>R16/1387 Approved 20.01.2017</i>	Former Tribune Trading Estate Leicester Road Rugby	Demolition and comprehensive redevelopment comprising 9 new (Class A1) retail units and a restaurant/café (Class A3), vehicular access and servicing facilities, junction improvements, car parking and cycle parking, hard and soft landscaping and associated works
<i>R16/1882 Approved 20.01.2017</i>	First Floor 9-10 North Street Rugby	Installation of a new disabled ramp at entrance to building, fire escape, illuminated signage to the front elevation of building and colour bands to the front and side of the building.
<i>Prior Approval Applications</i>		
<i>R16/2516</i>	Land adjacent to	Prior approval for the change of use of

<i>Prior Approval Required and Granted</i> 16.01.2017	Orchard Barn Copston Lane Copston Magna Rugby	agricultural storage barn to one residential dwelling
<i>R17/0056</i> <i>Prior Notification of agriculture or forestry development Not Required</i> 17.01.2017	Arbury House Farm Withybrook Road Bulkington Bedworth	Prior Notification for the erection of an agricultural building for the purpose of housing cattle
Listed Building Consents		
<i>R16/2325</i> <i>Listed Building Consent</i> 12.01.2017	Rugby School Macready Theatre Lawrence Sheriff Street Rugby	Listed Building Consent for a proposed disability access ramp and upgrade to existing steps
<i>R16/2450</i> <i>Listed Building Consent</i> 12.01.2017	Rugby School Macready Theatre Lawrence Sheriff Street Rugby	Listed Building Consent for a proposed internal disability lift and provision for a new mezzanine access link within the auditorium
Certificate of Lawful Use or Development		
<i>R16/2510</i> <i>Certificate of Lawful Use or Development</i> 10.01.2017	Hawthorns Smeaton Lane Stretton Under Fosse Rugby	Lawful Development Certificate for the development of a porch, kitchen, boot room, dining room, bedroom, outbuilding with associated link to main dwelling (garden room), garage and timber clad annex used as primary living accommodation.
<i>R16/2535</i> <i>Certificate of Lawful Use or Development</i> 12.01.2017	18 Cedar Avenue Ryton on Dunsmore	Certificate of Lawful development (proposed) for the erection of a single storey rear extension.
<i>R16/2010</i> <i>Certificate of Lawful Use or Development</i> 13.01.2017	The Stables Wood Lane Shilton	Lawful Development Certificate for the use of the land as a residential caravan site including associated operational development (to include the installation of drainage and the laying of hardcore and landscaping).
Approval of Details/ Materials		
<i>R11/0699</i>	Rugby Radio Station	Outline application for an urban extension to

<p><i>Approval of Details</i> 05.01.2017</p>	<p>A5 Watling Street Clifton Upon Dunsmore Rugby</p>	<p>Rugby for up to 6,200 dwellings together with up to 12,000sq.m retail (A1), up to 3,500sq.m financial services (A2) and restaurants (A3 - A5), up to 3,500sq.m for a hotel (C1), up to 2,900sq.m of community uses (D1), up to 3,100sq.m assembly and leisure uses (D2), 31 hectares (up to 106,000sq.m) of commercial and employment space (B1, B2 and B8), and ancillary facilities; a mixed use district centre and 3 subsidiary local centres including retention and re-use of the existing buildings known as 'C' Station (Grade II listed), 'A' Station and some existing agricultural buildings; a secondary school and 3 primary schools; public art; green infrastructure including formal and informal open space and amenity space; retention of existing hedgerows, areas of ridge and furrow and grassland; new woodland areas, allotments and areas for food production, wildlife corridors; supporting infrastructure (comprising utilities including gas, electricity, water, sewerage, telecommunications, and diversions as necessary); sustainable drainage systems including ponds, lakes and water courses; a link road connecting the development to Butlers Leap, estate roads and connections to the surrounding highway, cycleway and pedestrian network; ground remodelling; any necessary demolition and any ground works associated with the removal of any residual copper matting, with all matters reserved for future determination except the three highway junctions on the A428, the two junctions on the A5 and the link road junctions at Butlers Leap and Hillmorton Lane.</p>
<p><i>R16/2073</i> <i>Approval of Details</i> 06.01.2017</p>	<p>Smeaton Paddocks Smeaton Lane Rugby</p>	<p>Erection of a Dayroom (resubmission of previously refused planning permission ref: R16/1709 dated 03/10/2016)</p>
<p><i>R16/1141</i> <i>Approval of Details</i> 06.01.2017</p>	<p>Denchwood Farm 332 London Road Stretton on Dunsmore Rugby</p>	<p>Demolition of the existing single storey rear extensions including a link-detached garage and erection of a single storey replacement extension and a first floor infill flat roofed extension to the rear elevation.</p>
<p><i>R14/2095</i> <i>Approval of Details</i> 06.01.2017</p>	<p>Land at Junction One Retail Park Leicester Road Rugby</p>	<p>Variation of Conditions 2 and 11 of approval R13/2074 (The erection of a terrace of 5 units providing 5,670sqm non-food Class A1 retail floorspace together with car parking, landscaping and associated works) to allow the occupation by B&M Bargins.</p>
<p><i>R16/0658</i></p>	<p>Former Bilton</p>	<p>Erection of 14 dwellings with associated</p>

<i>Approval of Details</i> 11.01.2017	Bypass Land West of Ivy Grange Rugby	access, garaging, landscaping and other works (part retrospective).
<i>R14/1641</i> <i>Approval of Details</i> 18.01.2017	Former Ballast Pits and Railway Sidings Lower Street Hillmorton Rugby	Application for Reserved Matters for 76 dwellings relating to appearance, landscaping, layout and scale against outline planning permission R11/0476 for upto 76 dwellings with associated access, roads and infrastructure
<i>R16/1721</i> <i>Approval of Reserved Matters</i> 18.01.2017	(Northern part of) Cawston Extension Site Coventry Road Rugby	Erection of 184 dwellings and associated infrastructure: Approval of reserved matters related to R11/0114 {Outline application for residential development (up to 600 dwellings, use class C3), new accesses to Coventry Road and Trussell Way, open space, associated infrastructure and ancillary works (access not reserved).}
<i>R14/2236</i> <i>Approval of Details</i> 23.01.2017	Former Peugeot Factory Site C Oxford Road Ryton on Dunsmore	Outline planning application for redevelopment of 13.65ha of the southern part of the former Peugeot Works site for Class B2 (general industry) & Class B8 (warehouse, storage & distribution) uses, together with ancillary offices, gatehouses, car parking, associated road infrastructure (including access onto the A423 Oxford Road) and landscaping, including importation of material to raise ground levels.
<i>Approval of non-Material Changes</i>		
<i>R16/1346</i> <i>Approval of non-Material Changes</i> 05.01.2017	Old Station Yard Oxford Road Marton	Erection of live/work unit (Comprising B2 - General Industrial to ground floor and 4 bedroom dwelling to first floor) with associated garden and car parking.
<i>R12/0291</i> <i>Approval of non-Material Changes</i> 06.01.2017	Former Fire Station Heath Lane Brinklow Rugby	Erection of 3no. detached dwellings, together with associated access, landscaping and works.
<i>R14/1400</i> <i>Approval of non-Material Changes</i> 06.01.2017	Technology Drive Zone C Phase 3 Technology Drive Rugby	Approval of reserved matters for the erection of 75 dwellings, including access, appearance, landscaping, layout, scale and associated works (phase III) pursuant to outline planning permission R06/0064/MAJP, dated 17 Sept 2007
<i>E2E 02</i> <i>Approval of non-</i>	Units 8 and 9 Europark Watling Street	The erection of two general industrial (B2) units and associated two storey offices

<i>Material Changes</i> 06.01.2017	Newton Rugby	and car parking
<i>R15/2074</i> <i>Approval of non-</i> <i>Material Changes</i> 20.01.2017	Land South of Technology Drive Rugby	Erection of 230 dwellings together with open space, earthworks, balancing pond, site remediation, structural landscaping, car parking, and other ancillary and enabling works.
<i>Withdrawn/</i> <i>De-registered</i>		
<i>R16/2364</i> <i>Withdrawn</i> 05.01.2017	Former Peugeot Factory Ryton Prologis Oxford Road (London Road Side) Ryton on Dunsmore	Proposed installation of 4 flag advertisements to replace existing marketing flags.
<i>R16/2514</i> <i>Withdrawn</i> 06.01.2017	Blacksmiths Arms 19 High Street Ryton on Dunsmore	Erection of 2 no. two storey dwellings and associated works to public house car park (resubmission of previously approval planning permission ref: R12/1393).
<i>R16/1589</i> <i>Withdrawn</i> 23.01.2017	39 Lime Tree Avenue Rugby	Erection of a two storey side extension, two storey rear extension and single storey rear extension.