



Planning Statement

Land North of Rounds Gardens,
Rugby

For St. Modwen Homes

January 2024

Contents

1. Introduction
2. Site Description
3. Background
3. Details of the Proposal
5. Planning Policy Context
6. Planning Analysis
7. Summary and Conclusion
8. Draft S106 Heads of Terms

Document Reference:

Final
Version

Date of Issue:

31st January 2024

Prepared by:

Debbie Farrington
Dip TP MRTPI

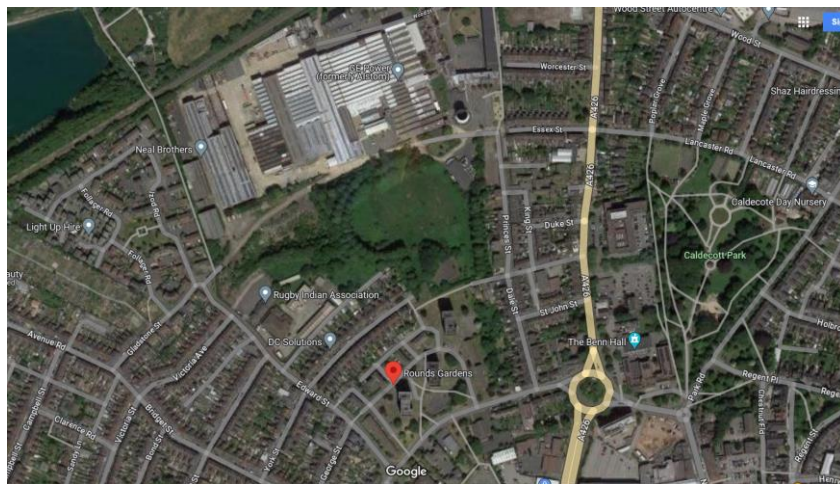
1. Introduction

- 1.1 Cerda Planning Limited has been instructed by St. Modwen Homes, to prepare a Planning Statement to support the development comprising of an **application for full planning permission for the demolition of the existing pavilion and all other remaining structures and enclosures; and the erection of new dwellinghouses, accesses, landscaping, car parking and associated works** on a site known as land north of Rounds Gardens, Rugby (the site).
- 1.2 The following sections of this planning statement sets out the site characteristics, the application proposals and background, relevant planning policy and guidance context and a statement in support of the application and proposals.
- 1.3 The relevant policies against which the planning application should be assessed have been identified, as well as all relevant national and other local supplementary planning guidance of relevance to the consideration and determination of the application.
- 1.4 This planning statement considers and provides justification for the main issues to be taken into account in the determination of the application, concluding that the proposed development represents a high-quality scheme in full accordance with the policies of the LPA's adopted Development Plan Documents and the sustainability objectives as set out in the National Planning Policy Framework (NPPF).
- 1.5 This planning statement should be read in conjunction with the full package of supporting documents listed below:
- Arboricultural Impact Assessment and Method Statement (e3p)
 - Statement of Community Involvement (Cerda Planning Ltd)
 - Design and Access Statement (Roberts Limbrick)
 - Ecological Assessments (including Updated Walkover Letter Statement; Preliminary Ecological Appraisal; Reptile Survey Report; Nocturnal Bat and Activity Survey Report; Badger Survey Report and Method Statement and Biodiversity Metric Report (e3p)
 - Archaeological Desk Based Assessment (Lanpro Services Limited)
 - FRA and Drainage Strategy (PJA)
 - Preliminary Ground Investigation (PJA)
 - Demolition Specification (PJA)
 - Planning Statement (Cerda Planning Ltd)
 - Statement of Community Involvement (Cerda Planning Ltd)
 - Topographical Survey (Subsite Surveys)
 - Sustainability and Energy Statement (Turley)
 - Transport Assessment and Travel Plan (PJA)
 - Utilities/Broadband Assessment (Gately Hamer)
 - Baseline Noise Assessment (Hoare Lea)

- Air Quality Assessment (Hoare Lea)
- Townscape Impact Assessment (Turley)
- Landscape Strategy (Roberts Limbrick)
- Health Impact Screening Report (Turley)
- Construction Method Statement (St. Modwen Homes)
- Financial Viability Assessment (Savills)
- Sports Mitigation Strategy (Sports Planning Consultants)

2. Site Description

- 2.1 The site (12.62 acres/5.1 hectares in size) is located northwest of Rugby town centre within walking distance of Caldecott Park and all town centre amenities, including the train station.
- 2.2 It is bound by the Army Reserve Centre and Indian Community Centre to the west, both of which are accessed from Edward Street, with existing residential development beyond, as well as further residential development accessed from York Street to the south-west, and from Essex Street, Princes Street, King Street and Hill Street to the east. To the north, the site is bound by the remaining General Electric Power facility; and to the south, it is adjoined by land owned by Rugby Borough Council, which until recently had contained a combination of high- and low-rise apartment blocks – these are all now demolished.
- 2.3 Two listed buildings are located within vicinity of the site on Newbold Road and Rugby Conservation Area is located to the south. The entirety of the site falls within Flood Zone 1.
- 2.4 The land is currently vacant and consists of a pavilion, a former recreation ground, including tennis courts, and a disused car park that are all historically associated with the employment use to the north. Vehicular access into the development is proposed to be taken from Willans Place (to the west) and Princes Street (to the east).
- 2.5 An aerial photograph of the site and its surroundings can be seen below.



Source: Google Maps 2024

3. Background

There is no planning history for the site. It was historically used as a playing field/recreational ground and car park associated with the factory to the north of the site for employees.

- 3.1 It is understood, from aerial photos that the playing field and recreational use lapsed at some point between 2002 and 2006, and has not been used for this purpose (or anything else) since.
- 3.2 An EIA screening opinion was submitted (R23/0745) for the erection of up to 200 homes, including landscaping, site works and new access to the Council by the applicant prior to the commencement of formal pre-application discussions. The LPA confirmed that the proposed development is not EIA development on 19th July 2023.

Pre-application Engagement

- 3.3 A Planning Performance Agreement (PPA) has been entered into between the Borough Council and the applicant which sets out an agreed approach and programme to working through the pre-application and post-submission stages of the planning application to enable the council to resource plan and to ensure all key planning issues are properly considered and resolved. The agreement was made on 9th November 2023.
- 3.4 In accordance with the PPA, pre-application advice has been sought from the Borough as detailed below:
- 3.5 9th August 2023 – An initial pre-application document was submitted to the LPA. It set out the site constraints, context and included a framework plan and draft layout for 158 new dwellings, comprising of a mixture of 1 and 2 bedroom apartments, maisonettes and 2 to 4 bedroom dwellings. It included detailed information in relation to surface water discharge on the site and to nearby sewers as well as modelling for rain fall run off and the likely flood storage that would be required on site. The sustainable surface water drainage strategy was also set out. House type examples were provided and a landscape strategy included to show a mixture of landscape features such as wetland corridor, central basin and woodland trail. A meeting took place with relevant officers from the Borough, Flood Risk Management from the County Council and the applicant's design team on 9th August 2023. The Planning Officer provided comments in relation to the following:
 - Trees - Advised that the majority of the site is covered by a Tree Preservation Order (TPO), any removal of trees would therefore need to be properly justified;
 - Open space – 0.43ha of Amenity and 0.99 ha of Natural/Semi-Natural Greenspace will need to be provided on site. The Amenity Greenspace should ideally be split between the eastern and western sub-parcels. Other typologies can be provided by way of off-site contribution. It was confirmed that there would be no requirement for allotments;

- Parking Courts need to be designed so that they are not just areas of hardstanding and defensible space between parked cars and apartment blocks needs to be considered;
- Separation distances should comply with minimum requirements as set out in Climate Change and Sustainable Design and Construction SPD;
- Private amenity space should also comply – 60sqm for 2 beds and 80 sqm for 3 bed plus;
- Concern expressed about street hierarchy and requirement for bin storage areas/collection points;
- Housetypes should preferably comply with Nationally Described Space Standards;
- Pedestrian routes between the eastern and western parcels as proposed are supported;
- The need to provide the large central flood water storage areas and other supporting basins and swales across the development is understood (this comprised on 50% open attenuation and 50% sub surface storage) which would act as a drainage feature and useable amenity space. The Flood Risk Officers suggested that it may be possible to create plateaus/platforms within this area to ensure it could serve a dual purpose. The planning officer required further detail on this before being able to reach a conclusion as to whether the central flood water storage area could be classified as Amenity Greenspace or Natural/Semi-Natural Open Space;
- Highlighted that street scene drawings will be key and encouraged continuous frontages to be in keeping with the surrounding area; and
- Planning Officer confirmed that the housing mix specified in the Local Plan should be used as a starting point but that flexibility may be afforded.

3.6 14th November 2023 – A meeting took place between the LPA and applicant’s design team to discuss a revised layout submitted to the LPA in October for 128 dwellings comprising a mixture of 2–4-bedroom apartments and houses. This layout sought to address comments made in the previous meeting and resulted in the removal of some parking courts, a reconfiguration of the road layout to allow retention of trees protected by a TPO and compliance with separation distances/garden sizes. This layout also included additional housing proposed on Princes Street, in lieu of parking previously indicated, and the provision of a 3.5 storey apartment block along the southern edge which would act as a focal point. The proposed housetypes would represent a modern take on the local vernacular and consist of a variety of materials across the development. These proposals included more detail on the use of the central basin to demonstrate that it would be a prominent feature and woodland footpath through the existing crescent of trees together with benches and natural play equipment along the woodside path. The revised layout included 0.48 ha of amenity green space against a policy requirement of 0.34 ha and 1.36 ha of natural/semi-natural green space against a requirement of 0.78 ha. Comments made by the Planning Officer at the meeting are summarised below:

- Natural/semi-natural greenspace would need to be “useable” and questioned whether the central basin would be useable. A LAP or equivalent area of play space would need to be provided within the development;

- Queried whether an arboricultural survey had been carried out, and suggested that we liaise directly with the Council's Tree Officer; concern was raised particularly in relation to the trees protected by a TPO along the eastern boundary – considered a lost opportunity to front dwellings onto this space – area as planned may be susceptible to anti-social behaviour;
- Queried if the loss of the former playing field on site would be dealt with within our submission (it was confirmed that it would be);
- Asked whether advice had been sought from the Council's Environmental Health Team regarding proximity to the existing industrial use to the north;
- Housing mix proposed was queried, we were advised that we should now be guided by the HEDNA, rather than the SHMA. A concern was raised about the absence of any 1 bedroom units;
- Concern was expressed that additional dwellings now proposed on Princes Street do not reflect the character of the area – building line set further back than the existing terraced houses;
- Parking provision across the site appears excessive – given that the site is located in a High Access Area, a lower level of provision could be supported – we were asked to revisit parking provision to test whether on-street parking could be provided which would allow greater density of development, particularly along the eastern and western edges of the development;
- It was noted that the current scheme feels suburban, despite the urban location;
- A lack of landscaping within parking courts was highlighted;
- Relationship of some dwellings to the roads was questioned;
- Additional animation to the elevations of the apartment block was requested;
- Further consideration to use of materials was requested; and
- Requested further details of the pedestrian/cycle access to the Rounds Garden site to the south.

3.7 11th December 2023 – A Councillor's briefing session was held virtually. Representatives from the Local Planning Authority (LPA) and Local Councillors representing Benn and New Bilton Ward along with members of the Council's Planning Committee, were in attendance. The team presented the latest proposals and councillors were then invited to ask questions or seek clarification. Generally, the proposals seemed to be supported. Issues raised/discussed were in relation to achieving Biodiversity Net Gain; drainage – will the proposals take account of climate change and will the future capacity of sewers be taken into account; loss of trees should be avoided where possible; impact on air quality should be assessed; estate design – should avoid designing properties which face towards public open space without any defensible space to the front of the properties, hedging was suggested as means of enclosing private space to the front of the dwellings; the development should be accessible for all; future maintenance of green spaces should be considered; parking problems in the area should not be exacerbated; and construction traffic and access to site should be carefully thought out.

- 3.8 Further amendments were made to the proposed layout in response to previous comments made by Officers and Councillors in December 2023. This scheme provided 132 dwellings and incorporated amendments such as the moving forward of the houses along Princes Street to better respond to the set building line, removal of frontage parking along the spine road within the eastern portion of the site to lessen the suburban “feel” of the site; and to include the protected trees along the eastern edge into the rear gardens of the adjoining plots.
- 3.9 A written response was received from the case officer which still expressed concern with the proposed housing mix – although it was acknowledged that viability may influence the final mix. It was stressed that the provision of no 1 bedroom units would be unacceptable as this is the highest need within the area, closely followed by 2 bedroom units. It was considered that the character of the development in relation to the wider context still needed to be addressed, as the layout remained too suburban. Other minor comments relate to the location of bin stores/bin collection points, the requirement for tree lined streets, the need for character areas within the development, need for additional landscaping, concern over the inclusion of protected trees within gardens due to potential overshadowing/loss of sunlight which could threaten their retention, excessive hardstanding along frontages, car parking provision could still be reduced, and further work being required around the pedestrian connection to the Rounds Garden site to the south.
- 3.10 The layout was amended to address the comments made and a revised layout was sent to the planning officer on 12th January 2024. Key amendments included the provision of four 1 bedroom units, additional tree planting, reduction in the number of car parking spaces associated with the apartment block, enhancements made to the elevational treatment of the apartment block and provision of a dedicated amenity space; retention of trees protected by a TPO within the gardens of plots along the eastern edge with the garden length increased (by moving the houses forward, closer to the street) to reduce potential of trees to cause overshadowing to new dwellings; alterations to the proposed footpath around the open space; re-purposing the proposed pocket park opposite plots 85-87 to a landscaped embankment, with no public access.
- 3.11 16th January 2024 – The latest amendments to the layout were discussed which also included a further revision made to address comments in relation to the existing trees along the eastern boundary of the site, following feedback from local residents during the public consultation event, held on 11th January 2024. Officers still expressed concern in relation to following elements (key points only):
- The proposed apartment building in relation to appearance, scale, height and materials and its car park not including adequate landscaping;
 - Overall, it was concluded that layout in the southern area of the site (within the eastern parcel) was too suburban in character and that a redesign should be explored;
 - Treatment of the proposed boundary along the public right of way to the south was queried;
 - Materials for the wider scheme should consist of a low number of different brick colours to provide some variety but ensure a good, consistent design;

- In relation to the north-eastern area, officers considered that the proposed backland dwellings would be out of character with the existing terraced houses along Essex Street and that this part of the site remained a concern;
- Noise from the adjacent employment use should be considered;
- The retention of additional trees along the eastern boundary is supported but raised issues with the proposed parallel parking bays which were considered not to have gone far enough to improve the urban character of the site;
- Housing mix had improved to incorporate 1 bedroom dwellings but if the scheme is to depart significantly from the HEDNA, then justification must be provided with the application submission to justify the deviation;
- Legibility of the footpath connection in the north eastern corner remained a concern (connecting the development and Essex Street); and
- Frontage parking at plots 82-84 should be avoided.

3.12 A revised layout plan was produced to address these points and informally sent to the case officer for review on 22nd January 2024. The main amendments comprised:

- The relocation of the apartment building from the south-eastern to the north-eastern corner of the eastern parcel of the site;
- Incorporation of a 5 metre wide pedestrian/cycle link, which would be overlooked by the apartment building;
- In place of the apartment block in the south eastern corner, an extension of the section of housing with parallel parking bays is proposed. These properties will be semi-detached but with the appearance of a row of terraces;
- Gardens set back from the footpath edge along the public footpath.

3.13 The Planning Officer confirmed that the formal written response would be based on the earlier set of drawings (discussed at the final pre-application meeting) and not the informally revised scheme sent via email. It was noted that the relocation of the apartment block to the north-eastern corner should take into account the impact on surrounding properties, as the proposed 4 storey building would be higher than other buildings within the vicinity of this part of the site.

3.14 The full written pre-application enquiry response was received on 26th January 2024. It was confirmed that the principle of development is considered acceptable due to its location in the urban area of Rugby and its previously developed nature. The disused tennis and lapsed football pitch would need to be fully assessed and mitigated for within the planning application submission. Mitigation is likely to consist of the requirement for replacement facilities in a suitable location due to the need for sports pitches at the current time.

3.15 It was advised that the majority of the site is within the existing Green Infrastructure (GI) network and the GI on site should be maintained and/or enhanced, the site is within the air quality management area and therefore the GI should be assessed in relation to their effectiveness in removing particulates from the atmosphere and having positive impacts for

air quality. Primary streets should be tree lined throughout the development and greenways identified should be addressed in relation to trees. It was noted that a significant number of protected trees are proposed to be removed and that detailed assessments in relation to their removal will be required. The loss of trees will impact upon the biodiversity net gain which should be achieved.

3.16 It was confirmed that there is a deficit of all types of open space within Benn and New Bilton Wards. The provision of new Parks and Gardens within the site is not considered possible but financial contributions towards Caldecott Park could potentially be provided, together with a contribution for children's play equipment at the York Street Play Area. No contribution towards allotments is required. There is a deficit of amenity greenspace and natural/semi-natural within the ward, and it is disputed that the proposals provide either typology which meet the accessibility requirements of the site; and off-site contribution will therefore be required towards Play and Open Space. The proposed "play on the way" adjacent to the SuDs may not be supported, in accordance with RoSPA's advice to separate children's play equipment from water features. Other interventions for this area will need to be considered to make sure this space is well used, naturally surveilled and not attract anti-social behaviour. An off-site contribution towards children's provision (LEAP) may also be required. The amount of open space required on site together with maintenance sums was set out.

3.17 Based on the layout submitted to Officers on 12th January 2024, the following comments were provided for consideration:

- Proposed layout remains too suburban in character;
- Apartment block should be reviewed; ideally to break up the bulk and mass – multiple blocks suggested;
- North-east and southern parts of the eastern section require replanning;
- Plots 70 and 72 are considered unsatisfactory in their current position and concern was raised that noise from the adjacent factory could impact on occupier's amenity;
- Denser development should be proposed at the edges of site;
- Frontage parking should be avoided;
- Existing building lines should be respected;
- Prominence of bin stores/collection points and carry distance should be considered;
- Inclusion of TPO trees within gardens along the eastern boundary may be considered adverse but a sunlight analysis and section drawings should be provided to enable an assessment of amenity for future occupiers;
- Architectural interest of apartment block should be improved;
- Lack of direct access from car parking courts/spaces to properties (plot 7) should be addressed;
- Parking proposed close to pedestrian right of way detracts from the connection and gives illusion of cul-de-sac rather than a route through;
- Landscaping, lighting and surveillance should be proposed in car parking courts;

- Domination of vehicle access, vehicle movements and parking should be avoided, where possible, and focus should be given to promoting pedestrian connectivity and legibility;
 - Materials palette should be selected to provide variance, good design and meaningful relationship with context.
- 3.18 In conclusion it is the Council's view that the earlier layout did not relate to the existing wider context and would not be supported. Further amendments have been made to address these points, which has resulted in the current layout submitted for consideration.
- 3.19 Separate pre-application discussion/engagement was also held between St. Modwen Homes and Warwickshire County Council (Flood Risk Management and Highways), in its capacity as Lead Local Flood Authority (LLFA) and Highways Authority, respectively. The enquiries with the LLFA focussed on surface water flood risk. It was confirmed that discussions had been held with Severn Trent Water, and that an agreement had been reached allowing both the development surface water drainage and overland flood flows to be consolidated into one single storage feature on the development.
- 3.20 To accommodate increased volumes of water the flood storage area has been deepened to approximately 5.5m deep, with 300mm freeboard to minimum bank level, then 300mm freeboard to minimum FFL built into design, thereby achieving a maximum freeboard of 600mm overall.
- 3.21 The Highways response was based on the initial layout and stipulated a series of requirements such as the need for the roads to be designed to 20 mph, road width, connections to public footpaths/existing routes, provision of secure cycle parking. Concern was expressed with access into the site, particularly from Princes Street which would be via narrow roads where on street parking occurs on both sides of the road. Modelling of impacts on the highway arising from the proposals was requested. Due to the constrained nature of the proposed access routes, a parking survey was requested to establish parking capacity and demand. A follow up meeting with the Highway Authority took place in October where the creation of a potential one-way system was discussed further which included confirmation that details of swept analysis for large vehicles noting any changes to TROs. An RSA will also be required to assess the proposed one-way system option.

Public Consultation

- 3.22 An online public consultation exercise was held between 18th December 2023 and 19th January 2024. In addition to this an in-person event was held on 11th January 2024 at the Hill Street Youth and Community Centre between 3pm and 8pm. The numbers and types of responses is set out in full within the separate Statement of Community Engagement submitted with the planning application.

4. Details of the Proposal

4.1 This proposal seeks to deliver a mixture of 134 homes within a network of varying street types, textures and materials with a clear hierarchy between the primary route through the site, the secondary streets and private drives. The layout design has evolved through pre-application discussions as set out earlier within this document. It reflects the urban location in which it is located and responds to its surroundings, with a strong, formal frontage to Edward Street on the west and Princes Street to the east. Within the development itself, blocks are orientated in a uniformed and efficient manner to provide a formal arrangement. The detailed design and rationale is set out in full in the supporting Design and Access Statement.

4.2 The schedule of proposed accommodation is provided below.

Dwelling Type	Number	Beds	%
1 bed apartments	5	1	4%
2 bed apartments	15	2	11%
2 bed houses			
H2B758	12	2	9%
H2BC2	2	2	
H2B774	21	2	16%
3 bed houses			
H3B777	2	3	1%
H3B933	14	3	10%
H3B932	14	3	10%
H3B974	1	3	1%
H3B1001	4	3	3%
H3B1001	10	3	7%
H3B1021	12	3	9%
4 bed houses			
H4B1206	6	4	4%
H4B1334	4	4	3%
H4B1362	2	4	1%
H4B1428	5	4	3%
H4B1454	5	4	4%
TOTAL	134		100%

4.3 The Council's written pre-application response stipulated that the proposals should include 30% affordable housing on site in accordance with the adopted Local Plan. This is based upon the fact that the site is considered to be predominantly green field, having previously contained a football pitch and tennis court. The applicant has taken a different view to this,

and considers the site to be previously developed land on the basis that it is both within the curtilage of developed land to the north and is itself developed through the engineering operations undertaken to create the topographical depression. In this scenario, Policy H2 requires 20% affordable housing to be provided.

- 4.4 Access to the development will be provided through an extension of Willans Place into the western portion of the site, and from Princes Street for the eastern portion of the site. There will be no vehicular link between the two parcels due to the presence of the high value trees and the water storage feature that is required to be created in the middle of the site for drainage purposes.
- 4.5 A variety of housetypes are proposed with the majority of them arranged within rows of terraces and pairs of semi-detached contemporary dwellings to front onto the roads within perimeter blocks. The proposed dwellings are predominantly 2 storey, although there a small number of 2.5 and 3 storey dwellings throughout the layout.
- 4.6 Each dwelling will either have on -plot car parking, or a space on the street in close proximity to the curtilage. The apartment block will be 4 storeys in height with a communal amenity space and car park.
- 4.7 All houses will have private rear gardens and parking spaces which meet or exceed the Council's guidelines.
- 4.8 The central water feature will be the focal point of the development, showcasing the crescent of retained mature lime trees, through which there will be a woodland walk, which will frame the attenuation basin. The basin itself will be landscaped with appropriate plants and shelved so that areas of it are useable open space for members of the public.
- 4.9 The site is covered by a number of trees (some of which are protected by a Tree Preservation Order) at present and every opportunity has been taken to retain as many of the existing trees as possible within the redevelopment of the site. A tree survey has been provided with the planning application, which has informed the landscape strategy proposed for the development.

5. Planning Policy Context

- 5.1 Legislation requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise as set out at Section 39(6) of the Planning Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended).
- 5.2 With regard to the determination of this planning application, the development plan comprises of the Rugby Borough Council Local Plan 2011-2031, adopted June 2019.
- 5.3 The National Planning Policy Framework (NPPF) and any relevant Supplementary Planning Documents (SPD's) are a material consideration in all planning decisions.

Rugby Borough Council Local Plan 2011-2031 (June 2019)

- 5.4 The following policies from the adopted Local Plan are relevant to the consideration and determination of this planning application and are set out below:
- 5.5 **Policy GP1** has regard to ***Securing Sustainable Development*** and states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay unless material considerations indicate otherwise.
- 5.6 **Policy GP2** (Settlement hierarchy) establishes that Rugby town is the main focus for all development in the Borough. Development is permitted within the existing boundaries and as part of allocated SUEs; **Policy GP3** supports the redevelopment of previously developed land where proposals are compliant with other policies within the Local Plan, and where redevelopment does not result in an unacceptable impact.
- 5.7 **Policy DS1** sets out the overall development needs as 12,400 additional homes (which includes 2,800 to contribute to Coventry's unmet needs) – 663 dwellings per annum between 2018 and 2031).
- 5.8 Paragraph 4.29 highlights the fact that Rugby town is the most sustainable location for growth in Rugby Borough and that the plan therefore seeks to maximise the potential of the urban and area land immediately adjacent to it to accommodate growth.
- 5.9 **Policy H1** has regard to ***Informing Housing Mix*** and states that to deliver a wide choice of high quality market homes across the Borough residential development proposals must form a mix of market housing house types and sizes consistent with the latest Strategic Housing Market Assessment. New residential development should contribute to the overall mix of housing in the locality, taking into account the current need. It goes on to state that the Council will

consider an alternative mix, if it is clearly demonstrated how the delivery of a mix which has regard to the SHMA (or relevant update) is compromised – and includes such circumstances as sites with severe development constraints where the housing mix may impact on viability, and where demonstrated through the submission of a viability appraisal.

- 5.10 **Policy H2** has regard to ***Affordable Housing Provision*** advising affordable housing should be provided on all sites of at least 0.36 hectares in size or capable of accommodating 11 (net) dwelling units or more (including conversions and subdivisions). On previously developed sites a target affordable housing provision of 20% will be sought. On green field sites a target affordable housing provision of 30% will be sought. The tenure and mix of the affordable housing units should be in compliance with the latest SHMA or equivalent/updated guidance. The target levels will be expected to be provided unless the LPA is satisfied by a robust financial viability assessment.
- 5.11 **Policy HS1** has regard to ***Healthy, Safe and Inclusive Communities*** and states the potential for creating healthy, safe and inclusive communities will be taken into account.
- 5.12 **Policy TC1** Town Centre – although the application site lies just outside of the Town Centre boundary to the north-west, it is relevant and it expects high quality design to complement and enhance the existing environment and townscape required to comply with the adopted Town Centre Vision and Action Plan 2016-2020. Schemes to be compatible with the scale, nature and character of the town centre.
- 5.13 **Policy HS4** has regard to ***Open Space, Sports Facilities and Recreation*** outlining that all residential development of 10 dwellings and above, shall provide or contribute towards the attainment of the Council's open space standards. New open space should be accessible and of high quality. Standards to attain children's play, natural and semi-natural green space, parks and gardens, amenity green spaces, allotments and outdoor sports playing pitches are provided. Part C of this policy states that public open space, sports and recreational buildings and land, including playing fields within the Open Space Audit evidence and/or defined on the policies map and/or last in sporting or recreational use should not be built upon unless it is surplus to requirements; a replacement of equivalent or better provision in terms of quality and quantity in a suitable location is proposed; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 5.14 **Policy HS5** has regard to ***Traffic Generation and Air Quality*** stating that development proposals should promote the use of sustainable transport modes and low emission vehicles to minimise the impact on air quality, noise and vibration caused by traffic generation. Proposals should be located where the use of public transport, walking and cycling can be optimised. Proposals should take full account of the cumulative impact of all development including that proposed in this Local Plan on traffic generation, air quality, noise and vibration. Development proposals should complement the Air Quality Action Plan.
- 5.15 **Policy NE1** has regard to ***Protecting Designated Biodiversity and Geodiversity Assets*** and sets out that the Council will protect designated areas and species of international, national and

local importance for biodiversity and geodiversity. Development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy.

- 5.16 **Policy NE2** has regard to ***Strategic Green and Blue Infrastructure*** and states that the Council will work with partners towards the creation of a comprehensive Borough wide Strategic Green and Blue Infrastructure Network. This will include the protection, restoration and enhancement of existing and potential Green and Blue Infrastructure assets within the network.
- 5.17 **Policy NE3** has regard to ***Landscape Protection and Enhancement*** and seeks to ensure that new development positively contributes to landscape character. NE3 looks to integrate landscape planning into the design of development at an early stage; have regard to its landscape context; relate well to local topography and built form; identify likely visual impacts; aim to either conserve, enhance or restore important landscape features; address the importance of habitat biodiversity features; and sensitive to an area's capacity to change.
- 5.18 **Policy SDC1** has regard to ***Sustainable Design*** and seeks to ensure development demonstrates a high quality, inclusive and sustainable design. New development should be of a scale, density and design that responds to the character of the area. Factors including the massing, height, landscape, layout, materials and access will also be a key consideration. Proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded. Proposals for housing and other potentially sensitive uses will not be permitted near to or adjacent sites where there is potential for conflict between the uses. Adequate off-street storage space for wheeled bins, including storing recycling, to serve all new residential properties should be provided. Proposals relating to the enhanced energy efficiency of existing buildings will be supported in accordance with the most up to date national regulations.
- 5.19 **Policy SDC2** has regard to ***Landscaping*** and stipulates that landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required. The policy adds that important site features should be retained; Opportunities for utilising sustainable drainage methods be incorporated; new planting comprises native species which are of ecological value appropriate to the areas.
- 5.20 **Policy SDC4** has regard to ***Sustainable Buildings*** advising that the Council will apply Policy SDC4 to all new dwellings on developments of one dwelling or more and non-residential development of 1000 sq. m or over.
- 5.21 **Policy SDC5** has regard to ***Flood Risk Management*** and states that a sequential approach to the location of suitable development will be undertaken by the Council based on the Environment Agency's flood zones as shown on the latest Flood Map for Planning and Strategic Flood Risk Assessment (SFRA).

- 5.22 **Policy SDC6** has regard to ***Sustainable Drainage*** and states that Sustainable Drainage Systems (SuDS) are required in all major developments and all development in flood zones 2 and 3.
- 5.23 **Policy SDC9** has regard to ***Broadband and Mobile Internet*** and states that developers of new developments (residential, employment and commercial) will be expected to facilitate and contribute towards the provision of broadband infrastructure suitable to enable the delivery of broadband services across Rugby Borough to ensure that the appropriate service is available to those who need it.
- 5.24 **Policy D1** has regard to ***Transport*** and advises that development will be permitted where sustainable modes of transport are prioritised and measures designed to mitigate transport impacts arising from either individual development proposals or cumulative impacts caused by a number of proposals are provided. Proposals should have regard to the Sustainable Transport Strategy. Policy D1 adds that where large scale developments result in the generation of significant traffic movements, applications should be supported by a Transport Assessment and where necessary a Travel Plan, to demonstrate practical and effective measures to be taken to mitigate the adverse impacts of traffic.
- 5.25 **Policy D2** has regard to ***Parking Facilities*** stating that development should look to incorporate adequate and satisfactory parking facilities including provision for motor cycles, cycles and for people with disabilities (or impaired mobility), based on the Borough Council's Standards included at Appendix 5 of the Local Plan. Electric and/or hybrid vehicle charging points are required to be provided as part of development unless it can be demonstrated that it is financially unviable. The site is located within the High Access Zone which requires
- 0.75 car parking spaces per unit, 1 secure/undercover cycle space for 1-2 bed units
 - 1 car parking spaces per unit, 1 secure/undercover cycle space for 3 bed units
 - 1.5 car parking spaces per unit, 1 secure/undercover cycle space for 4 bed units
 - 0.75 car parking spaces per unit, 1 secure/undercover cycle space and 1 loop/hoop per unit for 1-2 bed units
- 5.26 **Policy D3** has regard to ***Infrastructure and Implementation*** and states that the delivery of new development will be dependent on sufficient capacity being available in existing infrastructure and/or measures being proposed to mitigate its impact. Where this cannot be demonstrated permission for new development will only be granted where additional capacity can be released through new infrastructure, or better management of existing infrastructure. Developer contributions may be sought to fund new infrastructure when required to mitigate development impacts and a programme of delivery will be agreed before development can take place. Proposals should be considered in the light of the mitigation measures identified in the Infrastructure Delivery Plan.
- 5.27 **Policy D4** has regard to ***Planning Obligations*** advising that where it is not possible to address the unacceptable impacts of development through planning conditions, a legal agreement or planning obligation may be required in line with the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). In the first instance infrastructure contributions will be

sought on-site. However, where this is not possible an off-site (commuted) contribution will be negotiated.

Emerging Local Plan

- 5.28 The Council is within the early stages of its Local Plan Review and is currently consulting on the Issues and Options until 2nd February 2024 which explores strategies for the regeneration of the town centre as well as the location for new housing and employment sites.

Other relevant Guidance

- 5.29 Air Quality SPD was adopted in July 2021 to improve the consideration of air quality impacts in the planning process and it provides additional information/advice to be read in conjunction with Local Plan policy HS5 referred to earlier within this statement. The whole urban area of Rugby is declared an Air Quality Management Area (AQMA). Development of 10 dwellings or more within the AQMA must achieve or exceed air quality neutral standards; or address the impacts of poor air quality due to traffic on building occupiers and public realm amenity space by reducing exposure to and mitigating their effects. Forms of mitigation include plug-in vehicle re-charging points – 1 charging point per dwelling or 1 charging point per 10 spaces, provision of a Construction Environmental Management Plan (CEMP), use of green infrastructure, gas-fired boilers to meet minimum standards and production of a travel plan (to promote public transport use, cycling and walking, electric vehicles).

- 5.30 Climate Change and Sustainable Design and Construction SPD was adopted in February 2023 to help tackle climate change and provides additional guidance to support the implementation of the Local Plan. It contains detailed advice on energy efficiency to encourage developers to reduce the demand for energy in the first place where possible and then to incorporate energy efficient measures and renewable energy technologies into new development. It also sets out detailed guidance on flood risk, sustainable drainage systems and green infrastructure, landscaping and biodiversity which must be incorporated into new developments where possible. Methods to improve water quality and use (to be efficient) are provided. Appendix B – the Residential Design Guide stipulates various space and waste storage standards, general layout and design advice. Key to the proposed development are:

- New dwellings should provide an adequate amount of garden space that is in keeping with the character of the area. As a guide, a garden should be at least the size of the ground floor footprint of the dwelling; should have a minimum length of 7 metres as well as 60sqm area for a 2 bed property and 80 sqm for a 3 bed property. Flats should ensure useable outdoor space is available.
- 21 metres between building faces to the rear and 14 metres if the rear of the building faces a blank elevation
- Designs should carefully consider arrangements for bin collections and provide sufficient space for the different types of bin types used.

- 5.31 Planning Obligations SPD (2012) sets out the starting point in the S106 negotiation process and clarifies the use of planning obligations to provide an indication of what the Council may expect from developers – financial contributions towards affordable housing, open space, indoor sports facilities, education. If contributions offered do not comply with the methodology/calculations set out, the applicant will be expected to provide evidence to support their case, such as a viability assessment evidencing a detailed open book financial appraisal.
- 5.32 The Housing Needs SPD (2021) supports the implementation of the Local Plan policies and provides further details of affordable housing delivery mechanisms.
- 5.33 The Coventry & Warwickshire Housing & Economic Development Needs Assessment (HEDNA) was published in November 2022 to inform the preparation and review of the new local plan. As the most up to date evidence base, it supersedes the SHMA and provides guidance on the scale and distribution of development within the region and the required housing mix (type, tenure and size) for new development. For Rugby, it suggests that the mix should be:

1 bed	10%
2 bed	40%
3 bed	45%
4 bed	10%

National Planning Policy Framework

- 5.34 The National Planning Policy Framework (the Framework) was first published in March 2012, with the most recent update in December 2023 and sets out the government’s planning policies for England and how it expects them to be applied. It is a material consideration that should be taken into account in the determination of all planning applications.
- 5.35 At the heart of the Framework is a presumption in favour of sustainable development Paragraph 8 of the Framework states that there are three overarching objectives to sustainable development that should be pursued in mutually supportive ways. These objectives are:
- an ***economic*** objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to

improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.36 At the heart of the Framework is the presumption in favour of sustainable development, which for decision-taking (paragraph 11) this means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.37 The NPPF provides an increased emphasis upon delivering development which will both stimulate the economy and deliver the housing needs of local communities. In this context the development will assist with the delivery of that objective through the provision of new housing, including affordable homes, in a sustainable location to benefit the growth of Rugby.

5.38 Section 5 has regard to ***Delivering a Sufficient Supply of Homes*** and paragraph 60 sets out that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

5.39 Section 9 has regard to ***Promoting Sustainable Transport*** and paragraph 114 states that when assessing specific applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.40 Section 11 has regard to ***Making Effective Use of Land***. Paragraph 123 requires decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.

- 5.41 **Section 12** sets out the Government's policies to achieve *well-designed places*. The section opens at Paragraph 131 by stating that, "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve." Paragraph 135 sets out a series of objectives which development should achieve to ensure well-designed places.
- 5.42 **Section 15** has regard to *Conserving and Enhancing the Natural Environment* and **paragraph 188** states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 5.43 **Section 16** has regard to *Conserving and Enhancing the Historic Environment* and **Paragraph 200** states that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

6. Planning Analysis

- 6.1 Planning law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise as set out at Section 38(6) of The Planning Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended). The National Planning Policy Framework, however, is also a material consideration in all planning decisions.
- 6.2 Having set out a description of the site and its context, together with the proposed development and identification of relevant planning policy against which to assess the proposals, the remainder of this statement sets out the case for development on the site.
- 6.3 In the context of National and Local Planning Policy, it is considered that the development of the site for 134 new dwellinghouses raises the following main considerations:
- Principle of Development (including loss of former playing fields);
 - Layout, design and Amenity (including housing mix);
 - Flood Risk and Drainage;
 - Access and Transport;
 - Ecology, Trees and Landscaping
 - Air Quality and Noise;
 - Ground Conditions;
 - Archaeology;
 - Viability;
 - Compliance with the Development Plan; and
 - Planning Balance.

Principle of development

- 6.4 The application site is not allocated for development within the adopted Local Plan; it was last used as playing fields with pavilion and car parking associated with the employment use to the north. Whilst the employment use is still in operation (GE Power), the use of the application site for recreational use ceased over 20 years ago, and it has been disused ever since and is considered lapsed. It has been allowed to re-wild.
- 6.5 The site is not included within the Council's Open Space Audit or latest Playing Field Strategy and the Council's written response to our pre-application enquiry confirms that there is no objection to the principle of development subject to a separate assessment of playing fields need and provision. A Sports Mitigation Strategy, prepared by Sports Planning Consultants has been prepared to support the application. It confirms that the use of the site for sport has lapsed; the area of playing field loss is 1 hectare; any development will be subject to planning policy as appropriate, but given the site has not been used for over 5 years, any consultation response on the site will be on a non-statutory basis.

- 6.6 A full assessment of need is set out and mitigation is suggested in the form of off-site financial contributions towards tennis and football provision in the Borough (Caldecott Park and Addison Road playing fields), rather than any like for like replacement accordingly.
- 6.7 The site lies within the urban area of Rugby (just outside of the town centre) and comprises of previously developed land. Adopted Local Plan policies GP2 (settlement hierarchy) places Rugby town and urban area at the top of the settlement hierarchy and directs that this area be the main focus for new development. Paragraph 4.29 of the Plan highlights the fact that Rugby town is the most sustainable location for growth in Rugby Borough and that the plan therefore seeks to maximise the potential of the urban and area land immediately adjacent to it to accommodate growth. GP3 supports the development of previously developed sites such as this, providing the proposals are compliant with other plans within the Plan, and where redevelopment does not result in an unacceptable impact.
- 6.8 Government policy on making effective use of land within the NPPF (2023) is an important consideration. Paragraph 123 requires **“planning decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield land’.”** Paragraph 124 states that planning policies and decisions should (relevant points only); **“give substantial weight to the value of using suitable brownfield land within settlements for homes, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.”**
- 6.9 Policy DS1 sets out the overall development needs of Rugby as 12,400 additional homes between 2018 and 2031, this equates to 663 dwellings per annum. According to the Five Year Housing Land Supply Position Statement 2023-2028 there has been a sizeable over-delivery against the Local Plan Requirement to show that 8,091 dwellings have been provided (against a requirement of 7,095). The Council considers it can demonstrate a 5YHLS figure of 6.1 years for the period 2023/28. The Council has not counted the site within its 5 YHLS figures, and its redevelopment to provide 134 new homes should be considered as windfall. Although the Local Plan has made allowances for windfall, such sites are expected to be very small and comprise developments of up to 4 dwellings. Any site however, regardless of size can be considered as windfall (if not expected to come forward for develop and/or allocated within a plan). Paragraph 70d of the NPPF encourages LPAs **“to support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.”**
- 6.10 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area. Paragraph 11 of the NPPF states plans and decisions should apply a presumption in favour, for decision- taking this means approving development

proposals that accord with an up-to-date development plan without delay. The principle of redevelopment accords with both local and national planning policy and the Council should therefore support the principle of re-using this site for residential purposes.

Layout, Design and Amenity

- 6.11 The design and layout have been described earlier within this document. It has evolved over time to take account of the site constraints and comments made by LPA officers during the pre-application process. The scheme as submitted reflects amendments made following the final pre-application meeting on 16th January 2024 and includes the relocation of the apartment block to the north-eastern corner, with the removal of one of the backland houses to the rear, reconfiguration of the southern part of the eastern portion to increase the urban character that the officers requested. This is set out fully within the Design and Access Statement.
- 6.12 The retention and enhancement of the existing central landscape feature with a crescent of mature lime trees is a core principle and has continued to define the layout of the site with green corridors linking through and around the site. The natural depression will provide the attenuation pond to deal with surface water run off but also serve as an area of public open space, specifically designed to be accessible to the public with tiered edges. Appropriate landscaping will be planted to make this area a true focal point for the development. The majority of protected trees are retained and additional planting is also proposed.
- 6.13 The layout has been designed to comply with Council's spatial guidelines in regard to separation distances, garden sizes and minimum internal space standards, where practical, to ensure a high quality of living accommodation for future occupiers. Separation distances between the existing dwellings backing onto the site within Princes Street have been carefully considered to ensure required distances are met or exceeded to ensure privacy of existing residents is not adversely affected. Trees in this location have been retained to ensure no loss of outlook.
- 6.14 Dwellings which are two storey, will generally face the public highway and public realm, with footpaths reinforcing existing connections and creating new ones. The use of dual aspect dwellings and dwellings with prominent frontages will also be used in certain locations to provide notable variety within the street scene. Proposed dwellings along the southern boundary of the eastern parcel will front out onto the public footpath connecting Hill Street and York Street, in order to provide natural surveillance. The entrance to the eastern portion of the site will provide a strong linear, urban built form to respond to the Victorian terraces typical of the wider area, new dwellings proposed fronting onto Princes Street will be a combination of terraced and semi-detached, set forward to the street to respond to the original building line. A similar approach is proposed along Edward Street where new terraced dwellings will be located with rear car parking court to the rear.
- 6.15 Dwellings have been designed to meet the requirements of a diverse range of residents needs with a range of 2, 3 and 4 bed houses and apartments and the majority will comply with NDSS.

- 6.16 The house types proposed incorporate distinct design features and variation in the materials palette to ensure the development is distinct in character, but the presence of red brick as the main material of choice is reflective of the sites surroundings.
- 6.17 Further details of the scale and massing, street scenes, house types and appearance have been addressed within the supporting Design and Access Statement.
- 6.18 Car parking is provided for each dwelling, either within the curtilage of the plot or within parking courts or on the street within close proximity.
- 6.19 It is therefore concluded that the proposal will not give rise to any significant visual impacts and that the development therefore complies with SDC1 of the Local Plan and guidance contained within the NPPF.

Flood Risk and Drainage

- 6.20 A Flood Risk Assessment has been prepared to inform the development proposals. Whilst the site is entirely with Flood Zone 1, the publicly available Flood Risk from Surface Water Map identifies a surface water flow route emanating from the urbanised catchment to the south of the site. This flow route enters the Site to the south and collects within the oval shaped topographical depression, which was formerly created to provide a sports pitch within the centre of the Site, intercepting these flows from travelling further northwards toward the River Avon.
- 6.21 This predicted surface water flood risk has been assessed by the Environment Agency to present a low to high risk to the site. Detailed site-specific hydraulic modelling has been undertaken to quantify and understand the flood routing mechanism of this surface water flood risk through the site with a greater level of accuracy. The hydraulic model has been used to optimise the flood interception and storage design, where oncoming flows will be intercepted by a strategically placed swale, which will route flows toward a Flood Storage Area (FSA). The interception swale and FSA have been designed to provide sufficient capacity to convey and store surface water flows from the wider catchment for all storm events up to and including the 1 in 100 year +40% climate change storm event, demonstrating that surface water flood risk can be safely managed as part of the delivery of the proposed development. A freeboard of 300mm between the maximum water level within the FSA and top of bank has also been incorporated into the design to provide that additional level of resilience to an exceedance event. The stored flood water will eventually drain at a restricted greenfield discharge rate of 5 l/s/ha into Severn Trent's Surface Water Sewer, which flows through the site, as agreed with Severn Trent. The FSA has been designed to a depth of circa 5.5m deep, with varying side slopes from 1 in 3 to 1 in 6 to facilitate safe access and egress from this feature.
- 6.22 Draining surface water runoff from the Proposed Development in a sustainable way is a key element to the scheme. Permeable paving and filter margins will be utilised at plot level, which will then pass through selected swales, before entering the central storage area within the Site. This arrangement of Sustainable Drainage Systems (SuDS) will allow rainfall to be

intercepted at its source and slow the flow of water, enabling the treatment of surface water and effective removal of pollutants.

- 6.23 The central FSA has been designed to store both the surface water flood risk entering the Site and the surface water runoff from the Proposed Development itself up to the 1 in 100 year + 40% climate change storm event. The rate at which this water is discharged to the Severn Trent Surface Water sewer is restricted to match the original greenfield runoff rate of 5 l/s/ha, which also includes the surface flood water entering the Site from the south.
- 6.24 The central FSA has been carefully planned to enhance the proposed developments amenity and biodiversity value.
- 6.25 The drainage strategy is set out in detail but key points are summarised in the following paragraphs.
- 6.26 **Surface Water:** PJA Engineering have worked closely with the development of the masterplan to enable a homogeneous process of form and function. By integrating drainage features into the design of the site from the outset, a scheme is generated that balances surface water features together with amenity spaces to achieve an enhanced sustainability strategy. The site combines surface water requirements of the site together with overland flood management to ensure all sources of surface water are considered. Sustainable drainage features are provided through the site, both in the form of SuDS at source permeable surfaces and gravel filter margins, and shared swales and attenuation basin to accommodate all surface water storage requirements within the design criteria. Specialist drainage software is utilised to calculate the performance and size of each drainage feature to ensure they are suitably provided. These are all designed in accordance with the latest local authority and Environment Agency guidance and recommendations.
- 6.27 **Foul Water:** An existing foul sewer crosses the site, south to north providing a suitable point to connect and discharge sewerage flows from the proposed site. These flows are then forwarded on through Severn Trent Water Ltd network to a local sewerage processing works. Proposed foul sewers will be strategically located through the site to ensure each property has a suitable discharge point. The route of the foul sewers through the centre of the site, passes through a wooded area, through this section the sewer will be installed via a trenchless technique, and drilled below the root area of the trees to ensure no detriment to the trees. This technique is fully maintainable through similar trenchless technologies and will be offered for adoption to STWL for its ongoing maintenance.
- 6.28 **Drainage General:** All drainage will be designed to comply with current Design and Construction Guidance and Building Regulations requirements. The drainage that falls within adoptable highways (both foul and surface water) will be subsequently offered for adoption to the local sewerage undertaker (Severn Trent Water Limited) who will manage the sewers in the future in the interests of the public. An estate management company will be appointed to manage and maintain the private sewers that fall outside of the adoptable network together with maintaining the landscaping and sustainable drainage features. These will be paid for via yearly management charges to residents as per standard estate management companies. Any further drainage within the curtilage of a single property, being the responsibility of the homeowner.

- 6.29 External Works:** The external spaces are designed with consideration for pedestrian and vehicle movements, ensuring free movement through the site. The roads are checked against vehicle standards to ensure they are of suitable size and can accommodate all predicted manoeuvres while sight lines are considered to ensure the safe passage of pedestrians and vehicle to vehicle visibility. The scheme is designed to offer a mix of block paving and asphalt areas to enrich the aesthetics and blend the estate into its surroundings.

Access and Transport

- 6.30** A Transport Assessment (TA) has been prepared to support the application. It identifies the travel patterns associated with the proposed development and examines the likely transport implications on the surrounding area.
- 6.31** The scope of the TA was agreed with WCC Highways which includes an assessment of one-way options for Princes Street, with a focus on existing traffic flows, speeds and turning movements, existing car parking capacity and utilisation informed by an overnight and daytime parking survey, existing TROs, forecast impact of the one-way system on routes and journey times; forecast traffic flows and active travel (amongst other items – fully set out within the TA).
- 6.32** The TA notes the Traffic Regulation Orders and parking restrictions in the vicinity of the site and demonstrates that the site is located within walking distance of a range of local facilities within surrounding local areas and Rugby Town Centre which are accessible via Key Active Travel Routes. Frequent bus services providing connection from the site to Rugby town centre, Coventry, Leicester and surrounding urban areas are identified as well as Rugby railway station which provides frequent services to Coventry, Birmingham, London, the North-West and Scotland. It also concludes that there are no highway safety implications which would be exacerbated by the proposed development.
- 6.33** Access points from Princes Street and Willans Place are described and have been designed to accommodate refuse and emergency vehicles – swept path analysis drawings have been included to demonstrate this. A Stage 1 RSA is currently being undertaken on both access designs and the results and Designer's Response will be shared with WCC when available.
- 6.34** The Active Travel Strategy is set out in full within the accompanying Travel Plan and includes details of pedestrian and cycle access through the site. Off-site improvements to the pedestrian crossing on the A436 and potential improvements to the public right of way network will be discussed with WCC throughout the determination period.
- 6.35** The internal site layout has been designed in accordance with the Warwickshire Design Guide to ensure the dimensions of roads, footpaths and refuse reversing distances and bin store collection points are acceptable.
- 6.36** In order to enable safe access to the eastern part of the site, the roads to the east of the site are proposed to be converted to a mix of one and two-way roads to prevent instances of vehicles having to stop and reverse. In summary changes proposed include:

- Dale Street will be one-way northbound from Oliver Street to Princes Street
 - Princes Street will be one-way northbound from Hill Street to King Street
 - King Street will be southbound from Princes Street to Hill Street
 - Hill Street will be eastbound only from Dale Street/Princes Street to the A426
 - Duke Street will remain two-way
 - St John Street will remain two-way
- 6.37 Alterations to the TROs are proposed to support the one-way system by the removal of 8 on-street parking bays on the western side of Princes Street, the addition of one on street parking bay for plot 96 and three for private use by plots 82-84. Meaning, there proposed one way system would result in a reduction of eight car parking spaces along Princes Street. It is accepted that the proposals will result in the demand for parking on Princes Street would outweigh availability but it is considered that there is sufficient space capacity on adjacent streets including King Street and Dale Street to accommodate demand.
- 6.38 Parking provision within the site complies with guidance and would result in the 246 spaces within the development. Secure cycle parking will be provided at each property within garages or sheds, or within a communal store for apartments. An electric vehicle charging point will be provided for each dwelling.
- 6.39 Strategic modelling has been undertaken which demonstrates that the proposed development will have a negligible impact on delay and speed across the network; there is a negligible impact on delay on key routes and that there is a negligible impact to levels of queuing at the A426/Oliver Street/ Evreux Way roundabout.
- 6.40 The TA demonstrates that the proposed development complies with paragraphs 114 and 115 of the Framework and that the residual impacts of the development are not severe. There is no evidence that the proposed development should be prevented for refused on highway grounds.
- 6.41 A Travel Plan has also been produced which sets out various travel-related measures and strategies that will be implemented to encourage the use of sustainable travel models for trips to/from the proposed development. An action plan is set out in order to achieve the above which includes the appointment of the Travel Plan Coordinator, production of a welcome pack (for all new occupiers) in order to promote the use of public transport, cycling and walking initiatives, investigating discounts on bus and rail tickets and so on.

Ecology, Trees and Landscaping

- 6.42 E3P were instructed by the applicant to undertake an Updated Site Walkover at the site in October 2023 following a Preliminary Ecological Appraisal in November 2021, which was subsequently updated in July 2022.
- 6.43 The site was found to comprise one building (B1), three walls, hardstanding, poor semi-improved grassland, introduced shrub, dense scrub, scattered shrub, tall ruderal, ephemeral/short perennial, broadleaved woodland, four tree lines, a hedgerow and scattered trees.

6.44 The habitats on site were found to have value for the following wildlife: bats, bird, common amphibians, reptiles, badgers and hedgehog. The hardstanding was assessed as having the lowest value for wildlife, with the broadleaved woodland, dense scrub, treelines, hedgerow, and scattered trees comprising the areas of highest value.

6.45 A series of surveys were undertaken on site, the results can be summarised as follows:

- **Reptiles** – The surveys were undertaken between June and July 2022 and returned negative results; it was therefore concluded that reptiles are not present on site.
- **Nocturnal Bat Emergence/Re-entry and activity surveys 2022** – These surveys were carried out on building B1 and Wall 1. Relatively low levels of activity were recorded during the Nocturnal Survey. No bats were recorded emerging or re-entering B1. No further surveys, mitigation is required. Bats were recorded during all of the Bat Activity Surveys mainly in association with Treeline 4 located within the north-east to the south-east, the broadleaved woodland located within the south-west and the areas of dense scrub located within the site. Foraging and commuting bats were recorded on every activity survey. This suggest that bats were prioritising habitat further away from the site and using commuting and foraging routes connecting to Newbold Footpath. It recommended that the proposed development include a green corridor between the east and the west of the site to maintain the most valuable commuting route along with additional scattered trees along the northern boundary to create a green corridor.
- **Badger** – A survey was undertaken in July 2022 to ascertain the status of on-site setts, with further monitoring of the setts also taking place. It was concluded that two on-site setts were outlier setts due to low levels of activity on site.

6.46 Biodiversity Calculations have been undertaken to assess the baseline and to demonstrate a net gain for habitat as required by Policy NE1. The site conditions and survey results with respective values are set out within the Biodiversity Metric Report. It demonstrates a net gain in habitat of 2.55% and 79.88% of hedgerow (which equates to a total gain of 0.75 habitat units and a gain of 1.75 hedgerow units).

Trees

6.47 E3P has surveyed the site which identified total of 92 individual trees, three groups of trees, three woodlands and one hedge on and adjacent the site. These included 58 individual trees, one group of trees and two woodlands graded Category B (trees of moderate value), 21 individual trees, two groups of trees, one hedge and one woodland graded Category C (trees of low value). Thirteen individual trees have been graded Category U (trees unsuitable for retention). Further detail is provided within the AIA submitted in support of this application.

6.48 The report identifies that the proposals would necessitate the removal of 4 individual trees, part of 1 tree group (G3), 1 woodland (W3) and part of 1 woodland (W2) graded 'B' Category; 14 trees, 1 tree group (G1), 2 hedgerows (H1 and H2) and 1 woodland graded 'C' category; and 10 individual trees graded as 'U'.

- 6.49 It recommends that replacement trees be included within any landscape strategy as mitigation, together with an appropriate maintenance programme.
- 6.50 Tree Protection Measures for retained trees are set out to ensure their long-term viability.
- 6.51 The Landscape Strategy has been designed by Roberts Limbrick. The Landscape Masterplan how the existing central attenuation feature will be planted with wetland wildflower meadow, native tree and scrub with marginal planting. It would contain a permanent water within the centre and be surrounded by an arc of retained mature lime trees. Additional woodland planting is proposed along the northern edge together with the enhancement of existing scrub with new native trees, scrub and meadows.

Air Quality and Noise

- 6.52 An Air Quality baseline assessment has been undertaken which has shown that the application site is located within an Air Quality Management Area. Local monitoring data within the RBC area of administration from passive diffusion tube monitoring locations within the vicinity of the site in addition to Defra predicted background concentrations has indicated that no exceedances of the respective AQOs for pollutants NO₂, PM₁₀ and PM_{2.5} is expected based on available monitoring data from 2015 to 2022;
- 6.53 A qualitative assessment of the potential dust impacts during the construction of the proposed has also been undertaken. Through good practice and implementation of appropriate mitigation measures, it is expected that the release of dust would be effectively controlled and mitigated, with resulting impacts considered to be 'not significant'. All dust impacts are considered to be temporary and short-term in nature.
- 6.54 The energy strategy for the primary supply to the proposed development has been confirmed to be all-electric utilising ASHPs with no life safety diesel generators to be included. However, it has been confirmed that multiple plots will temporarily rely on combustion sources in the initial stages. As no long-term combustion sources are proposed for the primary energy supply, no long-term local air quality impacts are anticipated and a detailed assessment of impacts of combustion emissions from the energy plant were screened out of the assessment.
- 6.55 The predicted air quality impacts from vehicle trip generation associated with the proposed development on existing sensitive receptors has been assessed using ADMS Roads. The results of the modelling indicate that the impacts on NO₂, PM₁₀ and PM_{2.5} concentrations at all nearby existing sensitive receptors will be negligible. In line with EPUK and IAQM planning guidance¹⁹, there are no significant impacts and additional mitigation will not be required.
- 6.56 A qualitative Site Suitability Assessment has been undertaken to assess the suitability of the site for the proposed residential use, in line with Defra LAQM.TG(22)⁸ and based on local monitoring data and Defra predicted background concentrations²². From the assessment results, no exceedance of the respective annual mean, 24-hour mean or 1-hour mean AQOs for pollutants NO₂, PM₁₀ and PM_{2.5} are anticipated at the site and no further mitigation measures will be required.

- 6.57 The Proposed Development can be considered air quality neutral, in line with the Rugby Borough Council Air Quality SPD21, upon the implementation of all relevant mitigation measures (e.g., travel plan, cycling initiatives, sustainable travel promotion)
- 6.58 A noise assessment has been carried out to determine the existing noise climate near to existing industrial premises to the north of the site (the GE factory). Measurements were carried out at two positions adjacent to the site boundary with the industrial premises and additional sound measurements were made at two positions adjacent to the eastern and western site boundaries respectively.
- 6.59 Sound levels were reasonably consistent across the survey period but with noticeable increases during the daytime, associated with nearby construction activities. The results of the noise measurements indicate that the general ambient noise climate across the site and surrounding area is dominated by rail noise associated with Rugby Station and the West Coast Main line to the north. There was no significant noise impact on the site from the industrial premises to the north other than low level plant noise and occasional vehicle movement.
- 6.60 Given that it is railway noise that is most dominant at the site, it is considered that whilst there may be the potential for intensification of works to the north, this can be accommodated by the more stringent proposed mitigation measures required to reduce train noise levels down to an appropriate level.
- 6.61 The survey confirms that a sound reduction of 15-18dB would be required to achieve daytime resting and night time sleeping conditions within dwellings along the northern and western boundaries. Sound reduction requirements will be slightly lower for dwellings set further into the site. Standard thermal double glazing would enable the relevant criterion to be met.
- 6.62 The survey also indicates that the typical daytime noise climate near to the northern and western boundaries is within the accepted range. It is also anticipated that any garden boundaries adjacent to the northern or western boundaries would be provided within solid fencing for security and privacy purposes – this would further reduce noise levels within gardens.

Ground Conditions

- 6.63 PJA undertook a preliminary ground investigation at the site in May 2021. This consisted of a series of machine excavated trial pits and a single hand excavated trial pit. Representative soil samples were taken for geo-environmental and geotechnical laboratory testing. These tests can be summarised as (not exhaustive list):
- Asphalt in 3 locations within the former car parking area;
 - Site wide concentrations of heavy metals and non-volatile compounds were found that would present unacceptable degrees of risk to human health. As such it will be necessary to design and construct the proposed development in a manner that will ensure suitable validated cover systems to all areas of private gardens, soft landscaping and public open space;

- Trace asbestos have been identified but it is considered that the development will be suitable for the intended use, subject to the careful management of materials;
- Made Ground in 5 locations containing sand, concrete, brick, slag and clinker;
- Low risk to controlled waters;
- Western extent of the former car parking area contains Horsetail, a native invasive weed; a suitable management plan will be required to deal with soils containing it.

Archaeology

6.64 Lanpro carried out an archaeological desk-based assessment which draws together the available archaeological, historical, topographic and land use information in order to clarify the significance and archaeological potential of the site. It establishes that there are no designated heritage assets in the study site. The available archaeological records suggest there is a low potential of archaeological remains of all past periods to survive. Cumulative phases of 20th century terracing, construction and creation of hardstanding areas are considered likely to have had a significant archaeological impact. There is no evidence to suggest that any remains, should they be encountered, would be greater than local significance.

Viability

6.65 Savills have undertaken a Viability Review of the scheme which is submitted to support the proposals. It demonstrates that a policy compliant scheme of 134 units based on the Council's housing mix would not be viable in planning terms, as the residual land value (RLV) produced is below that of the Benchmark Land Value (BLV). In order to improve the viability of the scheme, we have assessed the housing mix that is put forward by St. Modwen Homes (SMH), which shows a slight improvement in viability, but with policy compliant planning obligations is still unviable. We will work with the Council to establish a more viable position.

Compliance with the Development Plan

6.66 Section 38(6) of the Planning and Compulsory Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The Rugby Borough Plan is up to date and full weight should be attached to its policies. Accordingly, as directed by paragraph 11c, the proposals should be approved without delay. It is worth highlighting the following key policies:

- **Policy GP1** states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay unless material considerations indicate otherwise. The site is located within a highly sustainable location with easy access on foot to a wide range of services and facilities.

- **Policy GP2** (Settlement hierarchy) establishes that Rugby town is the main focus for all development in the Borough. Development is permitted within the existing boundaries and as part of **allocated** SUEs; Policy GP3 supports the redevelopment of previously developed land where proposals are compliant with other policies within the Local Plan, and where redevelopment does not result in an unacceptable impact. The proposals comply with this policy and would result in the provision of additional and much needed homes within the urban area, immediately adjacent to the town centre boundary.
- **Policy H1** requires proposals to deliver a wide choice of high-quality market homes across the Borough residential development proposals must form a mix of market housing house types and sizes **consistent** with the latest Strategic Housing Market Assessment (superseded by the HEDNA). As set out within this statement the mix proposed does deviate from the suggested mix due to site constraints and the alternative mix proposed is fully justified within the accompanying Viability Assessment.
- **Policy H2** (Affordable Housing) stipulates that 20% (brownfield) or 30% (greenfield) affordable housing **should** be provided on all sites of at least 0.36 hectares in size or capable of accommodating 11 (net) dwelling units or more. The target levels will be expected to be provided unless the LPA is satisfied by a robust financial viability assessment. A full viability assessment is provided to demonstrate that it would be unviable to include any provision for affordable housing within the proposals.
- **Policy HS4** (Open Space, Sports Facilities and Recreation) requires proposals to include or developers to contribute towards the attainment of the Council's open space standards. The **proposals** include on site provision of natural/semi natural open space and amenity space in accordance with this policy. In addition to this a report has been produced which justifies the use of the loss of playing fields provision on the site (as it is considered to be lapsed) and offers a financial commuted sum towards the provision of sport facilities elsewhere within the town.
- **Policy HS5 and D1** (Traffic Generation, Air Quality and Transport) requires development proposals to promote the use of sustainable transport modes and low emission vehicles to minimise the impact on air quality, noise and vibration caused by traffic generation. Proposals should be located where the use of public transport, walking and cycling can be optimised. Proposals should take full account of the cumulative impact of all development including that proposed in this Local Plan on traffic generation, air quality, noise and vibration. Development proposals should complement the Air Quality Action Plan. The Transport Assessment and Air Quality Assessments provided to support the proposals demonstrate how the proposals comply with this policy.
- **Policy NE1** (Biodiversity) required all new development to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy. The Ecological Assessments undertaken set out the current conditions of the site and a net gain in both

habitat and hedgerow will be achieved through the proposed development as demonstrated within the Biodiversity Metric Report.

- **Policy NE3 and SDC2** (Landscape Protection/Enhancement and Landscaping) and seeks to ensure that new development positively contributes to landscape character and is an integral part of the site design. Landscape has been an integral part of the site layout's evolution, always key and fundamental to the appearance of the central attenuation pond. The landscaping plans demonstrate compliance with this condition.
- **Policy SDC1** (Sustainable Design) requires new development to demonstrate a high quality, inclusive and sustainable design. New development should be of a scale, density and design that responds to the character of the area. Factors including the massing, height, landscape, layout, materials and access will also be a key consideration. The accompanying DAS demonstrates compliance with this policy.
- **Policy SDC5 and SD6** (Flood Risk Management and Sustainable Drainage) require flood risk and use of SuDs to be fully assessed, and included in development proposals if possible. The proposals have been informed by detailed water modelling to ascertain the capacity of the central attenuation and the scheme also includes a SuDs scheme which includes swales and use of gravel strips.
- **Policy D2** (Parking Facilities) sets out guidance on satisfactory parking facilities including provision for motor cycles, cycles and for people with disabilities. The proposals comply with this guidance.

6.67 Paragraph 11c of the Framework advises that planning permission should be granted for development proposals that accord within an up-to-date development plan without delay. No conflict with the plan is identified above, although, in the event that the Council consider the loss of playing fields and lack of affordable housing to be sufficient reason not to support the proposals, (although supporting statements are provided to justify them, as required by policy), it should be pointed out that, the adverse impacts of approving the scheme are not considered to significantly or demonstrably outweigh the considerable benefits, when assessed against the policies in the Framework taken as a whole. These include:

- The provision of 134 new dwellings containing a mixture of 1-4 bedroom homes within a highly sustainable, accessible location close to the various amenities and facilities within the town centre;
- The efficient use of land in an urban area in a sympathetic manner;
- Provision of pedestrian links through the site to improve connectivity;
- Creation of an attractive central water attenuation feature, which acts as a focal point for the development as well as providing habitat creation and public access;
- Sensitive and wildlife friendly planting to provide wildflower mix and trees;
- Provision of bat and bird boxes, hedgehog nests;
- Retention of trees where possible, including mature trees protected by TPO;
- Planting of replacement trees;

- Introduction of a one way system around the highway network to the east of the site to assist with traffic flow;
- Anticipated Community Infrastructure Levy payments which may be used towards improving transport infrastructure; education; open space, sporting and recreation facilities; the environment and biodiversity; health facilities; and other infrastructure, such as flood mitigation and social and community facilities.

Achieving Sustainable Development

6.68 Paragraph 8 of the NPPF sets out three dimensions to sustainable development – an economic role, a social role and an environmental role. The Framework goes on to state that these should not be considered in isolation and are interwoven with each other.

6.69 The development subject of this application accords with the three dimensions of sustainable development as follows:

- **An economic role** – the proposal will have economic benefits during the construction phase which would include employing local labour as well as sourcing materials from the local area. There would be an on-going contribution from future occupiers of the dwellings towards the local economy supporting the numerous businesses, facilities and services in the area.
- **A social role** – the proposed development will boost the council’s housing land supply and help deliver the objectively assessed need over the plan period. The proposed dwellings will provide a mix of tenure specifically aimed at addressing the needs of local people. This will assist with the creation of a balanced community. The design of the dwellings will create a high-quality built environment and ensure no adverse effect on neighbouring properties and occupiers.
- **An environmental role** – the proposed development will be built to a high standard that will complement the existing character of the area. The evolution of the scheme has fully taken on board ecological considerations and includes suitable mitigation. Landscaping and tree retention and protection has heavily influenced the design which will mitigate the effects of climate change. The proposal may cause very limited short-term harm during the construction phase, although these will be compensated for through a high-quality landscaping scheme, which will include additional tree planting.

7. Conclusion

- 7.1 The Framework is clear in that where development accords with an up-to-date development plan the presumption in favour of sustainable development is engaged and proposals should be approved without delay.
- 7.2 As has been demonstrated in the preceding sections of this statement, the development proposals are fully aligned with the requirements of the development plan and the guidance set out in the Framework.
- 7.3 The application site is located within a suitable and sustainable location for residential development and although it is not allocated for development within the Local Plan, is considered to be windfall, capable of accommodating sustainable growth in line with the intentions of the NPPF.
- 7.4 The planning balance has been set in the context of paragraph 11 of the NPPF, and it is evident that there is clear weight in favour of these proposals. This is set in the context that the approach to making a decision on this application is to approve development unless there is significant and demonstrable harm to outweigh the benefits of the proposed development.
- 7.5 It is considered that there would be no other technical constraints to redeveloping the site; with any proposed development considered not to be at potential risk from flooding. The proposed redevelopment of the site for its intended purposes would have minimal impact upon highway safety and capacity and is located in a sustainable location. The redevelopment would also have no implications upon any matters of ecological interest.
- 7.6 The proposals in themselves would also contribute positively to the local economy by providing local employment opportunities and should be viewed constructively by the LPA in reaching its decision.
- 7.7 There are no material considerations which indicate that the development should not be determined in accordance with the development plan. It is submitted that the proposed development represents good design that makes good and effective use of land. On account of its alignment with the development plan it is respectfully requested that the application is approved at the Council's earliest opportunity.

8. Draft Heads of Terms

8.1 Any financial contributions which may be requested by the Council will need to meet the planning obligations test set out in Part 11 Section 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the NPPF. As such, any planning obligations to be imposed as part of the application must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

8.2 The below draft heads of terms give an indication as to the likely matters to be secured through the subsequent legal agreement.

8.3 It is anticipated that the Council will adopt its Community Infrastructure Levy Charging Schedule in April 2024, prior to this application being determined. Accordingly, it is expected that a payment will be sought from this development to be used towards improving transport infrastructure; education; open space, sporting and recreation facilities; the environment and biodiversity; health facilities; and other infrastructure, such as flood mitigation and social and community facilities.

8.4 The Applicant acknowledges that a further financial contribution towards the following may also be required:

- Investment in Addison Road playing fields and pavilion;
- Investment in qualitative improvements at Caldecott Park

These figures will be negotiated as part of the application process as appropriate and necessary.

8.5 The Applicant is willing to pay the Council's reasonable costs to produce the legal agreement, which matter is to be agreed in advance of determination.