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Dear Sir/Madam

RE: PREFERRED OPTIONS DRAFT LOCAL PLAN REPRESENTATIONS

These representations have been prepared by 'Sworders' on behalf of the landowners of the Land West of Medda Place, Thurlaston.

HELAA Site Proformas

Site 79 – Land West of Medda Place, Thurlaston

We strongly disagree with the justification for discounting Site 79 at Stage 2 Site Options Assessment and contest the Reasoning.

The Suitability Commentary states as follows: “

“Site lies adjacent to Rugby SW allocation for employment. The land comprises part Market Garden and Nursery, known as Medda Place including growing areas, retail, coffee shop and car park, part grassland and part caravan storage area. Tree belts covered by TPOs within and adjacent northern part of site. Within SSRI Impact Risk Zone - need to consult Natural England for any residential development of 100 houses or more / large non-residential developments where footprint exceeds 1ha. Parts of site lie within grade 3a BMV land. Further assessment required to determine locational suitability of site and compatibility with surrounding uses”.

Whilst the commentary above recognises the proximity of Site 79 to Rugby SW allocation for employment, it does not take into account the close proximity to the 4,000 residential dwellings that are proposed for the S8 South West Rugby allocation, or the proposed Schools and GP Surgery. This is a previously developed site in a non-Green Belt location, suitably located adjacent to a mix of uses such as employment which would provide employment opportunities for future residents of site 79. There has also been residential development on previously undeveloped land immediately adjoining this site on and behind the former Dunchurch Garage Site please see planning ref R19/0882 and



Planning Inspectorate appeal decision APP/E3715/W/18/3211787 relating to planning ref R17/1977. Demolition of existing car showroom and erection of four detached dwellings with associated parking and landscaping.

In that recommendation the officer reinforced the previous Inspectors comments which stated that “the development would not be functionally isolated from Dunchurch and could support the local services in line with the provision of paragraph 79 of the NPPF”. The Inspector concluded that “the site would be a suitable location for housing”.

With regards to TPO’s and Tree Belt, and whilst we still await details of the TPOs from RBC, it is considered that a residential development could be designed as to avoid the root protection zones within and adjacent to the site to ensure these trees can be retained and protected from development. This area could be safeguarded from development incorporating it into the Biodiversity Net Gain strategy for the site which could in turn be used to ‘buffer’ the TPO’d trees. With respect to the SSSI Risk Zone, given the scale of adjacent development at Symmetry Park that falls within the Impact Risk Zone, we would argue that a residential allocation of this size would not have any detrimental impact that could not be mitigated against in the master planning and design of the site. Additionally, the application could be less than 100 and eliminate the requirement to consult Natural England.

The reasoning for not progressing Site 79 beyond the Stage 2 Site Assessment was as follows;

“The site consists of a single field, with a nursery, bungalow, and caravan storage area on the eastern side.

The surrounding road network is considered congested, but the site performs relatively well for accessibility by non-car modes. Low ecology and landscape constraints and no heritage constraints were identified. The site is not within the Green Belt.

The site would be piecemeal development adjacent to the South West Rugby development and contrary to the comprehensive development of this part of the Rugby. It would contribute to filling in the gap between south west Rugby and Thurlaston”.

In response to this reasoning we consider more weight should be attached to its existing commercial use and built form within the site and the adjacent residential development in recent years. As such we dispute the reasoning that the site would be piecemeal development. The allocation of Site 79 would represent an obvious extension to the South West Rugby site. The M45 and the B4429 provide a physical barrier between the site and the village of Thurlaston.

Turning to the sustainability of the site, the site lies immediately adjacent to the South West Rugby SUE. Site 79 would be within sustainable travel distance to the proposed primary and secondary schools to be provided within S8 South West Rugby. As acknowledged in the reasoning, the site would promote sustainable travel, reducing emissions and adapting to climate change and hence supporting a key objective of the Preferred Options Draft Local Plan, due to its linkage by public footpaths and National Cycle Route 41 forming the northern boundary to the site. The existing facilities in the centre



of Dunchurch can be reached via a 7 minute cycle ride from Site 79. Site 79 is a Non Green Belt site, whereas 52% of the Preferred Options Residential allocations and 74% of employment allocations would require green belt release.

Taking all of the above into consideration we dispute the conclusion that the site is not currently developable and consider the site should be included as a residential allocation, or alternatively taken forward as a small scale employment allocation, as site 79 is considered to be available, achievable and suitable for development.

Rugby Local Plan Preferred Options Consultation

Objectives

Whilst we would agree with the 6 Objectives set out in the Preferred Options Consultation, there is no reference to Housing provision or creating healthy, attractive and sustainable neighbourhoods. This should be a key objective given the housing requirement over the plan period.

Policy S1 Settlement hierarchy

Policy S1 sets out a Settlement Hierarchy for the district based on the Rural Sustainability Study December 2024 which identifies Rugby Town, Main Rural Settlement, Rural Villages, Countryside and Green Belt. The settlements are scored on their access to services, public transport and internet coverage. Nine Main Rural Settlement are defined, one of which is Wolvey, where 710 dwellings are proposed over 3 residential allocation sites. However, the Settlement Hierarchy does not distinguish between Wolvey and Wolvey Heath. The latter should be considered as a separate settlement in itself being somewhat detached from Wolvey separated by open countryside and the River Anker. Figure 2 of the Wolvey Neighbourhood Development Plan Made Version clearly shows two separate settlements. Whilst Wolvey boasts a number of services and facilities, Wolvey Heath is small settlement comprising only a bus stop. Wolvey Heath is not recognised in the Settlement Hierarchy, where we would consider it to fall under 'Other Rural Settlements' where only limited development will be permitted under policy S1. This would be consistent with Princethorpe and Broadwell (both identified as 'Other Rural Settlements'), being the most similarly sized settlements with 89 and 72 dwellings respectively whilst Wolvey Heath contains 82.

Policy S2 Strategy for homes

Minimum Housing Need

The Planning Practice Guidance sets out how the minimum annual local housing need figure is calculated using the standard method at Paragraph: 004 Reference ID: 2a-004-20241212. Step 1 is to set the baseline which is calculated as 0.8% of existing housing stock for the area using the live tables



on dwelling stock (Table 125). For Rugby the latest figure is 51,343 (2023). Therefore, the baseline is $51,343 \times 0.008$ which equates to 410.744 dwellings per annum.

Step 2 is an adjustment to take account of affordability. The affordability data used is the median workplace-based affordability ratios, published by the Office for National Statistics at a local authority level (Table 5c). The mean average affordability over the five most recent years for Rugby is 7.75. The adjustment factor is therefore as follows:

$$((7.75-5)/5) \times 0.95 + 1 = 1.5225$$

The minimum annual local housing need figure = housing stock baseline x adjustment factor. Therefore, the minimum annual local housing need figure is 625 dwellings per annum (rounded down from 625.35774).

Policy S2 Strategy for homes in the Preferred Option Consultation Document March 2025 sets out that *“To meet our future need for housing, 12,978 new homes will be delivered in the period 2024-2045 (618 each year).”* As demonstrated above the minimum local; housing need figure should be increased to reflect the latest existing housing stock for Rugby and the latest median workplace-based affordability ratios. To this end the Housing and Economic Development Needs Assessment (HEDNA) is dated November 2022 and thus does not set out the standard methodology calculations as updated in December 2024 but instead uses the 2014-based Household Projections. At present none of the evidence base nor the Preferred Option Consultation Document March 2025 actually sets out how the 618 dwelling per annum figure is reached. One assumes the 618 dwellings per annum is derived from the table provided by National Government alongside the December 2024 NPPF however this does not take account of the latest data (this can be inferred from Paragraph 2.2.4 in the Sustainability Appraisal).

Paragraph 36(a) in the NPPF sets out that *“Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:*

- a) Positively prepared – providing a strategy which, **as a minimum, seeks to meet the area’s objectively assessed needs**²⁰; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;”* [emphasis added]

Footnote 20 adds that that *“**needs should be assessed using a clear and justified method, as set out in paragraph 62 of this Framework**”* Paragraph 62 states that *“To determine the minimum number of homes needed, strategic policies should be informed by a **local housing need assessment, conducted using the standard method in national planning practice guidance**. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.”* [emphasis added].

Taking into account the above, to ensure compliance with Paragraph 62 of the NPPF and Paragraph: 004 Reference ID: 2a-004-20241212 in the PPG and to thus ensure the plan can be found sound in



accordance with Paragraph 36(a), Policy S2(A) should be updated to make provision of **625 dwellings per annum or 13,125 dwellings over the period 2024-2045** and the standard method calculations must be provided in an updated Housing and Economic Development Needs Assessment (HEDNA).

Policy S2 Strategy for homes at part B shows a total delivery over the plan period of 14,134 dwellings. Paragraph 1.6 details that *“Supply is allocated for 9% more than the minimum requirement as a buffer to increase the likelihood of the council being able to continually demonstrate a five-year housing land supply.”* Taking into account the above calculations a 9% buffer would require a housing provision over the plan period of **14,306 dwellings**. Accordingly, it is considered that the Plan should seek to allocate at least a further **172 dwellings**, in line with the current buffer, to ensure the Plan is truly plan-led and to be able to continually demonstrate a five-year housing land supply. A further 172 dwellings should be allocated at the most sustainable sites adjacent to South West Rugby such as Site 79 Land West of Medda Place, Thurlaston, that would not require further Green Belt release.

Minimum Housing Need Buffer

Regarding the 9% buffer, it is not considered that this would provide sufficient flexibility to continually demonstrate a five-year housing land supply if some sites do not come forward, particularly when taking into account that small site windfalls make up some 7.4% of the current housing provision. With the small site windfall allowance taken into account (which cannot be relied upon to the same extent as an allocated site) it is considered that a 16.4% buffer (9% over the 7.4% small site windfall allowance) would be more appropriate. This surplus would be consistent with the 17% surplus in the adopted Local Plan 2011-2031 which the Inspector supported in Inspector’s Report – 27 March 2019 stating *“I consider the soundness of the Plan’s housing land supply in more detail under issue 6 below. However, in relation to the need for Lodge Farm, since the Housing Market Delivery Study was published, the housing land supply set out in the Plan has increased from 13,664 dwellings in the publication draft Plan to 15,369 homes at the point of submission. In the revised housing trajectory⁸⁶, the allocation at Lodge Farm is projected to deliver 665 dwellings within the Plan period, representing around 4% of the total housing supply in the Plan. Whilst I note the site promoter’s evidence that the Lodge Farm development could deliver more than this within the Plan period, without Lodge Farm the remaining housing land supply would still exceed the Plan’s housing requirement of 12,400 dwellings by more than 17%, which would be a comfortable surplus.”* [emphasis added]. It should also be noted that even with a 17% buffer Rugby currently find themselves with a 5 year housing supply shortfall which has been accepted to be 4.6 years (though the actual shortfall is considered to be significant worse).

A 16.4% buffer would generate a **housing provision of 15,278 dwellings** over the plan period using the corrected housing need figure above. Interestingly this provision would sit between Growth Scenarios 1, 2 and 3 and Growth Scenarios 4 and 5 in terms of quantum as set out in the Sustainability Appraisal however it is considered that this additional delivery should be concentrated at the most sustainable sites adjacent to South West Rugby such as Site 79 Land West of Medda Place, Thurlaston, that would not require further Green Belt release.



A housing provision of 15,278 dwellings would deliver between 229 and 343 additional affordable homes (only using the 20% and 30% provisions at Policy H2 and not the 45% provision required by Paragraph 157 in the NPPF, see below). This is particularly pertinent given the Housing and Economic Development Needs Assessment (HEDNA) sets out that the net need for Social/Affordable Rented Housing for Rugby is 407 per annum or 60% of the current housing provision in Policy S2.

Small Windfall Sites

Windfall sites are defined in the NPPF as sites not specifically identified in the development plan which are taken into account to produce the housing trajectory. Paragraph 75 of the NPPF requires LPA to provide compelling evidence to support their windfall allowance, taking into account historic windfall delivery rates and expected future trends. Whilst Rugby Borough Council has historically applied a windfall rate for sites of fewer than 5 residential dwellings, the current adopted Local Plan sets a windfall allowance of 630 dwellings between 2017 and 2031 which equates to 45 dwellings per annum. There is no technical evidence provided to justify the figure of 45 dwellings nor an increase in windfall allowance.

Policy S2 sets out a windfall expectation of 1,050 over the plan period equating to 50 dwellings per year. Having reviewed the number of approvals for residential applications (including Prior Approvals for fewer than 5 dwellings, over the last 5 years since April 2020 we would challenge this number and consider an appropriate windfall allowance based on the previous 5 years would be around 25 dwellings (please see table below).

Year	2020	2021	2022	2023	2024	2025 (to date)	Total
Number of dwellings granted on windfall sites of < 5 dwellings	16	26	25	14	32	10	123

Appendix B which shows all residential Windfall approvals over the last 5 years. This would equate to 525 dwellings over the plan period, a reduction of 525 dwellings over the plan period. To ensure the plan is plan led, a further 525 dwellings should be provided through further residential allocations. For the reasons outlined above Site 63 would contribute towards this requirement.

It is not considered that the current projection of 1,050 dwellings via Small site windfalls (few than 5 homes at 50 homes per year) at Policy S2 based on proportionate evidence and is therefore not justified and not sound pursuant to Paragraph 36(b).



S6 Residential allocations

Spatial Strategy

Starting with the spatial strategy, we agree with the Preferred Option Consultation Documents dispersed spatial strategy that avoids allocating very large sites for the reasons outlined in the questionnaire. To this end we would strongly disagree with the allocation of the two alternative sites, Lodge Farm and Cosford and Newbold-on-Avon (NW Rugby) as detailed in Growth Scenarios 4 and 5 in the Sustainability Appraisal. Whilst we would support the quantum of development set out in Growth Scenarios 4 and 5, sites of this scale present a significant number of challenges particularly as they relate to deliverability and infrastructure. This was recognised by the Inspector when they removed Lodge Farm as an allocation within the adopted Local Plan. The Inspectors Report stated that *“In conclusion, the allocation would have relatively **poor accessibility, particularly by non-car modes** and in comparison with the other large scale allocations in the Plan. It would also be likely to have **significant adverse effects on the landscape**, again to a greater degree than is likely with the other allocations of comparable size, and cause **less than substantial harm to the significance of heritage assets**. Notwithstanding the justification set out in the Plan and the supporting evidence, there is not currently a need for this allocation to meet the Plan’s housing requirements. Indeed without it the Plan provides for an excess of housing land supply over the identified requirement of more than 17%. In the light of this, I find that **the harm likely to be caused by development... would not be outweighed by the benefits.**”* [emphasis added].

The Sustainability Appraisal highlights that there are no known options for delivering a new settlement alongside a train station which would make such options car dependent and scores Growth Options 4 and 5 poorly with regard to accessibility, air quality, landscape and transport.

Whilst we support a dispersed spatial strategy, development should be targeted toward the most sustainably settlements within the District taking into account the sustainability scoring within the Rural Sustainability Study. We have set out below the proposed allocations at Policy S6 organised in line with the proposed settlement hierarchy and sustainability score in the Rural Sustainability Study.

Settlement	Settlement Hierarchy	Sustainability Score	Total Proposed Allocations
Rugby	Rugby urban area	NA	1,210
Dunchurch	Main rural settlement	49	210
Wolston	Main rural settlement	45	15
Brinklow	Main rural settlement	44	415
Long Lawford	Main rural settlement	38	400
Stretton-on-Dunsmore	Main rural settlement	38	168



Clifton upon Dunsmore	Main rural settlement	36	150
Ryton-on-Dunsmore	Main rural settlement	36	35
Wolvey	Main rural settlement	35	710
Newton	Other rural settlement	34	25

Whilst we support the highest housing provision being directed toward the Rugby urban area and the main rural settlements, we strongly disagree with the scale of housing provision directed toward the least sustainable main rural settlements and other rural settlements. Namely, we strongly disagree with housing allocations at Wolvey (particularly Wolvey Heath, see comments on Policy S1) and Newton.

The proposed allocations at Wolvey would see the total number of dwellings within Wolvey increase from 275 to 925 (a 336% increase), and the number of dwellings within Wolvey Heath increase from 82 to 142 (a 173% increase). This would have a significant impact on the settlements character and townscape in addition to its residents. It would also result in the merging of the two settlements, both of which lie within the green belt.

As detailed within the Rural Sustainability Study Wolvey has limited access to shops and services (including no pharmacy, leisure centre, bank, dentist or garage). Wolvey also has poor access to public transport infrastructure with no railway station and a poor bus service when compared to other main rural settlements. Wolvey also scores poorly for internet access being outperformed in this respect by a number of other rural settlements. Whilst Wolvey Heath is assessed as part of Wolvey, Wolvey Heath itself has zero services or facilities and a poor bus service provision.

The amount of allocated housing for Wolvey totalling 710 dwellings would represent strategic growth. The Sustainability Appraisal states *“there is a clear need to test a growth scenario that does not involve strategic growth to the south of the village”*. There is no secondary school within Wolvey, (the nearest being Hinckley) and primary school capacity is an issue as recognised in the Sustainability Appraisal. Also, the distance from an ‘A’ road makes the sustainability of Wolvey for such a significant proportion of residential allocation questionable.

Taking the above into account Wolvey is not a sustainable settlement for development and future occupants would likely be reliant on the private car to access shops, services and employment opportunities. It is therefore considered that these allocations should be directed to follow the more dispersed allocation pattern.

Wolvey Neighbourhood Plan was adopted in May 2022 to cover the period 2018-2031. The plan includes policies which aim to address key concerns raised by local people including protecting the character of the village and surrounding area. Such policies include H1 Housing Provision which identifies 2 sites to provide a total of 100 dwellings considered the appropriate provision in Wolvey to meet the Borough-wide housing target up to 2031. This 100 dwelling allocation has now been committed on site and is not included in the proposed preferred options allocations of 710 dwellings.



The Preferred Options would significantly exceed the Neighbourhood Plan visions and policies rendering what is a fairly recently adopted neighbourhood plan, out of date and completely undermine the purpose of the plan.

It is therefore considered that these allocations should be directed to more sustainable sites around the South West Rugby SUE area such as Land West of Medda Place, Thurlaston (Site 79) that would not require further Green Belt release.

Turning to Newton, whilst the proposed allocation would be more commensurate to the size of the settlement, Newton is the only Other rural settlement to receive an allocation. As an Other rural settlement Newton scores poorly for sustainability in the Rural Sustainability Study with no leisure centre, bank, café, dentist early years nursery or garage. It likewise has poor access to public transport infrastructure with no railway station and a poor bus service. Clearly future occupants would be reliant on the private car to access shops, service and employment opportunities with the Rugby urban area. Newton and Biggin had a Neighbourhood Area designated on 20 September 2023. Given the size of the settlement, it is considered that residential development should come forward via a Neighbourhood Plan whereby local residents would have the opportunity to have a Referendum on said development. Alternatively, residential development could be delivered on this site by way of small site windfall. It is thus considered that the circa 25 dwellings draft allocated at Hillcrest Farm would be better directed to more sustainable at the most sustainable sites adjacent to South West Rugby such as Site 79 Land West of Medda Place, Thurlaston, that would not require further Green Belt release.

S3 Strategy for employment land and Policy S7 Employment Allocations

Policy S3 A. Strategy for employment land in the Preferred Option Consultation Document March 2025 sets out that “To meet Rugby Borough’s need for employment land in the period 2024-2045 the following levels of new employment development will be delivered: i.22,013m² of use class E(g)(i) office floorspace (approx. 4.4 hectares) ii.1,026,546m² (approx. 284 hectares) of floorspace for use classes B2, E(g)(ii) and (iii), and B8 . Policy S3 B. sets out how the new floorspace will be delivered 272,075 through existing strategic employment sites, 945,000 through the proposed Employment Land allocations and 14,012 through small site employment planning permissions. In total this will provide 1,231,987m² of floorspace which equates to an excess of 205,441m² of floorspace, over the required need as set out in S3 A.

Small Scale (Local) Employment Need Paragraphs 5.2.15 and 5.2.21 in the Sustainability Appraisal establishes that there is a local need in Rugby for employment land (where needs are often met most effectively on sites below 25 ha) equating to 66.3ha (265,296sqm). This is consistent with the Coventry & Warwickshire HEDNA – WMSESS Alignment Paper which identifies a Local Industrial Residual Need over the period 2021-45 equating to 63ha. This local need makes up some 23% of the total residual industrial land need figure to be addressed through the local plan in the Sustainability Appraisal (which equates to 284ha or 739,559m² of floorspace).



Whilst Policy S7 makes provision for 945,000m² of floorspace (over the total residual industrial land need figure) it makes no provision for 'local need' (on sites less than 25ha) as identified in the Sustainability Appraisal. This lack of small-scale employment allocations for local need is not based on the available evidence and thus the plan at present is not considered to have been positively prepared or justified and is thus not sound pursuant to Paragraphs 36(a) and (b). Given the scale of the allocations in Policy S7, it will also constrict the availability of employment land coming forward in the early parts of the plan period. This position is evident from Table 4.3 - Local Industrial Residual Need 2021-45 (Ha) in the Coventry & Warwickshire HEDNA – WMSESS Alignment Paper which identifies that Rugby only has supply for 5ha worth of 'local need'/non-strategic sites over the proposed plan period to 2045. On this basis, we strongly disagree with the conclusion at Paragraph 5.4.93 which states *"Overall, there is no clear case for a growth scenario involving allocation of one or more small / mediumsized sites for employment land at the current time"*. Paragraph 5.4.93 does however then acknowledge that *"this is a matter that can be revisited subsequent to the current consultation / prior to finalising the Local Plan for publication under Regulation 19."* It is our view that that the provision of local needs small-scale employment sites should be considered at this stage.

To ensure the plan is positively prepared and justified in accordance with Paragraphs 36(a) and (b) the plan should seek to allocate some small-scale employment sites, such as Site 117, to meet the identified local need in the Sustainability Appraisal and the Coventry & Warwickshire HEDNA – WMSESS Alignment Paper. This could be achieved simply by further allocations or by reducing the floorspace provision on the proposed allocations at Sites 64, 17, 14, 95 and 328.

It should be noted that Paragraph 5.4.92 in the Sustainability Appraisal recognises that Site 117 is set to be entirely enclosed by committed employment land as part of the SUE. As such we consider it would seem logical to allocate site 117 for a small-scale employment site allocation.

Whilst the site The National Highways consider access improvements are required to mitigate for the impact on the strategic road network the Transport section of the Stage 2 Site Assessment Report states *"the current level of concern for the site is low"*. As advised above, we consider the allocation of Site 117 will create an opportunity to substantially enhance highway safety on this stretch of the A45.

Various technical evidence has been undertaken to establish the most recent being the Coventry & Warwickshire HEDNA-WMSESS Alignment paper dated November 2024. This paper draws on the evidence gathered in the West Midlands Strategic Employment Sites Study (WMSESS) 2023/4 and the Coventry and Warwickshire Housing and Economic Development Needs Assessment (C&W HEDNA) 2022, which included consideration of both local needs and strategic B8 development needs. The Employment Land Needs were assessed for the period 2021-41 and also 2021-50, the plan period is 2024-2045. For Rugby the HEDNA identified a need of 5.5 hectares of Office Accommodation and 150.5 hectares of General Industry. 6.5 hectares of Office accommodation and General Industrial 218.2 hectares/2,182,000m² 2021-50. This equates to an additional 6.77 hectares per year between 2041 and 2051, which would result in an additional 27.08 hectares for the period 2041-2045 covering the plan period. Totalling a need for 177.58 hectares/1,775,800m² General Industrial floorspace up to 2045.



Over the plan period 2021-45 the HEDNA concludes in table 3.4 a requirement of 125,500sqm of local industrial need.

The Sustainability Appraisal concludes “Having accounted for commitments (as of 1 April 2024), the residual industrial land need figure to be address through local plan allocations is 202.5 ha or (739,559m² of floorspace). However, it can also be noted that a further large site gained planning permission post 1 April 2024 for 274,388 m²...” Para 5.2.32 the calculations presented above do leave the door open to the possibility of exploring lower growth in employment land

Policy S7 of the Preferred Options Consultation Document sets out the Preferred Employment allocations sites which will account for 945,000m² of the additional floorspace needed over the plan period. We strongly contest the Employment allocation for Coton Park East which would provide 26,421m² of this required employment floorspace. This would appear to be a u-turn in policy direction. Adopted Local Plan Policy DS7 Coton Park East allocates land to provide around 800 dwellings and 7.5ha of employment land, part of a Masterplan SPD, provision of new primary school The location of Coton Park East adjacent to previous Local Plan allocations for residential and employment development means that the immediate infrastructure requirements for the urban extension are already in place

If Coton Park East was reverted back to Housing as previously proposed in the Adopted Plan and supported by the adopted SPD Masterplan with a 75,000m² employment land and provision for 800 new homes this would still provide 75,000m² of floor space through the proposed employment allocations.

The HELAA suitability commentary recognises that employment use would be compatible given the surrounding uses and close proximity to South West Rugby.

The allocation of HELAA site 79 Land west of Medda Place, Thurlaston (should it not be taken forward as a residential allocation) as an employment allocation would compensate for any shortfall of employment land at Coton Park East should this allocation revert back to residential.

We conclude, by reiterating that HELAA Site Ref ID 79 Land west of Medda Place, Thurlaston should be put forward as a residential/employment site providing a potential yield of 15,960m² of employment space, or up to 70 dwellings. The site is outside the Green Belt compared with 74% of the employment allocations which are within the green belt. The site is immediately adjoining South West Rugby SUE S8 to the north and east and therefore we consider it would seem logical and sustainable to allocate site 79 Land west of Medda Place, Thurlaston for a residential/small-scale employment site allocation and would prevent unnecessary greenbelt release.

Green Belt Release

National policy contained within the National Planning Policy Framework (NPPF) December 2024 sets out the policy context for Green Belt release at Paragraphs 145 to 148 which have been repeated below:



Paragraph 145 - *“Once established, **Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified** through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.”* [emphasis added]

Paragraph 146 - *“**Exceptional circumstances** in this context include, but are not limited to, **instances where an authority cannot meet its identified need for homes, commercial or other development through other means**. If that is the case, authorities should review Green Belt boundaries in accordance with the policies in this Framework and propose alterations to meet these needs in full, unless the review provides clear evidence that doing so would fundamentally undermine the purposes (taken together) of the remaining Green Belt, when considered across the area of the plan”* [emphasis added]

Paragraph 147 – *“**Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries**, the strategic policy-making authority should be able to **demonstrate that it has examined fully all other reasonable options for meeting its identified need for development**. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph and whether the strategy:*

- a) makes as much use as possible of suitable **brownfield sites and underutilised land**;*
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and*
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”* [emphasis added]

Paragraph 148 – *“**Where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations**. However, when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should determine whether a site’s location is appropriate with particular reference to paragraphs 110 and 115 of this Framework. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.”*

The Preferred Option Consultation Documents proposes releasing a significant amount of land from the Green Belt for both residential and employment development. Residential allocations requiring Green Belt release at Wolvey, Brinklow, Long Lawford, Newbold on Avon, Stretton-on-Dunsmore and Wolston make up 1,748 dwellings or 52% of all new residential allocations at Policy S6. As detailed



above, Paragraph 145 in the NPPF requires that Green Belt boundaries should only be altered where exceptional circumstances are **fully evidenced and justified**. The Preferred Option Consultation Documents provides no such evidence of justification for the significant amount of Green Belt release proposed, in fact, the Green Belt Contribution Study, which should provide the evidence base for considering the contribution sites make to the five Green Belt purposes, has not been published with the Preferred Options Consultation and the Development Strategy Team have confirmed in email correspondence (submitted with these representations at Appendix A) that *“The Green Belt Contribution Study has been delayed following the publication of revised national guidance”*. As such, the current proposed allocations requiring Green Belt release have not been based on proportionate evidence and have not taken into account key changes to Green Belt policy (including the new Grey Belt designation and the priorities in Paragraph 148) in the December 2024 NPPF and revised Planning Practice Guidance and thus cannot be consistent with national policy. For these reasons the Plan as currently drafted is contrary to Paragraphs 36(b) and (d) and in turn should not be considered sound. As this is the case, Rugby should undertake a further Regulation 18 Preferred Options Consultation that provides evidence and justification of the exceptional circumstances required for Green Belt release that is consistent with national policy as set out in the December 2024 NPPF.

There are a number of sites including Land west of Medda Place, Thurlaston (Site 79) that would not require Green Belt release and are considered to be available, achievable and suitable for development. As such, it is considered that Rugby can meet a larger proportion of its identified need for homes without releasing land from the Green Belt and thus ‘Exceptional circumstances’ as set out in Paragraph 146 cannot be demonstrated and the plan again is neither justified nor consistent with national policy and therefore not sound subject to Paragraphs 36(b) and (d).

It is also noted that many of the proposed residential Green Belt releases do not utilise previously developed land. This includes Sites 84, 96, 337, 315, 316, 75, 81, 134 and 39. In accordance with Paragraphs 147 and 148, the strategy should make as much use as possible of suitable brownfield sites and prioritise previously developed land before considering grey belt which is not previously developed, and then other Green Belt locations. No evidence has been provided that this sequential approach to Green Belt release has been followed and accordingly the plan is not considered to be justified or consistent with national policy and thus not sound pursuant to Paragraphs 36(b) and (d).

We would also like to draw attention to Site Ref 6 Land East of Fosse Way opposite Knob Hill which is draft allocated for circa 3 dwellings. It is not considered necessary to release a site from the Green Belt for circa 3 dwellings where this provision could easily be met by other allocations simply by increasing density or by small site windfall, particularly if it is to remain outside of the Stretton-on-Dunsmore settlement boundary. This site may well also meet the definition of Grey Belt in the NPPF Glossary and could therefore be brought forward outside of the Local Plan without Green Belt release. We cannot see that there exists exceptional circumstances to justify this change to the Green belt and thus we consider this draft allocation to be contrary to Paragraphs 146-148 and not sound subject to Paragraph 36(b) and (d).



H2 Affordable housing

We agree with the affordable housing provisions set out within Policy H2(A)(i) and (ii) for the Rugby urban area and elsewhere in the borough. However, Policy H2(A) needs to be updated to reflect the new 'Golden Rules' set out in Paragraph 157 of the NPPF. Specifically, Policy H2(A) needs to set out that affordable housing provision for Major developments on land released from the Green Belt through preparation of the plan will be 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, which in this case would be 45%. This too needs to be reflected in all of the development requirements to the draft allocations that require Green Belt release and would comprise Major Development. This includes at least the following draft site allocations:

- Site ref 84, Land South of Leicester Road, Wolvey (60 dwellings)
- Site Ref 96 Land at Coventry Road Wolvey (500 dwellings)
- Site Ref 309 Land North of the B4109, Wolvey (150 dwellings)
- Site Ref 315 Land South of Brinklow (340 dwellings)
- Site Ref 337 West Farm and Home Farm Brinklow (75 dwellings)
- Site Ref 316 Land at Long Lawford (400 dwellings)
- Site Ref 75 Lea Crescent Newbold (20 dwellings)
- Site Ref 134 Land North of Plott Lane (105 dwellings)
- Site Ref 81 Land West of Fosse Way (40 dwellings)
- Site Ref 39 Dyers Lane, Wolston (15 dwellings)

Accordingly, the Preferred Options Draft Local Plan is currently not in accordance with Paragraphs 67, 156 and 157 and is therefore not considered to be consistent with national policy and is thus not sound subject to Paragraph 36(d).

In light of the introduction of the 'Golden Rules', we have specific concern regarding the achievability and deliverability of some of these draft allocations. Namely the smaller draft allocations such as Site Ref 39 Dyers Lane, Wolston which would need to deliver 8 affordable dwellings with only 7 market dwellings and Site Ref 75 Lea Crescent Newbold which would need to deliver 9 affordable dwellings with only 11 market dwellings. Paragraph 35 in the NPPF sets out that *"Plans should set out the contributions expected from development. This should include setting out the levels and types of **affordable housing provision required**, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). **Such policies should not undermine the deliverability of the plan.**"* [emphasis added]. The Planning Practice Guidance adds at Paragraph: 048 Reference ID: 61-048-20190315 that *"Policy requirements for developer contributions should be informed by proportionate evidence of infrastructure and **affordable housing need** and be **assessed for viability at the plan-making stage** in accordance with guidance."* [emphasis added].



Accordingly, the above list of sites should be subject to detailed site-specific Viability Assessments to ensure they are all achievable and deliverable with a 45% affordable housing provision and to ensure the plan is justified in accordance with Paragraph 36(b). This should form part of a further Regulation 18 consultation to ensure it can be subject to public consultation ahead of the Regulation 19 submission version draft Local Plan.

With the Preferred Options Draft Local Plan being so reliant on Green Belt release (which as above comprises 52% of all new residential allocations at Policy S6) there is a risk that some of the sites may not be viable and thus not achievable, or that resolving viability issues delays delivery of the housing provision and impacts on the Councils 5-year supply of housing. Accordingly, it is considered that residential development should be orientated to non Green Belt sites such as Site 79 Land West of Medda Place, Thurlaston, that are not subject to the Golden Rules and thus can be viably delivered whilst still providing affordable housing in line with the provision at Policy H2(A).

Conclusions and Suggested Amendments

Taking into consideration all of the above, the following amendments to the plan are suggested to ensure it is positively prepared, justified, effective and consistent with national policy such that it can be considered sound in accordance with Paragraph 36 of the NPPF:

1. Wolvey Heath is distinguished from Wolvey in the Settlement Hierarchy at Policy S1 and is listed under S1A(iii) as an other rural settlement.
2. The Housing and Economic Development Needs Assessment (HEDNA) is updated to include the new standard methodology calculation for the Local Housing Need.
3. Policy S2A is updated with the correct Local Housing Need and should read as follows “To meet our future need for housing, **13,041** new homes will be delivered in the period 2024-2045 (**621** each year).”
4. The buffer in Policy S2 Paragraph 1.6 should be increased from 9% to 16.4% and the total number of new homes at Policy S2B increased to at least 15,180.
5. The Small site windfalls (fewer than 5 homes at 50 homes per year) at Policy S2B should be decreased from 1,050 to 525 and the number of allocations under Policy S6 increased accordingly to reflect the difference.
6. Remove allocations and Green Belt release Wolvey and Wolvey Heath (Sites 84 and 96) at Policy S6 and replace with allocations in more sustainable locations adjacent to the Rugby urban area that do not require Green Belt Release such as Site 79.
7. Remove allocation at Newton (Site 87) at Policy S6 and replace with allocation(s) in more sustainable locations adjacent to the Rugby urban area such as Site 79.
8. Publish the Green Belt Contribution Study and undertake a further Regulation 18 Preferred Options Public Consultation.
9. Reduce the number of housing allocations requiring Green Belt release and replace with allocations in more sustainable locations adjacent to the Rugby urban area that do not require Green Belt Release such as Site 79.



10. Remove allocation of Fosse Way, Stretton-on-Dunsmore (Site 6) at Policy S6.
11. Policy H2A is updated to reflect the 'Golden Rules' 45% affordable housing requirement on Major Developments (15% higher than the 30% at H2A(ii)).
12. The development requirements for Sites 84, 96, 309, 315, 337, 316, 75, 134, 81, 39 need updating to reflect the 'Golden Rules' 45% affordable housing requirement.
13. All proposed allocations that would be Major Developments requiring Green Belt release should be subject to site-specific Viability Assessments to ensure deliverability.
14. Some residential allocations at Policy S6 should be reorientated from sites requiring Green Belt release to non-Green Belt sites to ensure housing can be viably delivered.



Appendix A - Email Correspondence with Development Strategy Team Dated 26 March 2025

[Redacted]

The Stage 2 Site Assessment report is now uploaded to the website.

There are other evidence documents which are not yet available. I will address each you list in turn:

- The HRA Appropriate Assessment will be available at Regulation 19 stage
- The Green Belt Contribution Study has been delayed following the publication of revised national guidance. We intend to publish this once we have it, though we do not have a confirmed timescale.
- The SFRA Stage 2 is in progress, though following the issue of new flood mapping from the EA the timescale for receipt is unclear.

Regards,

[Redacted]



Appendix 2 Windfall Approvals Over Last 5 Years

Windfall Approvals over last 5 years

Ref No	Location	Proposal	No. of Units	Decision Date	Outline approval (if relevant)
R25/0026	Little Leys, Moor Lane, Willoughby, Rugby	Change of Use - Conversion of agricultural building to residential dwelling	1	To be determined	
R24/0994	Shelford Lodge Barn, Lutterworth Road, Wolvey	Conversion of existing barn to dwellinghouse	1	15/01/25	
R24/0966	Manor house, 28, church hill, Stretton-on-Dunsmore,	Proposed conversion of 2 barns to dwellings, with associated parking and landscaping	2	To be determined	
R24/0795	52, Brockhurst lane, Monks Kirby,	Construction of a 2-storey dwelling.	1	27/02/25	
R/24/0914	Land adjacent to and south of Church Farm, Church Street, Churchover	Erection of a dwelling, garage, car-port and associated parking	1	13/02/25	
R24/0838	22, Dunsmore Avenue, Rugby,	Erection of two-storey detached dwelling following demolition of existing bungalow	1	29/11/24	
R24/0759	72, Lime Tree Avenue, Rugby	Demolition of existing bungalow and construction of 4 bedroom dwelling with associated carport/garage	1	24/12/24	
R24/0537	17, Lawford Lane, Bilton, Rugby	Demolition of existing dwelling and construction of 2 no. dwellings, with associated parking and landscaping.	2	To be determined	
R24/0843	The Old Pigsty, Brookfield farm, main street, Withybrook	Prior approval under Class Q (a) and (b) for change of use of agricultural building and land within it's curtilage to 1no. dwelling with associated building operations.	1	28/02/25	
R24/0792	Ivy House, Church Street, Churchover	Conversion of existing ancillary building to separate 3 bedroom dwelling, with associated parking and garden space.	1	22/11/24	
R24/0690	Marston Hall Farm, Priory Road, Wolston	Change of use of agricultural building and land within it's curtilage to 4no. dwellinghouses and for associated building operations	4	17/01/25	
R24/0783	Nethercote Barn, Flecknoe	Prior approval change of use of agricultural building to 1 no.dwelllinghouse (Class Q).	1	15/08/24	
R24/0634	Grounds Farm, Wolston Lane, Wolston	Prior approval for proposed conversion of existing barn to a dwelling with associated garden and parking.	1	01/10/24	
R24/0737	Brickyard Cottages, Coventry Road, Rugby	Demolition of existing workshop with the erection of a new dwelling and associated parking	1	04/02/25	
R24/0691	Marston Hall Farm, Priory Road, Wolston	Change of use of agricultural building and land within it's curtilage to 1no. dwellinghouse and for associated building operations	1	13/09/24	
R24/0495	Merlin Field Farm, Leamington Hastings	conversion of agricultural building to 4 no. dwellinghouses including insertion of first floor accommodation	4	23/09/24	
R24/0478	274 Newbold Road, Rugby	erect a new three bedroom dwelling with associated parking and garden	1	23/01/25	



R24/0469	9 Lawford Road, Rugby	Prior Approval: Change of use – commercial/business/service to dwellinghouses	1	19/07/24	
R24/0319	Ivy Houe, Church Street, Churchover	Subdivision of existing dwelling to form 2 separate 3 bedroom dwellings including external alterations and addition of porch to side.	1	24/07/24	
R24/0321	Stearn Meadows Barns, Willoughby	Class Q Prior Approval for the conversion of agricultural barn to 1no. residential dwellinghouse (Class C3)	1	24/12/24	
R24/0298	5 Regent Street, Rugby	Prior Approval: Change of use of first and second floor offices to dwelling houses	2	23/05/24	
R24/0299	1 Regent Street	Prior approval application for change of use of first and second floor offices to dwelling houses (resubmission of previously approved application R19/0079).	3	28/05/24	
R24/0300	Waldings Farm, Barby Lane	Prior approval change of use of agricultural building and land within its curtilage to 3no. dwellinghouses and associated works.	3	30/07/24	
R24/0271	Land adj to 341 Hillmorton Road	Erection of a dwelling house	1	30/04/24	
R24/0043	70a Oxford Street, Rugby	Erection of 2 no. 2-bedroom semi-detached dwellings (C3)	2	01/08/24	
R23/0006	Homestead Farm. Coventry Rd, Dunchurch	Approval of reserved matters (appearance, landscaping, layout and scale) - erection of four detached dwellings	4	09/11/23	pursuant to outline planning permission ref no. R19/0878
R22/1073	Ellesmere, Southam Road, Dunchurch	Construction of two new dwellings fronting Sandford Way in the rear gardens of Ellesmere, Langdale and The White House, Southam Road	2	14/11/23	
R22/1030	Grange Farm, London Road, Ryton on Dunsmore	Change of use of Agricultural barn to 4 no. dwellings and associated parking and landscaping	4	02/12/22	
R22/1021	Merlin Field farm, Gibraltar Lane	Prior approval for the change of use of an existing agricultural building to 4no. dwellinghouses and associated building works.	4	28/11/22	
R22/0828	Hilmorton Yard, The Locks, Rugby	Demolition of industrial unit (use class B2) and the erection of 2 pairs of semi-detached 3 bedroom dwellings (4 units).	4	10/05/23	
R22/0818	Two Hoots Farm, Lutterworth Road	Conversion of buildings to two residential dwellings, including removal of mobile home and toilet block	2	Refused 18/11/22	Allowed on Appeal 16/01/24
R22/0654	Land adj Homestead Farm, Dunchurch	Residential development comprising of 4 detached dwellings, garaging, access road and associated works (outline - access only)	4	08/03/24	
R22/0644	Gemini, Southam Road, Dunchurch	Erection of 2 new dwellings	2	12/05/23	
R22/0586	5, MALT SHOVEL INN, CHURCH ROAD, RYTON-ON-DUNSMORE	Erection of 2no. dwellings and associated garages (Outline All Matters Reserved, Except for Access)	2	08/11/23	
R22/0390	53 Lower Road, Barnacle	Subdivision of existing dwelling to create two dwellings	1	02/08/22	
R21/0998	LAND ADJACENT TO MASTERS COURT,	4 new detached dwellings and related facilities (reserved matters application	4	22/06/22	Pursuant to outline planning approval



	LEAMINGTON HASTINGS ROAD, BIRDINGBURY	for appearance, landscaping, and scale following)			R18/1987 granted 9th January 2019
R21/1223	15 Church Road, Shilton	Application for reserved matters approval of access, appearance, landscape, layout and scale, for the construction of 4no. dwellings with associated access, parking and turning with all matters reserved other than access and appearance	4	07/06/22	Pursuant to outline R18/1641
R21/1208	THE LATCH, COVENTRY ROAD, THURLASTON	Proposed demolition of existing dwelling and erection of 2 no new build dwellings, with associated parking and landscaping	1	22/06/22	
R21/1130	MARSTON MILL FARM, PRIORY ROAD, WOLSTON, COVENTRY,	Prior Approval: Change of use - agriculture to 3 no. dwellings	3	28/03/24	
R21/0872	130 Ashlawn Road, Rugby	proposed 3 no. new build dwellings with detached garages and associated car parking and landscaping	3	Refused 10/02/22	Allowed on Appeal
R21/0880	Foose Farm, Fosse Way, Monks Kirby	Conversion of two traditional brick & tiled agricultural buildings into two dwellings	2	15/03/22	
R21/0696	Land on the south east side of, buckwell lane, clifton upon dunsmore	Erection of 2 dwellings, together with the creation of a new access and associated works.	2	20/10/22	
R21/0763	merlin field farm, gibraltar lane, leamington hastings, rugby,	Agricultural Prior Approval for change of use of agricultural building to 4no. dwellings and associated works	4	09/08/21	
R21/0573	Flecknoe farm stud and livery, Flecknoe village road, Flecknoe	Proposed conversion and partial demolition of equestrian barns to three residential dwellings	3	15/12/21	
R21/0561	111 Crick Road, Rugby	Demolition of existing bungalow and the erection of two detached 4 bedroom dwellings, with associated landscaping	1	11/11/21	
R20/1037	Home farm, Birdingbury road, Bourton-on-Dunsmore	Conversion of an agricultural building to create two dwellings together with external alterations	2	27/08/21	
R20/0933	Land Adjacent April Cottages, Railway Street, Long Lawford	Erection of a pair of 2 bedroom semi-detached dwellings	2	22/01/21	
R20/0758	Springfield, Cawston lane, Dunchurch, rugby,	Demolition of existing structures and erection of 2 no. detached dwellings (Resubmission of previously approved scheme R19/0212 dated 19/06/2019).	2	05/02/21	Resubmission
R20/0733	23, Lutterworth road, Pailton, Rugby	Demolition of existing dwelling, formation of a new site access and the erection of 4 (no) dwellings, two detached garages and associated parking	3	19/08/21	
R20/0538	Land at Wharf Farm, Crick Road, Rugby	Erection of 2 dwellings with associated works and landscaping. (Approval of reserved matters in relation to outline planning permission R15/1702 dated 11/07/2017)	2	18/02/21	
R20/0341	Shoulder of Mutton Inn, Brookside, Stretton-on-Dunsmore,	Proposed conversion of former public house and coach house into 2no. dwellings	2	17/07/20	
R20/0309	250, NEWBOLD ROAD, RUGBY	Erection of 2 dwellings	2	25/05/21	



R20/0251	Rear of 100, 102 and 104 Magnet Lane, Magnet Lane, Bilton	Erection of 2 dwellings	2	21/07/20	
R20/0189	61 bBawnmore road, Bilton, rugby,	Proposed demolition of existing dwelling and garage and erection of 2 new build dwellings. (previously approved under R18/1293 approved 31st July 2019)	1	12/04/21	Amendment to previous approval
R20/0064	37, lower street, rugby,	Demolition of existing outbuildings and construction of 3 new dwellings and a new garage for No. 37 Lower Street.	3	22/10/20	
R19/0878	HOMESTEAD FARM, COVENTRY ROAD, DUNCHURCH	Outline application for four new dwellings including access on land adjacent to Homestead Farm	4	25/06/2020	
R19/1246	MARANTHA, COVENTRY ROAD, RUGBY	Erection of four dwellings (existing dwelling to be demolished) (outline application to include layout with appearance, landscaping, access and scale reserved)	4	31/01/2021	
R19/1495	Land adjacent 31, wood lane, Shilton, Coventry	Outline planning application for the construction of 2 no. dwellings, all matters reserved.	2	20/03/2020	
R19/1539	Unit 1-2, Munro business park, Marton Road, Birdingbury, rugby	conversion of existing barn to form two new dwellings and associated parking	2	26/03/2020	

Appeal Decision

Site visit made on 5 December 2018

by R Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2019

Appeal Ref: APP/E3715/W/18/3211787

Dunsmore Garage, Coventry Road, Thurlaston CV23 9JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel O'Neill, Tydegate Properties against the decision of Rugby Borough Council.
 - The application Ref R17/1977, dated 2 November 2017, was refused by notice dated 30 May 2018.
 - The development proposed is demolition of the existing car showroom and erection of four detached dwellings with associated parking and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development on the application form states 'as per attached Design and Access Statement' (DAS). For clarity, the description used in the banner heading above is the one set out on the Council's decision notice and also reflects the wording in the DAS.

Main Issues

3. The main issues are:
 - the effect of the development on bats as a protected species; and
 - whether the site would be suitable for housing, having regard to its location in the countryside and the accessibility of services and facilities for everyday living.

Reasons

Bats

4. As the development would involve the demolition of a building in the countryside there is potential for it to be inhabited by bats. All bat species are European protected species and the protection conferred on bats includes their breeding and resting sites. In that regard the Council's ecological advisor¹ prior to the appealed application's determination commented that a survey for the

¹ Warwickshire County Council Ecological Services

presence of bats should be undertaken. Paragraph 98 of Circular 06/2005 'Biodiversity and geological conservation – statutory obligations and their impact within the planning system' (the Circular) states 'The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. ... They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species...'.

5. Paragraph 99 of the Circular goes on to state 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted'.
6. While the appellant was advised of the need to undertake a survey for the presence of bats by the Council when it received its advisor's comments, the results of such a survey were not submitted prior to the application's determination. Similarly no survey has been undertaken in connection with this appeal's submission, with the appellant contending that the requirement for a survey to be undertaken could be secured through the imposition of a planning condition.
7. In the absence of any evidence about the presence of bats on this site I cannot be certain as to whether there would or would not be an effect on bats as European protected species. The appellant, while being accepting of the imposition of a condition requiring the undertaking of a post permission bat survey, has provided no explanation as to why a survey could not have been undertaken prior to either the determination of the appealed application by the Council or in connection with the submission of the appeal. I therefore consider that no evidence has been provided demonstrating why this case should be treated as one exhibiting the exceptional circumstances referred to in paragraph 99 of the Circular.
8. On the evidence available to me I therefore conclude that it has not been demonstrated that there would be no unacceptable affect for bats, as a protected species, arising from the development. I therefore consider that it would be inappropriate for me to impose a condition requiring the undertaking of a post permission survey. In that regard I consider that paragraphs 98 and 99 of the Circular do not provide support for this appeal to be allowed. I am similarly of the view that saved Policy E6 of the Rugby Local Plan of 2006, which addresses the safeguarding of priority species and species of conservation concern, provides no particular support for the development, in the absence of a survey having been undertaken for the presence of bats.

Suitable Location

9. For the purposes of Policy CS1 (Development Strategy) of the Rugby Borough Core Strategy of 2011 (the CS), the site's location is one where new development, including housing, is discouraged. That is because the site is in the countryside and is outside the boundary of a defined settlement, with the nearest settlement being Dunchurch the centre of which is around 1km away. Policy CS1 does, however, accept some countryside development may be permissible 'only where national policy on countryside locations allows will development be permitted'.
10. With respect to rural housing paragraph 78 of the revised National Planning Policy Framework (The Framework) states in the promotion of sustainable development in rural areas that '... housing should be located where it will enhance or maintain the vitality of rural communities'. In paragraph 78 it is further recognised that where there are groups of small settlements, development in one village may support services in a village nearby. Framework paragraph 79 is clear that development of isolated homes in the countryside should be avoided, unless certain circumstances apply.
11. The site is a former car showroom that is located at the end of a row of seven houses on the north side of Coventry Road. On the other side of the appeal site is a small nursery business. To the rear of the row of houses is open countryside. Physically and visually the site immediately adjoins some built development. Accordingly for the purposes of paragraph 79 of the Framework I consider that physically this would not be an 'isolated' location for new housing in the countryside, especially when regard is paid to the recent Braintree judgement, which has clarified how 'isolated' should be interpreted for the purposes of national policy. Having reached that finding I consider there is no need for me to consider the five circumstances (exceptions) for isolated homes listed in paragraph 79.
12. Dunchurch for the purposes of Policy CS1 is defined as a Main Rural Settlement and within it there are a reasonable range of facilities and services associated with everyday living, such as a shop, schools and a pub. Though Dunchurch is more than a short walk away, the settlement's facilities and services would nonetheless be accessible by foot to the development's occupiers. Additionally there are bus stops on Coventry Road and the potential access to bus services could assist in reducing the level of car dependency amongst occupiers of the development. I therefore consider that the development would not be functionally isolated from Dunchurch and that the proposed houses could further support the local services in line with the provisions of paragraph 78 of the Framework.
13. For the reasons given above I conclude that this would be a suitable site for housing with the development being consistent with the provisions of paragraphs 78 and 79 of the Framework. As I have found that this rural housing proposal would be consistent with the national policy, I consider that this development would accord with the countryside development exception stated in Policy CS1 of the CS.

Other Matters

14. From the evidence before me, it would appear that the site has been vacant since 2015 and has been marketed for most of that time. There is no evidence

from either the appellant or the Council demonstrating that there is a reasonable prospect of an alternative use, employment or otherwise, coming forward for this site and I therefore consider that there is no reason for the development being resisted on the basis of the loss of an employment site.

Conclusion

15. I have concluded that the appeal site would be a suitable location for housing. However, the available evidence has not demonstrated that there would be no harm to bats, as a European protected species, and because of that I therefore conclude that the appeal should be dismissed.

R Jones

INSPECTOR

Reference: R19/0882

Site Address: DUNSMORE GARAGE, COVENTRY ROAD, THURLASTON, RUGBY, CV23 9JR

Description: Demolition of the existing car showroom and erection of four detached dwellings with associated parking and landscaping (resubmission of application number R17/1977).

Case Officer Name & Number: Chris Davies, 01788 533627

Recommendation

Approve subject to appropriate conditions and informatives.

Planning History

R17/1977 Demolition of the existing car showroom and erection of four detached dwellings with associated parking and landscaping.	Refused 30/05/18 Appeal dismissed 17/04/19 (on ecology grounds only)
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Relevant Planning Policies

Rugby Borough Council Local Plan 2011-2031:

GP1: Securing Sustainable Development	Complies
GP2: Settlement Hierarchy	Complies
GP3: Previously Developed Land and Conversions	Complies
GP5: Neighbourhood Level Documents	Complies
HS5: Traffic Generation and Air Quality, Noise and Vibration	Complies
NE1: Protecting Designated Biodiversity and Geodiversity Assets	Complies
SDC1: Sustainable Design	Complies
SDC4: Sustainable Buildings	Complies
SDC7: Protection of the Water Environment and Water Supply	Complies
D2: Parking Facilities	Complies

The National Planning Policy Framework February 2019

Section 2: Achieving sustainable development	Complies
Section 5: Delivering a sufficient supply of Homes	Complies
Section 11: Making effective use of land	Complies
Section 12: Achieving well-designed places	Complies
Section 15: Conserving and enhancing the natural environment	Complies

Constraints

CD 15m (Airport Safeguarding)
Dunsmore
Thurlaston

Technical consultation responses

Highways England -	No objection. No requested conditions or informatives.
WCC Highways -	No objection subject to conditions re accesses and a Construction Management Plan, and note re works in the highway extents.

WCC Ecology -	Conditions required re ecology and landscaping requirements (the latter to be pre-commencement). Notes re bats, lighting, nesting birds, amphibians and reptiles, mammals, and habitat enhancement.
Environmental Health -	No objections, subject to conditions re contamination assessment (5 in all including some that are pre-commencement), noise assessment, air quality management, and hours of construction (the latter would in practice be applied as an informative note rather than a condition). Notes recommended re air quality management, asbestos, and external lighting.
Works Services Unit -	Properties will need to ensure that bins are presented at the kerbside for collection (this is not a planning matter but could possibly be added as an informative).
Development Strategy -	Following receipt of the agent's statement regarding obligations under Policy HS5 of the Local Plan, they are satisfied that appropriate mitigation and consideration of air quality management and associated issues pertaining to HS5 have been considered within the proposal.

Parish and Ward consultation responses:

- Parish - Accept the ecological report but have concerns over site exits onto a road with a 50mph speed limit.
- Ward - No comments received.

Neighbour consultation responses:

None received.

Proposal:

This application seeks planning permission to erect 4no. detached dwellings with associated garaging, access and landscaping.

The application follows the recent refusal of a similar scheme, which was dismissed at appeal but only on ecology grounds, effectively deeming all other matters acceptable in principle (in planning terms).

Other relevant information:

The site lies in open countryside, near to the villages of Thurlaston and Dunchurch. It is situated at the end of a small row of cottages and was last used commercially for vehicle sales and repairs and the sale of diesel. It has been vacant for over two years, and the diesel pumps have been removed. The subterranean fuel tanks have either been removed or filled with a neutralising material to control seepage.

The site originally included the closest detached two storey dwelling and a large workshop to the rear of it, but these were subdivided from the site and sold separately in 2018. The main built features of the remaining site are the single storey flat roofed former showroom, a large concrete forecourt and parking area, and an area with barriers and equipment still in place for pressurised air. There is also a freestanding totem sign that still advertises the former business.

The site is also within the Air Quality Management Area and is situated immediately adjacent to an A road (Coventry Road) and close to the roundabout junction leading to both the A45 London Road and the M45.

Since the refusal of the previous scheme and the dismissal of the subsequent appeal, the Rugby Borough Council Local Plan 2011-2031 has been adopted and now forms the main policy document for Rugby. This means that the scheme must be assessed against the new policies within this document, which include considerations not previously formalised through the former Rugby Borough Core Strategy. Most significantly, sustainability and environmental matters are now a significantly more prominent consideration. The NPPF 2019 has also been introduced in the intervening time, although the changes to this are less significant in terms of relevant policy interpretation in this case.

The Thurlaston Village Design Statement was reviewed in 2016, and so carries some weight in terms of consideration. Thurlaston does not however have either a Parish Plan or a Neighbourhood Plan.

Considerations

Whilst the recent appeal decision means that realistically the non-ecological elements of the proposed scheme are deemed acceptable in planning terms, the whole scheme must still be reassessed against the Rugby Borough Council Local Plan 2011-2031 and the NPPF 2019, neither of which were adopted at the time of the original decision.

Principle of Development

The principle of erecting 4no. detached dwellings on the site, together with the site layout, accesses and house and garage types, was effectively established by the Planning Inspector in his appeal decision. The only grounds given by the Inspector for dismissing the appeal related to a lack of sufficient ecological information (specifically information pertaining to bats).

Whilst the sustainability of the proposal itself will be discussed separately in this report, the sustainability of development in this location was also established through the abovementioned appeal decision. The Inspector stated that he considered the site was in a sustainable location, being close enough to the facilities of Dunchurch village to avoid being viewed as being isolated. In coming to this conclusion, the Inspector noted that the presence of both a footpath and streetlighting meant that there were safe opportunities to both walk and cycle to the village shops and facilities, including the village primary school, thereby potentially reducing a reliance on personal transport. He also noted that, in addition to the bus stop located near the site, Dunchurch is well served by regular bus services to Rugby, Daventry, Coventry and Southam as well.

Policy GP2 of the Local Plan 2019, within its Settlement Hierarchy, identifies sites in open countryside as being the second least desirable places for development. Development of these sites should only be considered if the proposals meet allowances in national legislation. Section 2 of the NPPF states that there must be a presumption in favour of development unless there is significant conflict with local or national policy. Section 5 of the NPPF encourages the development of windfall site for small scale housing projects, and Section 11 encourages LPA's to support schemes that make better use of redundant land.

The Thurlaston Village Design Statement, updated in 2016, refers to the former car sales business that operated from the site (referring to it as one of the few remaining businesses in the locality at that time). The presence of this business is also supported through the existing on-site evidence and through the documentation submitted as part of the application. The site is therefore classified as being previously developed, and as such is considered in policy terms to be a more suitable location for residential development than the undeveloped land that lies to the side and rear. The same submitted evidence also clearly establishes that there is little

realistic potential for the site to attract another commercial enterprise soon, supporting the applicant's stance that there is no meaningfully realistic potential for commercial operations to be re-established on the site.

Based on the extent of the information provided and considering the impact of the appeal decision, the LPA is satisfied that the principle of residential development in this location can be deemed to be acceptable in planning terms. This approach accords with policies GP2: Settlement Hierarchy, GP3: Previously Developed Land and Conversions, and SDC1: Sustainable Design of the Rugby Borough Council Local Plan 2011-2031. It also follows the principles and guidance set out in Sections 2: Achieving sustainable development, 5: Delivering a sufficient supply of homes, and 11: Making effective use of land of the NPPF 2019.

The other relevant considerations for this application are the impact of erecting the four houses and the associated works on a) the character and appearance of the site and the wider setting, b) residential amenity for both existing and future occupants, c) highway safety, d) sustainability and environmental factors, and e) biodiversity.

Character and appearance

The existing site does not make a positive contribution to what is a primary gateway into Rugby from both Coventry and the M45. The existing single storey building is in a poor state of repair, and the expanse of hardstanding and concrete does not sit comfortably with the rural setting or the natural landscape in which the site is located.

The layout and arrangement of the proposed dwellings will effectively create a mini-streetscene; the relationship of the houses to each other and to the existing house that used to form part of the site, together with the designs of the house types themselves, clearly create a cohesive context for the development. The houstypes proposed take their inspiration from the house that originally formed part of the commercial site, both in design features and proposed materials. This creates a harmonious balance of new development with existing built architecture, whilst also allowing a new phase in the ongoing and varied development that was established through the erection of the original cottages to the right of the site in the early to mid-20th Century.

As the materials play such a key role in this development, it is considered prudent to apply conditions in the event of an approval that would require the submission of material samples for all external areas, as well as requiring details of the proposed windows, doors and boundary enclosures. This will help to ensure that the visual impact of the development of the site makes the best possible contribution to the setting and the streetscene of Coventry Road.

The landscaped areas proposed will help to soften the site frontage and are in keeping with the concept of garden areas to the front of properties that was established by the adjacent row of cottages. The Landscaping Officer has not recommended any specific planting scheme or landscaping criteria, but in order to retain the open flow of the frontages of the new houses an open fronts condition would be applied in the event of an approval in order to enable the appropriate future development of the individual plots does not detract from the aspects of the site most visible to Coventry Road. As WCC Ecology have already requested landscaping details as part of one of their recommended conditions, this will provide an opportunity to consider and control the landscaping.

Similarly, hard surfaced areas must also be carefully managed to ensure that this landscaped aspect is maintained. In the case of Plot 1, which only has a small section of soft landscaping presenting to the highway (the verge to the front of it is not in the developer's control), this would not be forward of a principle elevation and so would not be immune from the allowances under Class E. Whilst Plot 4 has a similar arrangement, it is effectively mitigated for by the fact that the adjacent front garden of Plot 3 would be already excluded from Class E's allowances due to be forward of Plot 3's principal elevation. In the case of Plot 1, it is considered reasonable to apply a specifically worded condition restricting the hard surfacing of this small section of the plot, to maintain a "green" presentation to the highway. The remaining landscaped areas would effectively be secured by conditioning that the development is laid out in accordance with the approved layout plan.

The proposed site plan indicates the presence of a bin collection area, but no details have been provided regarding a structure associated with it. However, it would not be necessary to provide a specifically designated structure for bin storage, as each property has the ability and space to store their own bins within their site curtilages. The lack of detail is not therefore considered as a material issue.

Plots 1, 2 and 4 have generous rear gardens, and it is not considered necessary or reasonable to limit through conditions the option for extending the houses or erecting outbuildings (subject to the established qualifying parameters that accompany Permitted Development). Plot 3's garden is rather more curtailed due to the positioning of the detached garage at the end of it, so in order to avoid potential overdevelopment of the plot it is considered reasonable to remove Classes A and E. As there is no established building line and all properties are set back from the highway, it is not considered that the erection of porches would be materially detrimental to the overall appearance of the scheme, so it is not considered reasonable to remove Class D from any of the plots.

With these conditional controls in place, the proposed scheme complies with policies SDC1: Sustainable Design of the Rugby Borough Council Local Plan 2011-2031 that relate to character and appearance. It also accords with guidance set out in Section 2 of the NPPF 2019.

Whilst the focus of the Thurlaston Village Design Statement is centred on the village itself, it does refer to the former car sales business that operated from the proposal site (referring to it as one of the few remaining businesses in the locality at the original time of writing in 2005). While it could reasonably be argued that this document does not directly relate to the development site (lying as it does at a considerable distance from the village boundary) the ethos this document expresses is for a desire to see development that considers the setting in which it will sit (both in terms of design and context). The LPA considers that the proposed scheme accords with the general design principles of the Village Design Statement, and so also accords with the principles and intentions of policy GP5: Neighbourhood Level Documents Design of the Rugby Borough Council Local Plan 2011-2031.

Residential Amenity

As the outcome of the development (if approved) will be the creation of an additional 4no. dwellings, residential amenity impacts must be considered not only for the occupants of the existing dwellings in the immediate proximity of the site but also for those of the future residents that will occupy the new dwellings.

Existing residents

The only nearby residents occupy the existing house that previously served the commercial site and the small row of cottages adjacent to it. As the existing workshop building and dwelling lie between the cottages and the proposal site, the property with the greatest current potential for impact would be that existing dwelling. Even if the workshop building were to be demolished, the nearest of the cottages would be almost 20m from the closest boundary of the nearest new dwelling (Plot 4). Focus will therefore be on the amenities of occupants of nearest dwelling.

Plot 4 has been arranged such that the proposed dwelling sits adjacent and forward of the existing one. This has been deliberate, to ensure that there is no significant risk of overlooking or overshadowing affecting the rear garden of the existing property.

There are no proposed side facing windows in the part adjacent to the existing house, and there are no primary side facing windows in the facing elevation of the existing house. There will not therefore be a materially detrimental impact on access to light from any primary side facing windows in the existing dwelling as a result of the siting of the house on Plot 4. Although the proximity of the two dwellings is likely to preclude any detrimental impact from side facing windows, a suitably worded condition will be applied to control future installation of side facing windows on Plot 4. This will either accompany or be integrated into similar conditioned restrictions for the other three plots as relevant (see below).

If conditioned as above, it is not considered that the development of the site as proposed would lead to a detrimental impact on the amenities of the existing closest dwelling.

Future residents of the proposed dwellings

Conditions affecting Permitted Development Rights must be addressed independently for each plot, as no two plots have matching characteristics that have the potential to impact on the amenities of occupants of neighbour dwellings.

The siting of the four new dwellings within their respective plots has been arranged to minimise the impact on the properties adjacent to them. Plots 1 and 2 are set well away from each other with open garden and parking areas, which effectively mitigates for any potential amenity conflict between the two households insofar as can be achieved through planning controls. The relationship and positioning between Plots 3 and 4 arise from addressing similar potential issues to those that could have arisen between Plot 4 and the existing dwelling and will achieve a similar positive or neutral effect. For consistency however, it is considered reasonable to restrict side facing windows for these two properties, but only on the elevations that face each other (the right-hand elevation of Plot 3 and the left-hand elevation of Plot 4).

It is not anticipated that there will be any other material planning controls or restrictions that will need to be applied in order to preserve residential amenity in this instance.

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

Highway Safety and Parking

No concerns or objections have been raised by either Highways England or WCC Highways with regards to this development. WCC Highways do however request the application of a series of conditions in order to ensure that the site accesses are laid out and surfacing such that they do not present a highway safety concern. They also request the conditioned requirement

for submission of a Construction Management Plan, and the inclusion of informative notes regarding the requirements for highway works. The applicants have agreed to accept these.

The parking provision proposes through off street spaces and garaging meets the requirements of LPA's parking standards. Given the fact that the adjacent highway has a 50mph speed limit however, the LPA considers that it is prudent to try to limit the need for on-street parking due to the loss of parking within the site. It is therefore considered both reasonable and necessary to apply a condition to prevent the conversion of the proposed garages to non-vehicular uses.

Subject to the inclusion of relevant conditions, the scheme is considered to comply with policy D2: Parking Facilities of the Rugby Borough Council Local Plan 2011-2031

Sustainability and Environmental Factors

In addition to the principles of site sustainability covered in the "Principle of Development", the longer-term implications of developing the site must also be considered, particularly as the Rugby Borough Council Local Plan 2011-2031 has reinforced the need to consider offsetting the impact of development through its policies GP1, HS5, SDC4 and SDC7. These in turn reinforce the wider importance and focus raised on these issues within Sections 2 and 12 of the NPPF 2019.

As part of the submitted application, the applicant has provided evidence to show that they recognise their responsibilities as a developer to consider the longer-term implications of the occupation and use of the new dwellings. The environmental considerations (such as the implications of being in the Air Quality Management Area, and the need for water and energy efficiency) cross over into the requirements that will be placed on the developer through the need to comply with Building Regulation requirements, but also require control at this stage through the application of specifically worded conditions and supportive text.

In terms of the principle of developing the site as sustainably as reasonably practicable, the LPA is satisfied that due consideration and mitigation has been included within the proposed scheme; as part of the submitted application, the applicant has provided evidence to show that they recognise their responsibilities to consider the longer term implications of the occupation and use of the new dwellings. The environmental considerations (such as the implications of being in the Air Quality Management Area, and the need for water and energy efficiency) cross over into the requirements that will be placed on the developer through the need to comply with Building Regulation requirements, but also require control at this stage through the application of specifically worded conditions and supportive text.

The site is within the designated Air Quality Management Area and meets the requirements that would trigger the need for an air quality condition. Environmental Health have also requested an informative note about energy efficient boilers, which will be applied in the event of approval. This complies with policy HS5: Traffic Generation and Air Quality, Noise and Vibration of the Rugby Borough Council Local Plan 2011-2031.

In addition to this, the LPA require the applicant to consider and achieve acceptable levels of water efficiency to address implications on the water environment that could arise through the development and use of the dwellings. Again, this will be addressed through the application of a specifically worded condition, and thereby comply with policies SDC4: Sustainable Buildings and SDC7: Protection of the Water Environment and Water Supply of the Rugby Borough Council Local Plan 2011-2031.

Using a series of planning conditions as outlined above, the LPA can help to ensure that the developer meets the planning aspect of this environmental responsibility. Non-planning aspects and issues that crossover between planning and non-planning legislation can also be identified through the including of informatives that direct the developer on these additional considerations, and such notes have also been recommended by Environmental Health colleagues.

To summarise, these conditions and requirements will enable the scheme to comply with the environmental directions of policies GP1: Securing Sustainable Development, HS5: Traffic Generation and Air Quality, Noise and Vibration, SDC1: Sustainable Design, SDC4: Sustainable Buildings and SDC7: Protection of the Water Environment and Water Supply of the Rugby Borough Council Local Plan 2011-2031. In so doing, it will meet the standards and guidance set out in sections 2: Achieving sustainable development, 11: Making effective use of land and 12: Achieving well-designed places of the NPPF 2019.

Biodiversity

WCC Ecology originally requested an updated protected species survey before making their final comments. On receiving the survey report from the agent, WCC Ecology recommended that a nesting birds and timing of works condition be applied, as the applicant was keen to start, and the nesting season had not yet ended. This was agreed with the applicant and will be applied on the event of an approval.

The Ecology Unit also requested a pre-commencement condition requiring submission and approval of a combined ecological and landscaping scheme. Again, the applicant has agreed to accept this.

They also requested the inclusion of informative notes re bats, bats and lighting, amphibians and reptiles, and ground clearance. These would similarly be included in any approval.

Subject to compliance with the recommended conditions above, the proposal therefore complies with policy NE1: Protecting Designated Biodiversity and Geodiversity Assets of the Rugby Borough Council Local Plan 2011-2031 and accords with Section 15: Conserving and enhancing the natural environment of the NPPF 2019.

Recommendation

Approval subject to conditions and informatives.

Report written by: C Davies 09/09/2019