

10th February 2012

PLANNING COMMITTEE - 22ND FEBRUARY 2012

A meeting of the Planning Committee will be held at 5.30 pm on Wednesday 22nd February 2012 in the Council Chamber, Town Hall, Rugby.

Site visit

A site visit will be held at the following time and location.

4.00pm Warwickshire Nursing Home, Main Street, Thurlaston.

Andrew Gabbitas
Executive Director

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the meeting held on 1st February 2012.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

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

- (b) prejudicial interests as defined by the Council's Code of Conduct for Councillors; and
- (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.
4. Applications for Consideration.
 5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
 6. Delegated Decisions – 13th January – 2nd February 2012.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

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

The Reports of Officers (Ref. PLN 2011/12 – 14) are attached.

Membership of the Committee:-

Councillors Gillias (Chairman), Allen, Cranham, Day, Kirby, Lewis, Roberts, Ms Robbins, Sandison, Spiers, Whistance and D Williams.

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

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

**RUGBY BOROUGH COUNCIL
PLANNING COMMITTEE – 22ND FEBRUARY 2012
REPORT OF THE HEAD OF PLANNING AND CULTURE
APPLICATIONS FOR CONSIDERATION**

Planning applications for consideration by Committee are set out as follows:

- (i) applications recommended for refusal with the reason(s) for refusal (pink pages)
- (ii) applications recommended for approval with suggested conditions (gold pages).

RECOMMENDATION

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Recommendations for Refusal

Item	Application Ref Number	Location Site and Description	Page number
1	R11/1122	Land to rear of Larkhill Farm, Oxford Road, Stretton-on-Dunsmore Change of use of land to use as residential caravan site for 3 Gypsy families with a total of 5 caravans, laying of hardstanding, erection of amenity block and installation of package Sewage Treatment Plant.	4

Recommendations for Approval

Item	Application Ref Number	Location Site and Description	Page number
2	R10/1131	Land off Priory Road and School Street, Wolston. Residential development comprising 92 houses, including public open space within the site , garaging, newt reserve and associated infrastructure including the diversion of public right of way R138.	16
3	R10/1272	Rugby Gateway, West of Leicester Road, Rugby Outline application for residential development (up to 1300 units); employment development (up to 36ha in total, B2 – General Industrial & B8 – Storage & Distribution); community facilities (D1 – Non-residential Institutions) including primary school, nursery and health facility, retail premises (A1 – Retail, A3 – Food & Drink, A4 – Drinking Establishments & A5 - Hot Food Takeaway); open space; associated infrastructure and works including details of access into site (including alterations to highway and existing roundabouts). Demolition of existing buildings.	48

4	R11/0128	Ken Marriott Leisure Centre, Bruce Williams Way, Rugby, CV22 5LJ Non-material amendment to the demolition of existing leisure centre and erection of new leisure centre, including café, parking, ancillary facilities, external works and temporary car park	80
5	R10/1850	Warwickshire Nursing Home, Main Street, Thurlaston Erection of a 2-storey extension and single storey annex and conservatory to western end of building; 2 no single storey extensions to northern side of building; and single storey extension and balcony to southern side of building. Demolition of air raid shelter to accommodate new conservatory to the southern end of building. Demolition of part of existing wall to accommodate new parking area. Enlarged entrance and modified parking and landscaping alterations.	83

Reference number: R11/1122

Site address: Land to rear of Larkhill Farm, Oxford Road, Stretton-on-Dunsmore

Description: Change of use of land to use as residential caravan site for 3 Gypsy families with a total of 5 caravans, laying of hardstanding, erection of amenity block and installation of package Sewage Treatment Plant.

Case Officer Name & Number: Nathan Lowde 01788 533725

Description of Proposals

The proposed development seeks the change of use of the application site as a residential caravan site for 3 Gypsy families with a total of 5 caravans, laying of hardstanding, erection of amenity block and installation of package Sewage Treatment Plant. The proposed amenity block 27m² with a height of 3.6m (2.2m to eaves height).

The application is to be determined by member of the planning committee at the request of Cllr Howard Roberts and has also been requested by Cllr Ian Spiers.

Description of Site

The application site comprises of a detached residential property of Larkhill with a camping and caravan club site to the rear. The site is bounded to the South by woodland area and to the North by residential properties.

Relevant planning history

None relevant

Relevant polices and guidance

Rugby Borough LDF Core Strategy (2011)

CS1	Conflicts	Development Strategy
CS16:	Complies	Sustainable Design
CS22	Conflicts	Gypsy, Travellers and Travelling Showpeople

National Planning Guidance

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPS3 Housing

PPG 13 Transport

PPG18 Enforcing Planning Control

Circular 1/2006 'Planning for Gypsy's and Travellers'

Circular 11/95 Use of conditions in planning permission

South Staffordshire & North Warwickshire Gypsy & Traveller Accommodation Assessment.

The 'Designing Gypsy and Traveller Site 'Good Practice Guide' 2008

The West Midlands Regional Spatial Strategy Interim Policy Statement for the Provision of New Accommodation for Gypsies, Travellers and Travelling Showpeople.

Draft National Planning Policy Framework

The Secretary of State has announced an intension to revoke Circular 01/2006 as he describes the Circular as flawed, but no timetable has yet been given nor any indication of what the guidance would be replaced with, in addition to this the consultation has been extended. Which the Circular is still a material consideration, however given that the Circular is described as flawed and the Core Strategy has recently been considered sound more weight will be given to the Core Strategy.

The Draft National Planning Policy Framework is a material consideration in the decision making process, however as the guidance is in draft form only limited weight can be attributed to this document.

Third party comments

- Neighbours Objections (4)
- Site is 500 yards from Woodside Park and other temporary gypsy site.
 - Inappropriate development within the Green Belt
 - Close to an ancient woodland
 - Intensify vehicular movement on a busy road
 - Loss of privacy for the neighbouring property

Ryton-on-Dunsmore Parish Council – Objection

- Development is inappropriate within the Green Belt
- Pitches are available at Woodside Park
- Along the Oxford Road there already exists 4 permanent or temporary site
- CS22 states that account should be taken to the size of existing sites and take account of capacity of local infrastructure.

Stretton-on-Dunsmore Parish Council – Objection

- Road within one
- There is already three caravan sites along Oxford mile of the proposed development.
 - The argument of need carries no weight for existing house.
 - The proposed replacement PPS is a material planning consideration
 - No very special circumstances exist to outweigh the harm to the green belt

- The application should not be granted on a temporary or permanent basis
- A fourth caravan site within the area represents a great over-intensification of this form of development.
- Results in significant harm to the openness of the green belt
- Temporary site such as Sunrise Park along Oxford Road whilst it is temporary have constructed permanent features within the landscape.
- Would encourage significant additional vehicle movements
- Rainwater should be piped to storm water drains rather than soak-aways
- Reduces the openness of the area
- Development must be restricted to preserve the character and appearance of the countryside and to safeguard resources.
- Volume of traffic onto the busy and fast A423 would intensify

Princethorpe Parish Council

- Inappropriate intrusion into the Green Belt
- Alternative accommodation at Woodside Park
- The education and health needs of the applicant can be met at Woodside
- Intensification of an existing access

Technical consultation responses

WCC Highway – No Objection subject to conditions

Env Health – No objection subject to conditions

Severn Trent Waters – no objection

Warwickshire Fire and Rescue – no additional Fire Hydrants/Washouts are required, the existing water supply in the area being adequate for fire fighting purposes.

Assessment of proposal

Main issues

- The effect of the development on the openness of the Green Belt and the purpose of including land within it.
- The effect of the development on the rural character of the area
- The extent to which the development addresses accessibility and promotes social inclusion, equality and community cohesion.
- The weight to be attached to considerations put forward to support the development, including the general need for gypsy and traveller site in

- If very special circumstances exist to outweigh the harm of the development by inappropriateness, and any other harm.

Principle of development

The 'dominant' policy for the consideration of the merits of these application is Core Strategy Policy CS22. Policy CS22: Sites for Gypsies, Travellers and Travelling Showpeople is of relevance to this application.

Policy CS22 adopts a sequential approach to the site location having regard to need, and the sites' suitability, availability and viability, in the following order of preference:

- The site is within the Urban Area; before
- The site is within a Main Rural Settlement; before
- The site is within the Countryside; before
- The site is within the Green Belt

As part of this application no evidence has been submitted to demonstrate compliance with this sequential approach. No evidence has been submitted with this application to show that any of the occupiers were on a waiting list for other gypsy sites or enquired about the likelihood of getting accommodation in this way. In an email from the agent dated 13th October 2011 states that the sequential approach can only be carried out by comparing the proposed site with alternative sites which are suitable, available, and affordable. He goes on further to say that the Council has not identified sites that are suitable or available in a Site Allocation DPD. However, the lack of known alternative sites is diminished by the fact that neither the Appellant nor the other occupiers of the site have made serious efforts to find a more suitable location. In addition to this whilst the application site is available to the applicant in the sense that they own the land, it is not available to them for use as a residential caravan site, so there is an argument that this site is not available. It is therefore consider that the appellants have failed to comply with the sequential approach as set out in CS22.

There is a clear statement within CS22 and CS1 that only where national policy on Green Belt allows will development be permitted. The development as proposed is not one of the limited forms of development that may be considered 'appropriate development' in the Green Belt', as set out within PPG2 and the draft NPPF inappropriate development is, by definition, harmful to the Green Belt. Inappropriate development will not be permitted unless there are very special circumstances that will outweigh the harm by reason of inappropriateness. As an inappropriate form of development in the Green Belt, the onus falls on the applicant to demonstrate that there are 'very special circumstances' why planning permission should be granted for development that is harmful to the Green Belt.

Within the applicants Design and Access Statement the 'material considerations' advanced by the applicants include the 1) need for site within the Borough, 2) lack of alternative sites, 3) personal need for lawful accommodation and personal circumstances.

1) The general need for further sites for Gypsies and Travellers regionally, locally and personally for the families involved in this appeal.

Core Strategy Policy CS22 has identified an intension for the Council to allocate 48 residential pitches within the period of 2007-2012 – with this provision reviewed by the evidence from updated assessment. The figures set out within this policy were derived from the Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment (GTAA) published in February 2008. It is acknowledged that at present the level of provision identified has not been met. The current level of need to-date stands at 29 pitches.

Whilst the level of unmet need within the borough is a material consideration in favour of the granting of planning permission, it should not in itself be a justification for inappropriate development within the Green Belt – when no evidence has been presented that such a need could not be met beyond the Green Belt, or met from an existing authorised site within the Green Belt, so as to avoid a new incursion into the Green Belt.

2) The unavailability of alternative sites

Within the applicants Design and Access Statement it states 'that all recent appeals involving Gypsy site development, all have involved Green Belt land'. The fact that all existing Gypsy and Traveller sites are situated within the Green Belt does not diminish the weight to be accorded to the harm rising from inappropriateness. There are available pitches at Woodside Park which is not too far from the application site. Sean Follows who has been identified within the Design and Access Statement as needing accommodation on the application site has previously resided at Woodside Park. The reasons for why Mr Follows left his pitch at Woodside Park differ between what the applicant states and what the Council states. No information has been provided to show why Irene and Shane Smith could not reside at Woodside Park. Although Woodside Park is located within the Green Belt, its lawfulness through the granting of planning permission and the availability of developed and undeveloped pitched, means that this site is available, affordable and a suitable site for the appellant.

Within a letter from the agent dated 31st January 2012 it states that Woodside Park is not an appropriate site to raise a family, however the Council has invested a large sum of money in improving the standards at Woodside Park which has been recognised in a professional journal. There are many tenants on the site which are raising children, and as such it is not accepted that the Woodside Park is not a viable alternative.

Policy CS22 places the onus upon the applicant to demonstrate that there are no alternative sites which are suitable and available – in the sequential preference. This policy places Green Belt as the least preferred location for new development, including the provision of gypsy sites. The applicants have not attempted to address this sequential approach.

3) Personal consideration

Within the appellants Design and Access Statement its sets out that the proposed caravan site is intended to accommodate the brother and sisters of Mr Follows. The families personal circumstances in particular their health and education needs are advance within the applicants Design and Access Statement.

These include:

- Bonita and Sean have already been attending school in Ryton
- Health needs of Estelle Follows

An email from Provast Williams, Primary Schools, Ryton-on-Dunsmore confirms that two of the children stated as attending a primary school in Ryton-on-Dunsmore left on 18th February 2011. A letter from the agent on the 31st January 2012 confirms that none of the Follows or Smith children are currently attending.

A letter from Central and Cecil Housing Care Support dated 5th January 2012 states that Estelle Follows suffers from depression and would benefit immensely by living at Larkhill Farm, close to family members.

Whilst there is clearly a need for a settled base to allow the children to attend school, and for Estelle Follows to be close to family members, such a settled base could be met at Woodside Park and if the applicants and the occupants of the site were to be relocated to Woodside Park, their educational and health needs could be properly and adequately met. It is therefore considered that the personal circumstances do not outweigh the strong presumption against inappropriate development contained in national guidance PPG2.

Harm to the Green Belt

The development constitutes inappropriate development in the Green Belt and as such the development is by definition harmful to the fundamental purposes of including land within the Green Belt, and cannot maintain 'openness'. It is acknowledged by the applicant within the Design and Access Statement that the development is inappropriate development and that the harm caused by inappropriateness must carry substantial weight. The applicant also acknowledges that as a result of this development 'openness' would not be maintained.

The level as harm to the 'openness' is dependant on the sites characteristics, the relationship of the development to existing built form and if the visual impact of the development could be mitigated against.

Beyond the sequential approach, policy CS22 requires the suitability of the site to be considered. The criteria set out within policy CS22 requires 1) The site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure; 2) Vehicular access into the site via the public highway is appropriate; 3) The site is capable of sympathetic assimilation into the surroundings; 4) If screening is required, suitable landscaping and planting will be provided and maintained by the developer; and 5) development of the site will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site.

1) The site is cumulatively appropriate and proportionate in scale to the nearest settlements, its local services and infrastructure

The site is within close proximity to Stretton-on-Dunsmore which is a Main Rural Settlement, which has a primary school, village shop and post office, doctors surgery and two public houses. The site is also within close proximately to Princethorpe which is a local needs settlement.

The development seeks to create three pitches to be occupied by 13 individuals. It is considered that the scale of this development is proportionate in scale to the nearest settlements of Stretton-on-Dunsmore and Princethorpe.

Ryton-on-Dunsmore Parish Council have raised concerns that the proposal when considering existing sites along Oxford Road would impact upon local infrastructure. The existing sites along Oxford Road include Woodside Park which consists of 36 permanent pitches, Green Bank which consists of 1 temporary pitch and Sunrise Park which consists of 10 temporary pitches. However, given its location and distance to other existing gypsy sites it is not considered that the development would impact upon existing community services and facilities.

In terms of sustainability of the site, the site is located within 2km of Stretton-on-Dunsmore, and has a wide range of services that the occupiers may avail themselves. Along the Oxford Road there is no footpath or bus provisions. A definitive Public Footpath R156 runs along side of the Bull and Butcher Farm finishing on Fineacre Lane. Fineacre Lane is an unlit narrow lane and would discourage walking along the lane. Given the short distance the applicants would be required to walk along Fineacre Lane, the close proximately of the applicant site to the public footpath R156 and the distance involved is not so great as to discourage such journeys by foot or cycle, it is possible to access Stretton-on-Dunsmore by foot or cycling and thus, reducing the reliance on the private car.

2) Vehicular access into the site via the public highway is appropriate

Following consultation with Warwickshire County Council Highway Authority and a speed survey being produced by the applicant's it is considered that subject to conditions vehicular access to the site is appropriate for the use proposed.

3) The site is capable of sympathetic assimilation into the surroundings

The authorised use of the site is residential, land within the site is certified as a caravan and camping club. Along the site boundary of the road frontage is a high hedge which screens a large percentage of the application site from the highway. The proposal is also screened well from nearby properties to the north by high hedges. The presence of the tall and dense roadside hedge means that caravans on the application site would not be easily seen when passing or approaching the site. As indicated on the Site Location Plan a screen fence has been erected along the western boundary which would screen a large proportion of the development. Consequently, only intermittent views, mainly of the tops of the mobile homes will be available from the entrance to the site. It is considered that the harm caused by the development on the character of the surrounding countryside and the visual amenities and the 'openness' of the Green Belt are limited. Given that the development would not cause material harm to the character and appearance of the surrounding area it is not considered that the development would conflict with policy CS16 as set out with the Core Strategy 2011.

4) If screening is required, suitable landscaping and planting will be provided and maintained by the developer

For the reasons stated above it is considered that the existing landscaping provides sufficient screening for the development.

5) Development of the site will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site.

The impact of the proposed development upon neighbouring properties needs to be taken into consideration. The nearest neighbours are properties to the north. The caravans as proposed would be 15 metres way from the north boundary with Bull and Butcher Farm.

Given the existing site boundary treatment and the distance of the caravans would not be unduly prominent along the boundary and would not result in any overlooking or loss of privacy from the proposed development. It is impact to consider whether the amenities of the neighbouring properties would change by reason (for example) of noise, disturbance or traffic movement. Taking into account that the site is an authorised caravan and camping club site, the distance in which the caravans will be positioned to the neighbouring dwelling house and the existing site boundary treatments it is not considered that the proposed development would cause material harm to

the amenities of nearby residential properties in terms of noise and disturbance.

Parish Plan

The use of Parish Plans will principally inform the determination of a planning application amongst other requirements. As the application site falls within the parish of Stretton-on-Dunsmore the Stretton-on-Dunsmore Parish Plan 2005 is of relevance. Since the publication of the 2005 Parish Plan Circular 01/2006 has been created with which deals specifically with planning for gypsy and travellers. Parish Plans form one element of a range of evidence and other consideration and as such should be read in conjunction with PPG2 and Circular 01/2006.

Whilst the Parish Plan seems that discourage significant development within the Green Belt, and development that would cause significant harm, it is important to read this in conjunction with national policies/guidance. In addition to this policy CS22 does not rule out Gypsy and Traveller Sites within the Green Belt.

Other Planning Matters

The land in which the pitches are proposed are within the residential curtilage of Larkhill Farm. As such as defined within Annex B of Planning Policy Statement 3: Housing the land is not considered as previously developed land. As such the development does not accord with PPS3.

Temporary Planning Permission

Paragraphs 45 & 46 of Circular 01/2006 refer to the granting of temporary planning permission particularly when it is expected that the planning circumstances could have potentially changed by the end of the temporary period. In considering the granting of temporary planning permission consideration is given as to whether material considerations exist including personal circumstances to justify on balance a recommendation of temporary planning permission.

Circular 11/95 states that temporary planning permission may be justified when it is expected that planning circumstances will change in a particular way at the end of the temporary period. However Circular 11/95 also states that the material considerations to which regard must be had in granting permission are not limited or made different by a decision to make the permission a temporary one, and that a time-limit is necessary because of the effect of the development on the amenities of the area. Where such objections to a development arise they should, if necessary, be met instead by conditions, and if the damage to amenity cannot be accepted, then the only course open is to refuse permission.

Whilst planning circumstances will change within the next three years with the development of the Council's Gypsy and Traveller Site Allocations DPD, it is considered that the applicants have failed to demonstrate special circumstances to outweigh the harm of the development by reason of inappropriateness. In addition to this the applicant has failed to demonstrate compliance with the sequential approach as outlined within CS22. As such it is not considered that the development is justified on a temporary basis.

Human Rights

In reaching this decision consideration has been given to the human rights of the intended occupants of the application site. If planning permission were refused, the appellants would be unable to use their land to provide their families with a home at this site. This would represent an interference with their right under Article 8 of the European Convention on Human Rights. However, this has been balanced and weighted against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Recommendation.

Refusal of planning permission

DRAFT DECISION

APPLICATION NUMBER

R11/1122

DATE VALID

09/06/2011

ADDRESS OF DEVELOPMENT

LARKHILL FARM
OXFORD ROAD
Stretton-on-Dunsmore
RUGBY
CV23 9QE

APPLICANT/AGENT

Mr Philip Brown
Philip Brown Associates
74 Park Road
Rugby
Warwickshire
CV21 2QX
On behalf of Mr Lindsey Fellows

APPLICATION DESCRIPTION

Change of use of land to use as residential caravan site for 3 Gypsy families with a total of 5 caravans, laying of hardstanding, erection of amenity block and installation of package Sewage Treatment Plant

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

- CS1 Development Strategy
- CS2 Parish Plans

CS16: Sustainable Design
CS22: Gypsy, Travellers and Travelling Showpeople

PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS3 Housing
PPG 13 Transport
PPG18 Enforcing Planning Control

Circular 1/2006 'Planning for Gypsy's and Travellers'
Circular 11/95 Use of conditions in planning permission

South Staffordshire & North Warwickshire Gypsy & Traveller Accommodation Assessment.

The 'Designing Gypsy and Traveller Site 'Good Practice Guide' 2008

The West Midlands Regional Spatial Strategy Interim Policy Statement for the Provision of New Accommodation for Gypsies, Travellers and Travelling Showpeople.

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

REASON FOR REFUSAL: 1

As set out within policy CS1 and CS22 as contained within the Rugby Borough Core Strategy only where national policy on Green Belt allows will development be permitted. The development as proposed is not one of the limited forms of development that may be considered 'appropriate development' in the Green Belt, and therefore constitutes inappropriate development that is, by definition, harmful to the Green Belt. As an inappropriate form of development in the Green Belt, the onus falls on the applicant to demonstrate that there are 'very special circumstances' why planning permission should be granted for development that is harmful to the Green Belt. In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission on a permanent or temporary basis for a residential caravan site as the development represents inappropriate development according to the prevailing policies. The proposed development is therefore contrary to policies CS1 and CS22 as contained within the Rugby Borough Council's Core Strategy 2011 and National Planning Guidance PPG2 – Green Belts.

REASON FOR REFUSAL: 2

The applicant has failed to submit evidence to demonstrate compliance with the sequential approach as outlined with Core Strategy policy CS22. It is therefore considered that the proposed development does not comply with the sequential approach as set out within CS22.

REASON FOR REFUSAL: 3

The development is within the residential curtilage of 'Larkfield' and as such as defined by PPS3: Housing does not constitute previously development land. As contained within PPS3 it is the Government's policy to ensure that housing is developed in suitable locations in which priority for development should be previously developed land. The proposal therefore, does not accord with PPS3.

Reference Number: R10/1131

Site Address: Land off Priory Road and School Street, Wolston.

Description: Residential development comprising 92 houses, including public open space within the site, garaging, newt reserve and associated infrastructure including the diversion of public right of way R138.

Applicant: JS Bloor (Tamworth) Ltd

Case Officer: Nick Freer 01788 533767

Description of Proposals

The application proposes a residential development of 92 dwellings on a large field on the eastern edge of Wolston Village. The settlement is located between Rugby and Coventry within close proximity to the A45. The settlement is identified within the Adopted Core Strategy as a Main Rural Settlement and as such is a 3rd tier development priority behind Rugby town centre (1st tier) and the Rugby settlement as a whole (2nd tier).

The site is bounded to the north and west by Priory Road and to the south by School Street. The application site also includes land on the south side of School Street which is currently an agricultural field. The majority of the application site lies within the settlement boundary of Wolston, with the exception of the field to the south of School Street (which lies in open countryside and the Green Belt), as identified in the Wolston Inset Map in the adopted Rugby Borough Local Development Framework Core Strategy (June 2011).

The planning application is for full planning permission for residential development and the application is accompanied by the following supporting information:

- Site location plan
- Site layout plan - showing the arrangement of roads, houses and open space
- Topographical survey
- Landscape design for the site
- Design & Access Statement
- Ground Investigation and Contaminated Land Assessment
- Flood Risk Assessment
- Transport Assessment
- Noise & Air Quality Assessment
- Ecological Assessment
- Archaeological Assessment
- Planning Statement
- Public Consultation Report
- Affordable Housing Statement
- Planning Obligations Statement
- House Types – Plans and Elevations.

Subsequently, the following additional information has been submitted by the applicant:

- An assessment of the Potential Impact to the Settings of Cultural Heritage Assets – updated in January 2012 following the upgrading of The Priory from a Grade II to a Grade II* Listed Building
- Financial viability assessment information
- Revised plans and House types

The main access into the development is proposed from School Street and would provide access to the main route through the development site. A further vehicular access was originally proposed off Priory Road, but this has now been downgraded in later amended plans to a pedestrian/cycle access (with the ability to be used by emergency vehicles). Two further pedestrian accesses to the site are gained from School Street (leading to a bus stop) and onto Priory Road in the very northern part of the site.

The site layout has been designed to achieve a central formal open space, around which houses are placed to create a focal point for the development. The main access road runs around three sides of this open space area, and has been traffic calmed by the inclusion of changes in materials, sharp bends and carriageway narrowing. A 1.5m high Cheshire style metal bar fence surrounds the open space on 3 sides with a hedgerow planted behind. The northern side contains a dry swale which is bounded by a hedge on its south side and a wooden trip rail to the north, and has two footbridges across it leading from the path to the north.

A more formal arrangement of houses is created around this central open space, including 2, 2.5 and 3 storey houses/apartments, some of which are grouped into terraces. Railings are provided to the frontages of the houses along the northern side of this open space to echo the more formal design approach.

Elsewhere, the existing hedgerow along the site frontages to School Street and Priory Road will be retained around the majority of this boundary. A wildlife corridor will be created along the north-eastern site boundary, incorporating the existing trees and hedgerow, plus an existing pond and wetland area. This corridor will also include additional hedge and tree planting, which leads to a new newt tunnel that is proposed to be constructed under School Street. This will provide access for reptiles (particularly for the great crested newts which currently inhabit the pond) to a newly created newt reserve/wildlife area on the south side of School Street.

During the consideration of the current application, a further public open space area was proposed to be created on the north side of Priory Road. This has now been deleted from the proposal due to the presence of archaeological remains in this area connected with the site of the original Wolston Priory.

Also during the consideration of the application the number of dwellings was reduced from 99 to 89 and subsequently increased to 92. It is now proposed to provide the following house types in the new development:

77 no. Open Market Houses:

- 2 x 2-bed flats above garages
- 41x 3-bed houses
- 34 x 4-bed houses

Affordable Rented Units – Provided by an RSL. – 13 Units.

6 no. 2-bed flats	Social Rent
1 no. 2-bed flat FOG	Social Rent
2 no. 2-bed HOUSES	Social Rent
2 no. 2-bed HOUSES	Shared Ownership
2 no. 2-bed bungalows	Shared Ownership

Market Dwellings – 2 Units.

1 no. 2-bed house - Market Rent but subject to a local occupancy criteria (LOC) – This is on the basis that the property be marketed for 6 months with the LOC and if it cannot be re rented in accordance with the LOC within that time period it can be reverted to open market sale.

1 no. 2-bed bungalow Open Market but subject to a local occupancy criteria (LOC) - This is on the basis that the property be marketed for 6 months with the LOC and if cannot be sold within that time period with the restriction it be reverted to open market sale.

The mechanisms to ensure that the affordable rented units are retained as affordable units in perpetuity, will need to be set out in the S106 agreement.

Total No. of Dwellings – 92.

Description of the Site

The site is fairly level and comprises a large field with no physical features within it apart from some fairly mature hedgerows (containing a small number of mature trees) along each boundary. The northern part of the site exhibits the characteristics of an area of wetland, with a pond located close to the north-east corner of the site. It is currently in agricultural use and has a public footpath (R138) running across the site from the north-west to south-east corners.

The site is bounded to the south by School Street, which is one of the main access roads leading into Wolston village from the east. Priory Road runs along the western and northern boundaries and the site adjoins open land to the east. Immediately to the west of the site is a 1970s housing development (comprising two-storey townhouses grouped into terraces) located on Priory Road and Meadow Road. The houses located on the south side of School Street in the main comprise detached houses and bungalows.

To the north of the site on the adjacent side of Priory Road is The Priory, which comprises a large detached, ostensibly 16th century, with elements dating back to the late 14th and 15th centuries, Grade II* listed house and detached outbuildings set in large grounds. The frontage to The Priory contains a significant group of mature trees that helps screen the main listed building from the development site. There are also some further agricultural outbuildings located to the west of The Priory, alongside the driveway into this property. Directly to the west of The Priory and to the north west of the site is a Scheduled Ancient Monument known as Wolston Priory and Moated Site.

Relevant Planning History

There have been no recent planning applications on this site. Attempts to obtain planning permission for residential development were made in the 1970s/1980s, on both the application site and land to the north-east. These are set out below:

- School Street/Priory Rd (Application Site) – outline planning application for residential development – refused 6/2/80 - appeal dismissed 27/10/80 (R79/1683/9963/OP).
- Land south of School Street (Proposed Wildlife Reserve Site) – erection of 7 detached bungalows – refused 17/10/79 – Appeal dismissed 27/10/80 (R79/0972/9961/OP).

Third Party Comments

Neighbours (91) Objections

Harm to the views within the village and rural area – reduction in light to the area – Wolston does not have sufficient facilities (Doctors, School and shop) to cope with the additional residents which will lead to overcrowding – impact of additional noise and additional traffic during construction and when the properties are occupied – the roads can not cope with the traffic increase – will lead to highways dangers particularly in the centre - harm to wildlife and habitats including Great Crested Newts – increase in dust and pollution – harm to the village community – loss of a public bridleway – previous applications have been refused – there has already been considerable development in the village – 3 storey properties are inappropriate – Priory Road is not wide enough to take an additional access – the development would increase the number of properties in the village by 10% which is unnecessary – it would lead to an increase in crime and vandalism – there are 23 houses for sale in the village already – Local Plan Policy H5 safeguarded the land for the possible longer term needs of the area beyond 2016 – it would result in the loss of another piece of countryside – new housing should be located closer to Coventry to make it more sustainable – loss of privacy for adjacent dwellings – the development will increase the flooding at the opposite end of the village and on school street – the existing sewage capacity can not help – it will put further strains on the fire service which has already been cut – the development need a better mix of property styles and facilities – the hedges should be retained – traffic flow could be improved around the development – how will the newt pond be protected from youngsters wanting to play in the area – the proposal would impact on the character and setting of the Listed The Priory situated approximately 50m to the north west of the application site and the Scheduled Ancient Monument father to the west (this has not been adequately assessed) - the proposed open space is inadequate – over development of the site – it will erode the character of the village – the statement which assesses the impact of the development on Wolston Heritage Assets is flawed with regard to its consideration of The Priory and the SAM – will serve Coventry – roads are too narrow for visitor parking resulting in cars parked on the pavement.

Two separate petitions were also received. One had 50 signatures and the other had 56.

Following additional consultations we have received further representations from 11 residents including the chairperson of Brandon, Bretford and Wolston History Group objecting to

- the diversion of the public footpath across the site, it is an ancient right of way probably used to serve the Priory and has heritage value for the village, changing the route is unnecessary and would remove the view of the Priory
- Wolston is already very built up and the development will extend this feeling further, lack of facilities, should be sited elsewhere
- The school is unlikely to accommodate the potential influx
- No need for the development, there are some 35 properties currently on the market in Wolston/Brandon and Bretford which equates to over a third of the 92 properties proposed by the development
- The site should be protected for future generations, it is an important piece of English social, religious, economic and political history, the development site set the Priory into its proper context and its loss would be the tipping point for the integrity of this unique site.
- The children's play area should be located on the site

- The Parish feels the Borough Council has erred in being widely lenient in the relaxation of a range of core strategy policies in favour of the development. They also note that they feel the proposal does not comply with the parish plan.
- The proposed affordable housing provided is insufficient and doesn't match the village requirement recently identified by a Housing Needs Survey. The point is also made that the Parish should be notified when Local Occupancy properties come onto the market.
- The inability of the applicant to comply with the main requirements of the Councils sustainable design and construction policy due to viability issues will be at the long term expense of Wolston.
- The developer is waived from complying with the requirement to enhance the strategic green infrastructure network.
- Object to consideration of the provision of off site play facilities to satisfy planning policy. They point out they have not been consulted and have not offered such facilities. They feel other sites in Wolston are not suitable for such provision and that play facilities should be located within the development site.
- Although Severn Trent raise no drainage objections to the proposal the Parish feels this doesn't take into account the long term drainage problem in the village and feel the proposal could adversely impact on the existing drainage system.
- The decision over the scope, standard and responsibility for the maintenance of the wetland, ponds, hedgerows, public open spaces and landscape areas should be made and agreed with the Parish Council before the application is decided.
- Adverse impact on the Priory, which has just been regarded to a Grade II* Listed Building. The development should be re-assessed and probably re-designed as a consequence of this. The existing tree screening that shields the Priory for the site is not protected and could fail by natural means.
- Belief that the original report to the Planning Committee contained an unsubstantiated opinion weighted in favour of the application. They disagree with the reports conclusion that the design and appearance of the development is acceptable. They feel the scheme has a striking urban character.
- The Parish have not been involved in discussions with the Council over the content of the Section 106 Agreement
- Concerns that residents and the Parish Council objections are not being taken into account and fully considered.

Technical Consultation Responses

Landscape Officer	No objection	
Tree Officer	No objection	Subject to conditions
WCC Ecology	No objection	Subject to conditions
Natural England	No objection	Subject to the conditions suggested by
WCC Ecology		
Environmental Health	No objection	Subject to conditions & informative
Severn Trent	No objection	Subject to conditions
Environment Agency	No objection	Subject to conditions & informatives
WCC Highways	No objection	Subject to conditions
WCC Education	Comment	Require financial contribution towards additional educational need generated by development
WCC Archaeology	No objection	Subject to condition

Warwickshire Police	No objection
Warwickshire Wildlife Trust	No Comments
RBC Policy:	No objections
WCC ROW	No objections Subject to receiving a diversion order.
English Heritage	Comments are awaited

Relevant Policies and Guidance

Rugby Borough Local Development Framework – Core Strategy (2011).

CS1	Complies	Development Strategy
CS2	Complies	Parish Plans
CS5	Complies	Growth Delivery
CS10	Complies	Developer Contributions
CS11	Complies	Transport and New Development
CS14	Complies	Enhancing the Strategic Green Infrastructure Network
CS16	Complies	Sustainable Design & Construction
CS17	Complies	Reducing Carbon Emissions
CS19	Complies	Affordable Housing
CS20	Complies	Local Needs Housing

Saved Rugby Borough Local Plan Policies (Post Core Strategy Adoption) – June 2011

H12	Complies	Open space provision in residential development in the rural area
GP2	Complies	Landscaping
E6	Complies	Biodiversity
LR1	Complies	Open Space Standards
T5	Complies	Parking Facilities

Deleted Local Plan Policies (Post Core Strategy Adoption) – June 2011 – Provided for information.

S1	Urban Development Priorities
S3	Rural Settlement Hierarchy
S4	Windfall Developments
H5	Safeguarded Housing Land

RBC Supplementary Planning Documents.
 draft Planning Obligations SPD (August 2011)
 draft Housing Needs SPD (June 2011)
 draft Sustainable Design & Construction SPD (June 2011)
 adopted Planning Obligations SPD 2007
 adopted Affordable Housing SPD 2009
 adopted Sustainable Design and Construction SPD 2009
 Interim Parking Standard Guidance Note May 2011

National Planning Guidance.

PPS1	Creating Sustainable Communities
PPG 2	Green Belts
PPS3	Housing
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG24	Planning and Noise
PPS25	Development and Flood Risk

PPS5: Historic Environment Planning Practice Guide

West Midlands Regional Spatial Strategy
Most Relevant Policies:-

- CF5 – Complies – Affordable housing and mixed use communities
- QE1 – Complies – Conserving and enhancing the environment
- QE3 – Complies – Creating a high quality built environment
- QE5 – Complies – Protection and enhancement of the historic environment
- QE6 – Complies – Conservation and enhancement of the regions landscape
- QE7 – Complies – Protecting managing and enhancing the regions biodiversity and nature conservation
- QE9 – Complies – The water environment

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Community Infrastructure Levy Regulations (2010)
Circular 05/2005

‘Planning for Growth’ Ministerial Planning Statement (March 2011)

Draft National Planning Policy Framework (July 2011)

Assessment of Proposals

The key issue to assess in relation to this application relates to whether or not the principle of residential development is acceptable in this location. In addition the proposal will need to be assessed regarding the following issues:

- Ecology and Protected Species
- Layout and Design
- Sustainable Design and Construction
- Open Space and Green Infrastructure
- Impact on Adjoining Properties
- Impact on the Countryside/Green Belt
- Landscaping
- Impact on Setting of Heritage Assets - a Listed Building (The Priory) and SAM (Wolston Priory and Moated Site).
- Archaeology
- Flood Risk and Drainage
- Highways – Access and Layout/Parking Provision
- Provision of Affordable Housing
- Planning Contributions towards Community Facilities

Environmental Impact Assessment

The size of the site is above the 0.5 Ha threshold set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, which was the statutory instrument in place at the time of the applications submission. The size of the site therefore requires a screening opinion to be undertaken to assess whether the application should be accompanied by an Environmental Impact Assessment. It was concluded, when taking into account the size of the site, the nature of the development proposed and all other site specific factors, that the proposal did not constitute EIA Development in accordance with the Regulations and that all issues could be resolved as part of the application with

standard reports and surveys. This view remains the same when considered against the 2011 Regulations which have recently replaced the 1999 document.

Principle of Development

The housing extent of the application site (excluding the proposed newt reserve) is located within the identified settlement boundary of Wolston. It adjoins land designated as countryside to the north, east and south-east, which also falls within the Green Belt.

Previously, the Rugby Borough Local Plan (2006), showed the application site as being located within the limits to development of Wolston village. The majority of the site itself was allocated for residential development under Policy H5.3 (shown in error as 5.2 on the Inset Map), with the proviso that it be safeguarded to meet the possible longer term needs of the area beyond 2016.

The recently adopted Rugby Borough Local Development Framework – Core Strategy (2011), deleted the residential safeguarding allocation under former Policy H5 as it was no longer necessary to retain the land to meet future development targets. As a result the application site is now designated as land contained within the settlement boundary of Wolston, as shown in the Wolston Inset Map, which accompanies the adopted Core Strategy. This now constitutes land without any specific designation.

A number of residents and Wolston Parish Council have objected to this change in designation from ‘safeguarded residential land’ simply to land within the settlement boundary of Wolston. They have also argued that as the site no longer needs to be safeguarded for housing, it should thus be returned to its previous Green Belt designation. On this basis, they made submissions to the LDF Core Strategy Examination in January 2011. The Inspector in his report which was issued in May 2011, which set out the following views on the status of superseded policies at paragraphs 36 and 37:

The Core Strategy (CS) does not set out, as legally required, which of the existing saved Local Plan (LP) policies will be superseded by CS policies. The Council put forward a change as CC6 to list the superseded LP policies in a new Appendix 6 to overcome this soundness.

This includes the deletion of LP policies H4 and H5 which allocate reserve and safeguarded housing sites. These H4 and H5 sites will still remain within the designated LP village boundaries and the larger ones have been included in the SHLAA (Strategic Housing Land Availability Assessment) and the CS’s Housing Trajectory. The Wolston and Ryton LP Policy H5.3 and H4 sites were designated to meet the ‘potential long term needs’ of the villages (LP 7.19). However, this was no evidence which suggests that they are needed for this reason, or that the CS’s affordable and local needs housing policies would not be able to provide for the villages’ needs. Given this, there is no need to retain the LP designation of these sites and LP policies H4 and H5 can be superseded.

The fact that the Inspector did not request any amendment to the village boundary in effect means that the current status of the land following the adoption of the Core Strategy is simply land within the settlement boundary of Wolston. This means that development proposals that come forward, that comply with Core Strategy policies and any other material planning considerations can potentially be considered to be

acceptable. A proposal for housing development could therefore be considered on this site if a need for the housing can be demonstrated.

The situation regarding the Coalition Governments intention to revoke Regional Spatial Strategies (RSSs) has now been clarified following various court cases and appeals by Cala Homes. Following a judgement in May 2011 the High Court confirmed that the proposed abolition of Regional Strategies can be regarded as a material consideration by local planning authorities when deciding planning applications and appeals. The weight to be given to this will be a matter for the decision maker. In this particular case, the proposals do not conflict with any of the relevant RSS policies and therefore the key considerations for the principle of development are set by the local elements of the Development Plan.

Regarding housing need, the Borough Council's Cabinet previously resolved on 23rd August 2010, to continue to plan for a total of 10,800 dwellings to be built in the Borough from 2006 to 2026. This represents the evidence base that the Council has used since 2007, and which originally emerged from the West Midlands RSS Preferred Options studies that fed into the LDF Core Strategy.

The application site is shown in the Borough Council's Housing Trajectory that accompanies the Core Strategy, as being required to meet future housing need from 2015. It is therefore required to meet medium term housing growth in the Borough.

Given that the application site is land which falls within the village boundary the principle of its development is considered acceptable provided the submitted scheme would comply with all other aspects of the development plan. The previous designation of the land for housing within the now replaced Local Plan, all be it for future housing needs, further establishes the historic nature of the acceptance of the suitability of the land for housing.

Ecology and Protected Species

A Phase 1 habitat survey and protected species survey of the application site was prepared by FPCR on behalf of Bloor Homes. The findings were as follows:

- the hedgerows surrounding the site were assessed to be of a moderate to high value to nature conservation
- most of the grassland within the site was determined to be only of local value
- the pond and wetland on the northern part of the site are of local value to nature conservation
- a small breeding population of Great Crested Newts was found within the development area
- the boundary hedgerows and wetland were considered to provide suitable foraging habitats for bats
- the hedgerows, wetland and semi-mature trees were considered to provide some opportunity for breeding bird populations
- no evidence of any other protected species was found on the site

WCC Ecology have assessed the survey and are satisfied with the proposed mitigation measures and the proposal to create new wildlife habitat on the south side of School Street, as well as the retention of the existing pond, the newt corridor along the northern boundary and part of the adjoining wetland. Natural England have supported these comments and the suggested conditions. A separate licence will be required to be obtained from Natural England, before any works to the habitat are permitted. This is normally considered by Natural England only after a planning approval though County and Borough officers have considered the Derogation tests

set out in the EC Habitats Directive and agree that the mitigation proposals incorporated into this development are compliant with the tests.

On the basis of the proposed mitigation works, the proposal is considered to be acceptable and complies with National Planning Policy contained in PPS9.

Layout & Design.

There are a number of constraints that affect the site and have to be addressed in the site layout. These include;

- the need to maintain an existing public footpath route across the site,
- the requirement for an enclosed landscaping strip along the north-eastern boundary to act as a newt corridor, linking the existing pond and wetland area that is to be retained, to the proposed newt reserve
- the need to retain the existing hedgerow along the site boundaries to School Street and Priory Road.

In terms of the existing character of the area in which the site lies, there are a number of different building forms and styles that surround the site. The properties to the south of School Street comprise a range of detached bungalows and houses set in larger gardens set back from the road. They exhibit a range of building styles, designs and periods. Houses on the west side of Priory Road were built as a single housing development in the 1970s.

The sole vehicular access to the site is gained off School Street in the SE corner, close to the junction with Coalpit Lane. Other pedestrian entrances are proposed from School Street (linking to the existing bus stop) and two from Priory Road (one of which comprises an emergency vehicle access).

The main access road runs from the south-east to north-west corners of the site, but deviating around the public open space area in the centre of the site. This will act as a traffic calming feature, which is emphasised by the use of different surfacing materials (tegular blocks instead of tarmac).

The central open space has been designed as the focal point of the development, including some taller 2.5 and 3-storey dwelling-houses grouped around to overlook this space in a more formal arrangement. A swale (an open shallow sided ditch to allow surface water to be held in storm conditions) runs along the northern side of the public open space, which will provide an additional landscape feature. A hedgerow will run alongside this swale. The open space area will be bounded on the other three sides by a Cheshire rail metal fence. Tree planting around the outside of the open space area will also be provided to further enhance the natural landscaping.

A more loose arrangement of detached and semi-detached houses is distributed around the rest of the site, but fronting onto roads and driveways. This layout ensures that public areas and routes are well overlooked and exposed rear and side garden boundaries avoided. The affordable units referred to earlier would be successfully integrated within the site. A smaller area of wetland and a retained pond is provided in the northern corner of the site. Again this is to be overlooked by houses. The area is separated by a 1.2 m high wooden post and 3-rail fence. This area is proposed to be transferred to either a management company or to the Borough Council.

The majority of the boundary hedgerow along the School Street and Priory Road site boundaries is retained in the proposed layout. It is important that this is maintained

at the same height (2-3m) around the site (apart from a small section where it has to be laid at a lower height – plots 29, 30, 31 and 32), as this is a characteristic feature at the entrance to the village. Rear garden fencing is provided along much of the inside line of the hedge, to avoid it being cut back in a haphazard manner by future householders.

In terms of the above landscaped areas, wetland/pond area, hedgerow and public open space, it is suggested that s106 legal agreement could include clauses to require that a management company be set up to manage and maintain these areas in perpetuity. A new avenue of trees is proposed within the landscaped strip along the outside edge of the south boundary with School Street. These trees would be adopted by the Highways Authority as part of the highways agreement.

WCC Police were involved at the pre-application stage and their comments have been incorporated into the proposed layout.

For the reasons outlined above it is considered that the layout and design of the scheme is acceptable and would meet the standards set out in Core Strategy Policies CS14, CS19 and CS20 as well as Saved Local Plan Policies LR1 and H12. The scheme also proposes a varied number of dwellings around an interesting layout which would create an attractive development that would preserve the character of the village of Wolston.

Sustainable Design & Construction

CS16 requires all developments to incorporate sustainable design through a variety of measures. Specifically they must include Sustainable Drainage Systems (SUDS) and if this is not achieved they must incorporate another similar measure in agreement with the Environment Agency. Such a measure would include water conservation to the standard of Code Level 4, where each residential property should consume no more than 105 litres of water per day. If the applicant is not able to achieve these measures then, as with affordable housing, evidence that the financial viability of the scheme would be compromised if this were to form part of the scheme, is needed to satisfy the policy.

In addition, the relevant requirement of CS17 is the reduction by 10% of the predicted carbon dioxide emissions from the site through the incorporation of decentralised and renewable or low carbon energy equipment. As with CS16 the policy contains a viability clause. CS16 and CS17 are supported by the Sustainable Design and Construction SPD, which although at draft stage it has been through a public consultation exercise and Cabinet will be recommended to approve and adopt the document in early 2012.

The applicant has submitted appropriate evidence which demonstrates that the financial viability of the scheme would be compromised if these requirements were to form part of the scheme. Whilst it indicated that the houses on the development will be constructed to Building Regulations at the time of construction, the conclusion of the viability report submitted on the site indicates that it would not be possible to meet the requirement to reduce the predicted carbon dioxide emissions for the development by 10% without further reducing the Section 106 package or the affordable housing provision. As policies CS16 and CS17 advocate a site by site consideration taking into account the viability of a scheme it is considered that the proposal complies, as far as is reasonably possible, with the requirements set out in both.

Open Space and Green Infrastructure

Rugby Borough Saved Local Plan policies LR1 and H12 and the supporting guidance of the Council's Planning Obligations SPD are relevant to open space provision. On the basis of this guidance the minimum open space requirements from this site would be adequate amenity greenspace and facilities for children's play. The central open space is 0.24 Hectares and is therefore significantly in excess of the 0.11 Hectares required by the policy LR1. In addition to these minimum requirements, the Council's adopted open space standards seek provision towards two other open space typologies in this area however this must be balanced against the specific constraints of the site, in particular the existence of newts on the site and the need to mitigate the impact of development on this protected species.

In order to effectively mitigate the impacts of the development a newt/landscape corridor is proposed along most of the length of the north-eastern site boundary. This is required to allow great crested newts access (via a new tunnel to be built under School Street) to a newly created newt reserve on the south side of this road. In total the applicants are having to make approximately 0.7 Hectares (equivalent to approximately 15% of the total development area) available as a newt corridor and newt reserve. Due to the protected nature of this species and the requirements of the EC Habitats Directive these elements of the development are essential to the development. It is considered that the combined cost of these areas and the tunnel to be provided under School Street are sufficient to remove any need for a wider contribution towards other open space typologies; particularly in the context of the overall financial viability of the site which is further considered below.

Originally it was intended to locate a children's play area within the site, and then on part of the field to the north-west of Priory Road (also in the ownership of the applicant), within the site of the Scheduled Ancient Monument (SAM). Due to various constraints including the proximity to nearby residential properties, the potential impact on the SAM, and following further discussions with the Borough Council's Public Realm Team, it is considered that the most appropriate approach in order to benefit the future residents of this site and the village as a whole is to agree an off-site contribution for a children's play area. This contribution will be available to provide a facility in a more central location within the village.

CS14 is also a relevant policy for this application as the indicative Green Infrastructure network runs alongside the northern edge of the site and the entire site is within the Princethorpe Woodland Biodiversity Opportunity Area. This area is of importance because it contains a cluster of ancient woodland, unimproved or semi improved grasslands, which is why it has specific mention in CS14. Notwithstanding this, the site does not contain any of these assets. The ecological assessment produced for the applicant identifies the existing water body which the masterplan shows will be retained and the existence of marshland adjacent to the water body at the north end of the site, in addition to hedgerows of varying condition throughout the site.

The masterplan identifies the retention of the hedgerows, the existing waterbody, which will be turned into a pond, with appropriate planting around it and the retention of the existing identified trees incorporated into the hedgerows. It is considered that these measures will contribute towards the protection and the enhancement of the existing GI Network. Although the site will contribute towards the overall GI network, there is no Community Infrastructure Levy Charging Schedule in place which seeks contributions for the enhancement of the Princethorpe Woodland Biodiversity Opportunity Area. Furthermore the applicant has demonstrated financial constraints

impacting the viability of the site when considered against CS19 and CS20. It is therefore considered that the site meets the provisions of CS14.

Impact on the Amenities of Adjoining Properties

The site is overlooked by existing properties to the south on School Street and to the west on Priory Road.

The properties on School Street have fairly large front gardens, are set back by around 25m from this road and are located between 35 and 40m from the nearest part of the application site boundary.

The existing houses along the west side of Priory Road are closer to the application site boundary, with closest property being 17.5m from the application site boundary and 20.5m between facing dwellings (existing to new) at the closest point.

Priory Cottage (located on Priory Road) to the north-east of the application site, is separated from the housing development by a retained pond and the adjoining wetland area, thus ensuring that new housing is not too close to affect its existing amenities. Two Acres (located on School Street) is already partly screened from the field by the existing hedgerow, which will be widened and bulked up by new native tree and hedgerow planting.

The Priory itself is located around 70m from the northern site boundary and is screened by a group of mature trees along its frontage to Priory Road.

It is accepted that the loss of existing open views across the existing field from existing properties will be affected, but this in itself is not a reason to refuse this application.

It is therefore considered that the combination of an acceptable spacing between the site and existing dwellings as well as the orientation, relationship and layout of the proposed properties to the surrounding street scenes is acceptable and would avoid causing undue harm to the amenities of existing neighbouring occupiers and provide acceptable amenities to future residents of the proposed scheme.

Impact on the Countryside/Green Belt

The entire north and eastern boundaries of the site as well as a section of the southern boundary forms part of the line of both the limits to development to Wolston and also to the countryside beyond, which also forms part of the Green Belt. Following negotiations between the developers and RBC Planning Officers, the landscaping strip has been widened along the eastern boundary, which will allow groupings of trees to be planted to reduce the impact of development close to this boundary. The retention of the hedges along the northern and southern boundaries would minimise the impact of the proposal when viewed from the areas to beyond. The level of landscaping, the spread of properties along the boundaries in addition to their sensitive scale and design would prevent the proposal from becoming an overly prominent feature when viewed from areas within the green belt which have unobstructed views of the site. Given the location of the site within the village boundary it is considered that the proposal complies with the guidance within PPS2.

Landscaping

The site currently comprises an open field with few features. The two trees located alongside Priory Road have been inspected by the Council's Tree Officer and found to be in a poor condition. No objection is therefore raised to their removal. There are some semi mature trees along parts of the north-eastern site boundary, which will be

retained in the new planting scheme. Part of the wetland area and the pond within it will also be retained. It is also proposed to plant an avenue of trees within the landscape strip to the north side of School Street. These trees would be passed to the WCC's Highways Department for future maintenance.

As outlined earlier in the report, the hedgerow around the boundary of three sides of the site will be retained, with only some minor breaks to allow pedestrian routes into and out of the site.

Apart from the hedgerows and trees along the north-eastern boundary there is currently no existing landscape structure on the site. The main opportunities to create new landscaping are:

- within the rear/side gardens of the proposed detached houses alongside the School Street and part of the Priory Road site boundary- the landscaping scheme will contain suitable tree species to create a well planted boundary, which will complement the existing hedgerow, and ensure that the proposed houses are framed by tree planting.
- the central open space area – this will be designed as a more formal open space area with 'Cheshire' fencing (horizontal iron bar fencing) surrounding the perimeter, with a hedge planted on its inside. This space also allows opportunities for larger tree species to be planted in a more formal arrangement. A swale is also proposed to run along the north-east boundary. This is a dry ditch that holds back some water at times of heavy rainfall, which has run off adjoining land, to prevent the surface water drains overloading.
- within the front gardens of proposed houses – more limited opportunities are available but where possible front hedgerows and iron railings are proposed. Open plan front gardens are proposed in the less formal areas of the site.

The proposed scheme would respect the sites existing landscape features and see the retention of the majority of the hedge around the north, west and south boundaries, the development of the newt corridor along the eastern boundary, the additional School Lane landscape planting and the internal planting scheme. This would successfully add natural landscaping to the development and would enhance the appearance of the development when viewed externally or from within the site itself.

Impact on the Setting of the Heritage Assets

The development does not propose any development involving the physical alteration of any heritage assets but the location of the development has the potential to have an impact upon the setting of two designated heritage assets: The Priory (recently upgraded to a Grade II* Listed Building) and the Wolston Priory Scheduled Ancient Monument (SAM).

The effect of development on the significance of the setting of heritage assets is a material consideration in determining a planning application and PPS5 advises Local Planning Authorities that they should require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. The applicant in this case has done so and has also amended this submission in light of the upgrading of the Priory to a Grade II* Listed Building.

Setting is defined in PPS5 as the surroundings in which a heritage asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The heritage assets identified in this

case (the Priory and the SAM) have settings and the potential impact upon the settings by the proposed development has been assessed.

The value of a heritage asset can be harmed or lost through alteration within or destruction of its setting. PPS5 states that the extent of a setting is not fixed and may change as the asset and its surroundings evolve. It is acknowledged that a setting may make a positive or negative contribution to the value of a cultural heritage asset, may affect the ability to appreciate that value or may be neutral.

Setting is most commonly framed with reference to visual considerations and so lines of sight to or from a heritage asset will play an important part in considerations of setting. However, non-visual considerations also apply, such as spatial associations and an understanding of the historic relationship between places.

Any assessment of significance of the settings should be assessed to a level of thoroughness proportionate to the relative importance of the assets the settings of which may be affected by development on the site. That has been undertaken in this case. The applicant was requested to produce an assessment of the significance of the heritage asset affected by this proposal. An assessment was originally submitted on behalf of the applicant by Nexus Heritage and this assessment has subsequently been amended to reflect the recent upgrading of the Priory's Listed Building designation.

Representations have been made on behalf of the owner of The Priory, regarding the potential impact of the development on the significance of this heritage asset. The Priory's owner contends that the proposed development would have a significant, overwhelming and detrimental impact on the setting of the listed building, and that such an impact would be irreversible.

Until recently this building was designated as a Grade II Listed Building, however, following a request from the owner, English Heritage have undertaken a reassessment of the building and redesignated it as Grade II* in January of this year primarily because of its architectural and historic interest, its interior, its chronological and its historic associations. The revised grading has the effect of elevating the importance of the building from one of special interest to a particularly important building of more than special interest. The Priory ostensibly dates back to the mid 16th Century but contains elements dating back to the late 14th and 15th Centuries. The property has been extended and altered over time.

The front elevation of the main listed building is around 70m away from the northern site boundary, which is on the opposite side of Priory Road.

The Priory is obscured from view by a belt of trees along the Priory Road frontage. The setting is therefore focussed on the immediate grounds and the wider expanses of landscape to the north. The proximity of the site to this building means that there would be some impact to the setting in that the approaches to the building would afford coincident sight of the proposed residential development and the entrance. However, this entrance is of no special architectural or historic merit and the building itself is completely screened from the proposed residential development by the belt of both coniferous and deciduous trees, though during winter the deciduous trees would be denuded of leaves and so there may be some glimpsed intervisibility. There is no physical connection which is apparent between the curtilage of The Priory and the adjoining application site.

A second designated Heritage Asset known as the Wolston Priory and Moated Site - a Scheduled Ancient Monument (SAM) – is located directly to the west of the Listed Building and to the north west of the site on the opposite side of Priory Road. As well as The Priory to the east the SAM site is surrounded by modern residential properties to the south and west, a field and railway embankment to the north. The residential estates have separated the monument from its former rural setting and its connection to the historic core of Wolston. It is no longer situated in a secluded rural area.

In order to minimise any limited impact further the closest part of the development layout to these two Heritage Assets is predominantly low rise with three bungalows and a 2 storey dwelling. Furthermore the tree screening will prevent direct visual links with the heritage assets.

The revised assessment of the potential impact on the settings of the heritage assets concludes that the impact to the immediate setting of The Priory caused by the proposed residential development would be negligible and the impact to the wider setting of the approaches, minor, given the existing residential development to the west. The revised assessment points out that the proposed development would not impact upon the historic and visual connection to the west towards Wolston Priory and Moated Site (SAM). The construction of the residential development would not sever, fragment or dislocate any of the readily available and relevant functional and associative visual and spatial connections between this asset and Wolston Priory and Moated Site.

It is acknowledged that visibility or otherwise of an asset and its setting, whilst important, is not the only measure of contextual and historic relationships, hence, the evidential, historic aesthetic and communal value of The Priory and its setting have also been taken into account. It is considered that the proposed development, despite its proximity, would not represent a material detrimental impact to these values. The revised assessment acknowledges that the proposed development would physically disturb the archaeological remains known to exist on the development site and whilst there is evidence of ponds and traces of ridge and furrow earthworks there is no evidence of buildings or structures related to the Priory or the monastic range. The revised assessment accepts that some functional association between the Priory and the land to the South would be lost but the ability to understand the architectural historic and associative relationship significance of the Priory would not be critically undermined by this loss. In general the report concludes that the proposed development would not have a harmful impact on the setting of the Priory.

At the time of preparing this report the comments of English Heritage on the proposal are still awaited, however, given the recent regrading of The Priory from a Grade II to a Grade II* Listed Building the Council has requested an independent assessment of the impact of the proposals on the setting of the Listed Building. This assessment concludes that the proposed development would not have such an adverse impact on the setting of the Listed Building to warrant refusing the application. The assessment acknowledges that the development will have an impact on the setting as the rural character of the site forms part of the wider setting of The Priory. However, longer views of the building are not easy to obtain given its setback into the site and the landscaping along the site boundary. Consequently the building is not particularly read in conjunction with the application site and therefore the impact on its setting is considered to be minor.

In light of the above considerations, it is considered that there would not be material adverse impacts upon the setting of either of these heritage assets due the proposed

development of the site. Hence, the significance of these heritage assets will not be lost nor materially harmed by the proposed development. It is considered that those elements of the setting that make a positive contribution to the significance of the asset will be preserved and the change proposed by the development will not adversely affect their settings.

Having regard to the section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 statutory test, the policy guidance set out in PPS5 and associated Practice Guide and the recent English Heritage guidance on the Setting of Heritage Assets, it is considered that the proposal will not cause any material adverse impact to the settings of the two identified designated heritage assets set out above. Further, the Nexus reports have also examined a number of non-designated heritage assets in the locality of the site and came to a similar conclusion.

Archaeology

An archaeological survey of the site including trial trenching has been carried out by Nexus Heritage on behalf of the applicants. The report concluded that the Iron Age and Early medieval features survive across the site. The County Councils Archaeology Section has assessed the survey and concluded that the surviving heritage assets should be protected by a condition which requires a programme of archaeological work to be agreed and then undertaken prior to commencement.

Given the limited impact on the setting of the Listed Building, the neighbouring SAM and the requirement to carry out the additional onsite archaeological works it is considered that the proposed development could be carried out without causing undue harm to the surrounding recognised heritage assets and would comply with the guidance contained within PPS5 Planning for the Historic Environment.

Flood Risk and Drainage

A flood risk assessment has been submitted as the site size exceeds the Environment Agency threshold of 1.0 ha. The assessment was assessed and considered acceptable subject to a condition which requires the submission of a sustainable surface water drainage scheme and the provision of the mitigation measures as set out in the report.

On the basis of the proposed mitigation works and the Environment Agency's comments, the proposal is considered to be acceptable and complies with National Planning Policy contained in PPS25.

Severn Trent have assessed the scheme and raised no objections subject to the implementation of a condition requiring drainage details.

Highways – Access and Layout/Parking Provision

The main access to the site is directly from School Street, in the south-west corner of the site, close to its junction with Coalpit Lane. A further vehicular access was originally proposed off Priory Road, but this has now been downgraded in later amended plans to a pedestrian access (with the ability to be used by emergency vehicles). Two further pedestrian accesses to the site are gained from School Street (leading to a bus stop) and onto Priory Road in the very northern part of the site.

Although the proposed development is accessed from School Street the proposals also include the provision of an emergency access from the western site boundary onto Priory Road (A426). A condition will be applied to ensure that this access cannot be used by vehicles except in an emergency situation (e.g. if the main access

was ever blocked by an accident) and that suitable gates/barriers are maintained in perpetuity.

In relation to car parking facilities, between 2 and 3 spaces per dwelling is proposed for most of the houses and between 1 and 2 spaces for the smaller houses and flats. Cycle parking for houses could be provided within rear gardens, where there is room for timber sheds to be provided. It is therefore considered that the proposed level of parking is acceptable and the development is acceptable in accordance with policy T5 and the Council's Interim Parking Standards.

The County Council's Highways Department has assessed the scheme and the Transport Assessment submitted in support of the application. No objections have been raised subject to the highways works being carried out in accordance with the submitted site plan. It is therefore considered that, with the mitigation measures proposed, the development would not unduly impact upon highways safety. It is therefore considered on the basis of the above that the highway design is in accordance with National Planning Guidance set out in PPG13: Transport.

Public Footpath

Warwickshire County Council's Rights of Way team have indicated that if the development is to be constructed as proposed the public footpath would have to be legally diverted to an alignment that can be accommodated through the development. The diversion order would need to be made by Rugby Borough Council as planning authority under the Town and Country Planning Act. The County Council has confirmed that there is no objection to the diversion in principle.

Provision of Affordable Housing

The size of the site means that it will need to incorporate 40% affordable housing onsite to satisfy CS19. However, as required by policy CS19, the applicant has submitted appropriate evidence which demonstrates that the financial viability of the scheme would be comprised if this were to form part of the scheme. This viability appraisal has been produced to an agreed model and has been thoroughly assessed by officers in the Council's Development Strategy Team. All queries raised in the assessment have been satisfactorily answered by the applicants and the appraisal makes it clear that the scheme is financially vulnerable. Given the level of abnormal costs associated with developing this site it is accepted that achieving the Council's targets in relation to affordable housing and sustainable construction would make this development unviable. In such situations national guidance is clear that the Council must work with the developer to achieve a reasonable compromise against these policy targets. This has been a consistent pattern on all major development sites in the Borough during the past two years and reflects the current economics of development.

Turning to local housing, the Rural Housing Enabler has recently finished a Housing Needs Survey for Wolston. This was produced in a format consistent with the requirements of the draft Housing Needs survey specifically to inform CS20: Local Housing Needs. This has now been approved by Housing Strategy and Development Strategy. It identifies a local housing need of 13 affordable units and 2 Local Occupancy units within Wolston which meet the local connection criteria as stated in paragraph 9.13 of the Core Strategy. The financial viability evidence provided by the applicant demonstrates that they can provide a housing mix which can satisfy the housing need as identified in the HNS. Although not an exact match for the tenure desired within the HNS it is considered that it will provide suitable housing stock to meet those needs identified without compromising the site.

As such it is considered that although the desired affordable and local housing requirements are not fully met through this proposal, the requirements of CS19 and CS20 have been met through the submission of the financial viability evidence. Notwithstanding this, to ensure full compliance with this policy, necessary local occupancy conditions will need to be placed on the specific units for the purposes of local housing provision. Following comments from Wolston Parish Council this condition has been specifically amended to ensure local Parish Councils are consulted as part of the marketing process thereby ensuring local involvement in the process. For the open market housing which will not be controlled by a RSL, the conditions must be worded to ensure that the viability of delivery of the scheme is not compromised.

It is therefore considered that the proposal as far as reasonably possible, complies with Policies CS19 and CS20 of the Core Strategy 2011.

Planning Contributions towards Community Facilities

A Heads of Terms, which sets out the level of planning contributions, has been drawn up. The following matters are covered:

DRAFT HEADS OF TERMS.

(1) AFFORDABLE HOUSING.

Affordable Rented Units – Provided by an RSL. – 13 Units.

6 no. 2-bed flats	Rent
1 no. 2-bed flat FOG	Rent
2 no. 2-bed HOUSES	Rent
2 no. 2-bed HOUSES	Shared Ownership
2 no. 2-bed bungalows	Shared Ownership

Market Dwellings – 2 Units.

1 no. 2-bed house Market Rent but subject to a local occupancy criteria (LOC) – This is on the basis that the property be marketed for 6 months with the LOC and if cannot be sold in that time period with the restriction it be reverted to open market sale.

1 no. 2-bed bungalow - Open Market but subject to a local occupancy criteria (LOC) - This is on the basis that the property be marketed for 6 months with the LOC and if cannot be sold in that time period with the restriction it be reverted to open market sale.

The mechanisms to ensure that the affordable rented units are retained as affordable units in perpetuity, will need to be set out in the S106 agreement.

(2) EDUCATION CONTRIBUTIONS.

A contribution towards the provision of additional educational facilities, generated by this development.

This could potentially be paid in 4 equal instalments – on completion of 20th, 40th, 60th and 80th dwelling – subject to the agreement of the service provider (Warwickshire CC).

(3) POS/PLAY FACILITIES.

A contribution towards the provision of additional POS enhancement/play facilities, to be located within the village of Wolston. Dyers Lane playing fields has been identified as a potential location for these facilities along with land adjacent to Wolston Leisure Centre as an alternative.

Before a final decision is made the Parish Council should be consulted in conjunction with the Borough Council's Public Realm Team to ascertain the most appropriate facilities/location.

If the central open space area is to be transferred over to the Parish Council or the Borough Council, then a financial contribution towards the costs of the future maintenance of this POS will need to be agreed and provided.

(4) MANAGEMENT COMPANY.

The s106 agreement will require the setting up of a management company to manage the following areas to an appropriately defined standard:

- The boundary hedgerow along the School Street and Priory Road site frontages
- The pond and wetland area in the north-east portion of the site
- All parking courts and shared private driveways
- The newt corridor (including landscaping strip) running alongside the eastern site boundary
- The newly created newt reserve located on the south side of School Street
- The swale sited at the top of the on site public open space

(5) TRAVEL/WELCOME PACKS.

In line with WCC Highways requirements.

The applicant has agreed to pay/make the level of contributions requested by the Borough Council. They are also considered to meet the tests of necessity, relationship to the development, and being fair and reasonable in scale and kind to the development, as set out in the CIL Regulations.

The proposal is therefore considered to comply with guidance set out in the draft Planning Obligations SPD and national Planning Guidance set out in the Community Infrastructure Levy (CIL) Regulations (2010) and Circular 05/2005.

Conclusion

For the reasons outlined above it is considered that the principle of the development of the site is acceptable and that the submitted scheme would avoid undue harm to the character of the area and the amenities of the occupiers of adjacent dwellings or highways safety. The information that has accompanied the application satisfied the local authority that it could be carried out without undue harm to the setting and historic value of surrounding heritage assets, the openness and character of the Green Belt as well as the sites biodiversity or archaeological potential. It is therefore considered that the proposal complies with Policies CS1, CS2, CS5, CS10, CS11, CS 14, CS16, CS17 CS19, CS20 of the Rugby Borough Local Development Framework – Core Strategy (2011), Saved Rugby Borough Local Plan Policies H12, GP2, E6, T5 and LR1, strategic policies CF5, QE1, QE3, QE5, QE6 and QE7 contained in the West Midlands Regional Spatial Strategy, as well as the National

policies and guidance contained within PPS1, PPG2, PPS3, PPS5 and the associated Practice Guide, PPS9, PPG13, PPG24 & PPS25.

Recommendation

Approve, subject to the applicant first entering into a Section 106 legal agreement and the following conditions and informatives.

DRAFT DECISION

APPLICATION NUMBER

R10/1131

DATE VALID

01/06/2010

ADDRESS OF DEVELOPMENT

LAND OFF PRIORY ROAD & SCHOOL STREET
WOLSTON

APPLICANT/AGENT

MR D PRATT

J S BLOOR
(TAMWORTH) LIMITED
WARWICKSHIRE
7 CALICO BUSINESS
PARK
SANDY WAY
AMINGTON
TAMWORTH
B77 4DS

APPLICATION DESCRIPTION

Residential development comprising 92 houses, including public open space within the site, garaging, newt reserve and associated infrastructure.

CONDITIONS, REASONS, INFORMATIVES & RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

- House Type - 2B4P & 2B4P_SP - Plan No. 2B4P/01 A
- House Type - 2 Bedroom Apartments - Plan No. 06.9303_01 A
- House Type - 2255_SP (Fairburn_SP) - Plan No. 2255_SP/01 A
- House Type - 3250 (Bampton) - Plan No. 3250/01 B
- House Type - 3254 (Arden) - Plan No. 3254/01 B
- House Type - 3257 (Tadley) - Plan No. 3257/01 A
- House Type - 4250 (Queensbury) - Plan No. 4250/01 A
- House Type - 4252 (Hanbury) - Plan No. 4252/01 B
- House Type - 4256 (Sommerby) - Plan No. 4256/01 A

House Type - 4260 (Didbrook) - Plan No. 4260/01 A
House Type - 3350 (Oxbridge) - Plan No. 3350/01_PL76 A
House Type - 3350 (Oxbridge) - Plan No. 3350/01 C
House Type - 2BB (2 Bed Bungalow LOC) - Plan No. 2BB/02 A
House Type - 2BB (2 Bed Bungalow) - Plan No. 2BB/01 A
House Type - 2250 & 2250_SP (Radleigh & Radleigh_SP) - Plan No. 2250/2250_SP/01
House Type - 3252 (Sedgeley) - Plan No. 3252/01
House Type - 3253 (Langley) - Plan No. 3253/01
House Type - 4251 (Dursley) - Plan No. 4251/01
House Type - 4253 (Fenwick) - Plan No. 4253/01 A
House Type - 4255 (Shenstone) - Plan No. 4255/01 A
House Type - 4256_SP (Somerby_SP) - Plan No. 4256/01
House Type - 4262 (Hamilton) - Plan No. 4262/01
House Type - 2254 (Marford LOC) - Plan No. Mar-01
House Type - 2 BED 4 PERSON - Plan No. 2B4P/01 A
House Type - 3254 (Arden) - Plan No. 3254/02
House Type - 4255 (Shenstone) - Plan No. 2B4P/02

Site Layout - Plan No. WOLSTON_01 V
External Works - Plan No. WOLSTON_EX_01
Detailed Soft Layout - Plan No. JBA 10/01-01 F Proposals 1 of 3
Detailed Soft Layout - Plan No. JBA 10/01-02 F Proposals 2 of 3
Detailed Soft Layout - Plan No. JBA 10/01-03 F Proposals 3 of 3
Wolston Survey
A3_Red-bound Location Plan (revised)
Garages GAR_WOL_01
Street Elevations - Sheet 1 - Plan No. STREET_WOL_01 D
Street Elevations - Sheet 2 - Plan No. STREET_WOL_02 A
Street Elevations - Sheet 3 - Plan No. STREET_WOL_03
Bin Store / Bin Holding Detail - Plan No. WOLSTON _B/S_01

REASON:

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

CONDITION 3:

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

REASON:

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

CONDITION 4:

Notwithstanding any indication given on the approved drawings, full details of the design, materials and finishes of all windows, including the reveal depths [as well as the type and size of the proposed rooflights,] and external doors shall be submitted to and approved in writing by the Local Planning Authority before any development commences. Development shall not be carried out other than in accordance with the approved details and the approved design, materials and finishes shall not thereafter

be maintained or replaced other than with identical materials and finishes without the prior written permission of the Local Planning Authority.

REASON:

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

CONDITION 5:

No development shall commence unless and until details of all proposed walls, fences, railings and gates have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details which should be completed prior to the occupation of the first dwelling. The details shall be retained in perpetuity thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION 6:

The hard and soft landscaping scheme, as detailed on the approved plans, shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON:

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

CONDITION 7:

No development shall take place until an Environment Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:

- a) An appropriate scale plan showing the Environment Protection Zones where any construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed;
- d) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of Environment Protection Zones to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the planning authority.

REASON:

To protect features of recognised nature conservation including great crested newts and their habitats in accordance with the Habitat Directive (as amended) and Wildlife and Countryside Act (as amended) following guidance within PPS9 and emerging LDF Policies.

CONDITION 8:

No development shall take place until full details of a habitat creation/restoration scheme have been submitted to and approved in writing by the planning authority. The works shall be carried out in complete accordance with the approved scheme. The details should include:

- i) Purpose, aims and objectives for the scheme;
- ii) A review of the site's ecological potential and any constraints;
- iii) Description of target habitats and range of species appropriate to the site;
- iv) Selection of appropriate strategies for creating/restoring target habitats or introducing/encouraging target species;
- v) Selection of specific techniques and practices for establishing vegetation;
- vi) Sources of habitat materials (e.g. plant stock) or species individuals;
- vii) Method statement for site preparation and establishment of target features;
- viii) Extent and location of proposed works;
- ix) Aftercare and long term management;
- x) The personnel responsible for the work;
- xi) Timing of works;
- xii) Monitoring;
- xiii) Disposal of wastes arising from the works.

All habitat creation works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the planning authority. The works shall be carried out in accordance with the programme agreed with the planning authority.

REASON:

To protect features of recognised nature conservation including great crested newts and their habitats in accordance with the Habitat Directive (as amended) and Wildlife and Countryside Act (as amended) following guidance within PPS9 and emerging LDF Policies

CONDITION 9:

A habitat management plan shall be submitted to and approved in writing by the planning authority prior to the occupation of the development for all the area identified in Condition 8;

The plan shall include:

- i) Description and evaluation of the features to be managed;
- ii) Ecological trends and / or constraints on site that may influence management;
- iii) Aims and objectives of management;
- iv) Appropriate management options for achieving aims and objectives;
- v) Prescriptions for management actions;
- vi) Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually;
- vii) Personnel responsible for the implementation of the plan;
- viii) Monitoring and remedial/contingencies measures triggered by monitoring.

The plans shall be carried out as approved, unless otherwise approved in writing by the planning authority.

REASON:

To protect features of recognised nature conservation including great crested newts and their habitats in accordance with the Habitat Directive (as amended) and Wildlife and Countryside Act (as amended) following guidance within PPS9 and emerging LDF Policies.

CONDITION 10:

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submission shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

As detailed in Flood Risk Assessment, reference: 10031, carried out by Banners Gate, dated 21 June 2011;The scheme shall also include;

- surface water discharge from the site restricted to a max flow of 15.0 litres per second as agreed with STW
- provision of surface water storage on site for all flow from the 100 year storm 30% Climate change
- overland flow routes for greater storms

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

CONDITION 11:

The highways infrastructure works shall be constructed in accordance with Site Plan - Site Layout - Plan No. WOLSTON_01 - Rev V unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of highways safety.

CONDITION 12:

No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON:

To ensure the preservation of important archaeological remains and that any archaeological history of the site is recorded.

CONDITION 13:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A,B,C,D,E and G of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION 14:

Other than those detailed on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no wall, fence, gate or other means of enclosure shall be erected, constructed or placed in front of the dwellings without the prior written permission of the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION 15:

The accommodation for car parking and the loading and unloading of vehicles, shown on the approved plan - Site Layout - Plan No. WOLSTON_01 V and Garages GAR_WOL_01 and shall be provided before the occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles of persons working in or calling at the premises and shall not be used for any other purpose.

REASON:

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

CONDITION 16:

Unless otherwise agreed in writing with the Local Planning Authority, no development shall commence on site until the monitoring and remediation works set out in the Wardell Armstrong Desk Study and Site Investigation Report dated May 2010 and the email from Lindsey Geddes dated 07/12/11 outlining additional gas monitoring have been carried out and the results and assessment report submitted to and approved in writing by the Local Planning Authority.

REASON:

In the interests of Health and Safety.

CONDITION 17:

No development shall commence until a scheme for insulating the the walls of habitable rooms of properties within plots which directly abut School Street, from road and traffic noise, shall be submitted to and approved in writing by the Local Planning Authority. All works that form part of the scheme shall be completed before any part of the development is first occupied.

REASON:

In the interests of preserving the amenities of future residents.

CONDITION 18:

The Local Occupancy dwellings shall only be occupied by an "approved person". In this condition, an approved person shall be deemed to a person who has immediately prior to such occupation:

- i) Has resided within the Parish of Wolston or adjoining Parish for five years or more within the last 20 years;
- ii) Is required to live close to another person who satisfies the above criteria and is in essential need of frequent attention and/or care due to age, ill health and /or infirmity;
- iii) Has essential functional need to live close to his or her work in the Parish of Wolston or adjoining Parish.

In this condition the definition of adjoining Parish shall be to comprise as being solely the Parishes of: Brandon and Bretford, Ryton on Dunsmore, Stretton on Dunsmore and Church Lawford.

In the event that, upon any subsequent change in either the tenant of the market rental dwelling or the sale or the resale of the open market dwelling, the property has been marketed for a period of 6 months and no approved person, as defined above, has expressed interest in the property, the owner may continue to market the affected property to any purchaser irrespective of whether they are an approved person. As part of any marketing exercise on either property the Parish Councils of Wolston, Brandon and Bretford, Ryton on Dunsmore, Stretton on Dunsmore and Church Lawford must be notified in writing of the availability of the respective property within 2 months of the commencement of the 6 month marketing period. Full details of the marketing of the property, including evidence of consultations being undertaken with the named Parish Councils, shall be submitted to and approved by the Local Planning Authority before the property is advertised without restriction on the open market.

REASON:

In order to ensure that the two dwellings continue to, as far as is reasonably possible, meet the Local Occupancy need identified within the Wolston Housing Needs Survey 2011.

CONDITION 19:

The window to be formed in the 1st floor window in the south east facing elevation of plot 87 shall not be glazed or re-glazed other than with obscure glass and the parts of the window that can be opened shall be more than 1.7 metres above the floor level of the room in which it is situated. No other openings shall be formed within the dwelling without the prior written consent of the Local Planning Authority.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION 20:

No works or development shall take place until a scheme for the protection of the retained trees and hedges (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include;

a, a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree and hedgerow on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars.

b, the details and positions of the Tree Protection Barriers (section 9.2 of BS5837). No works shall take place until the Tree Protection Barriers are repositioned for that phase.

REASON:

To ensure that the existing landscape features are protected and enhanced.

CONDITION 21:

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

REASON:

In the interests of fire safety.

CONDITION 22:

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

REASON:

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

CONDITION 23:

The Great Crested Newt mitigation strategy as detailed in FPCR reports dated May 2010 and October 2010 and landscape drawings Detailed Soft Layout - Plan No. JBA 10/01-01 F Proposals 1 of 3, Detailed Soft Layout - Plan No. JBA 10/01-02 F Proposals 2 of 3 and Detailed Soft Layout - Plan No. JBA 10/01-03 F Proposals 3 of 3 shall be fully implemented in complete accordance with the recommendations made in the reports unless otherwise agreed with the Local Planning Authority.

REASON;

To protect features of recognised nature conservation including great crested newts and their habitats in accordance with the Habitat Directive (as amended) and Wildlife and Countryside Act (as amended) following guidance within PPS9 and emerging LDF Policies.

CONDITION 24:

Prior to the commencement of the development a full noise assessment and mitigation measures relating to any Piling Activities compliant with BS5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites shall be submitted and approved in writing with the Local Planning Authority. The onsite activities shall be carried out in accordance with the approved noise assessment and mitigation methods thereafter.

REASON:

In the interests of preserving the amenities of surrounding residents

CONDITION 25:

Prior to the occupation of the first unit, the emergency access bollards shall have been installed following the written approval of their details from the Local Planning Authority. The bollards shall be maintained and retained in perpetuity. The access shall, at no time, be used by anything other than emergency vehicles other than in an emergency.

REASON:

In the interests of highways safety and emergency access.

REASON FOR APPROVAL:

For the reasons outlined above it is considered that the principle of the development of the site is acceptable and that the submitted scheme would avoid undue harm to the character of the area and the amenities of the occupiers of adjacent dwellings or would materially harm highways safety. The information that has accompanied the application satisfied the local authority that it could be carried out without undue harm to the setting and historic value of surrounding heritage assets, the openness and character of the Green Belt, the sites biodiversity or archaeological potential. It is therefore considered that the proposal complies with Policies CS1, CS2, CS5, CS10, CS11, CS 14, CS16, CS17 CS19, CS20 of the Rugby Borough Local Development Framework – Core Strategy (2011), Saved Rugby Borough Local Plan Policies H12, GP2, E6, LR1 and T5 and the related Supplementary Guidance Documents as well as strategic policies CF5, QE1, QE3, QE5, QE6 and QE7 contained in the West Midlands Regional Spatial Strategy and the National guidance contained within PPS1, PPG2, PPS3, PPS5 and associated Practice Guide, PPS9, PPG13, PPG24 & PPS25.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Local Development Framework – Core Strategy (2011).

CS1	Complies	Development Strategy
CS2	Complies	Parish Plans
CS5	Complies	Growth Delivery
CS10	Complies	Developer Contributions
CS11	Complies	Transport and New Development
CS14	Complies	Enhancing the Strategic Green Infrastructure Network
CS16	Complies	Sustainable Design & Construction
CS17	Complies	Reducing Carbon Emissions
CS19	Complies	Affordable Housing
CS20	Complies	Local Needs Housing

Saved Rugby Borough Local Plan Policies (Post Core Strategy Adoption) – June 2011

H12	Complies	Open space provision in residential development in the rural area
GP2	Complies	Landscaping
E6	Complies	Biodiversity
LR1	Complies	Open Space Standards
T5	Complies	Parking Facilities

Deleted Local Plan Policies (Post Core Strategy Adoption) – June 2011 – Provided for information.

S1	Urban Development Priorities
S3	Rural Settlement Hierarchy
S4	Windfall Developments
H5	Safeguarded Housing Land

RBC Supplementary Planning Documents.
 draft Planning Obligations SPD (August 2011)
 draft Housing Needs SPD (June 2011)
 draft Sustainable Design & Construction SPD (June 2011)
 adopted Planning Obligations SPD 2007
 adopted Affordable Housing SPD 2009

adopted Sustainable Design and Construction SPD 2009

Strategic policies CF5, QE1, QE3, QE5, QE6 and QE7 of the West Midlands Regional Spatial Strategy

National Planning Guidance.

PPS1	Creating Sustainable Communities
PPG 2	Green Belts
PPS3	Housing
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG24	Planning and Noise
PPS25	Development and Flood Risk

PPS5: Historic Environment Planning Practice Guide

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

INFORMATIVE 1:

Bats - Bats can be found in trees, even those that initially appear to be unsuitable. Therefore, it is recommended that further surveys are carried out by an experienced bat worker prior to any works affect trees impacted upon during this development . If any evidence of bats is found, work should stop while a further bat surveys are carried out, and any recommendations made from those surveys are undertaken. Bats and their roost sites are protected under the Wildlife and Countryside Act and the Countryside (1981, as amended) and Rights of Way Act (2000), and are also deemed a European Protected Species offered protection under the Habitat Regulation (as amended).

INFORMATIVE 2:

Condition Number 11 requires that the estate roads including footways, cycleways, verges and footpaths are designed and laid out in accordance with the principles set out in Transport and Roads for Development: The Warwickshire Guide and constructed in accordance with the Highway Authority's standard specification. The applicant / developer is advised that they should enter into a Highways Works Agreement with the Highways Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads. The approval of the plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980. An application to enter into a Section 38 Highways works agreement should be made to the development group, Warwickshire County Council, Environment and Economy Directorate, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE 3

In accordance: with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the [applicant{s}/ developer{s}] must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

INFORMATIVE 4:

The applicant / developer is required to contribute £50 per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area. This should be secured via a Section 106 Agreement.

INFORMATIVE 5:

The applicants attention is drawn to the need to receive a Great Crested Newt Licence from Natural England before the development commences.

INFORMATIVE 6:

The applicants attention is drawn to the need to receive consent from Warwickshire County Council to divert the footpath.

INFORMATIVE 7:

This application is subject to a Section 106 legal agreement.

Reference number: R10/1272

Site address: Rugby Gateway, West of Leicester Road, Rugby

Description: Outline application for residential development (up to 1300 units); employment development (up to 36ha in total, B2 – General Industrial & B8 – Storage & Distribution); community facilities (D1 – Non-residential Institutions) including primary school, nursery and health facility, retail premises (A1 – Retail, A3 – Food & Drink, A4 – Drinking Establishments & A5 - Hot Food Takeaway); open space; associated infrastructure and works including details of access into site (including alterations to highway and existing roundabouts). Demolition of existing buildings.

Case Officer Name & Number: Karen McCulloch, 01788 533623 & Richard Holt, 01788 533687.

Description of site

This application relates to the Rugby Gateway site which is located to the west of Leicester Road. The M6 motorway is to the north of the site and Brownsover Hall and Brownsover Lane are to the south. Swift Valley Industrial Estate is to the west and the Swift Valley Local Wildlife Site and agricultural land are immediately adjacent to the western boundary.

Brownsover Hall is a Grade 2* Listed Building and other buildings within the grounds of this property are also Grade 2 Listed. These buildings are within the Old Brownsover Conservation Area which is to the south of the site.

The site mostly comprises agricultural land and also includes woodland areas and mature trees and hedgerows. There is a mature hedgerow on the Leicester Road frontage.

The only buildings contained within the application site boundary are the farmhouse and associated agricultural buildings at Lower Lodge Farm. This is located in the centre of the site and is accessed from Leicester Road along a private track.

The existing cottages on Leicester Road, Keepers Cottage and Home Farm Cottage are outside of the application site.

There is currently a bridleway that runs north to south along the western edge of the site, including an element within the site. There is also a public footpath which runs east to west in the northern part of the site.

The ground levels change considerably across the site with the highest land being to the east, adjacent to Leicester Road, and the lower ground being at the west.

Description of proposals

This application is for the development of the site with a range of uses. These include residential, up to 1300 dwellings, and employment uses, within use classes B2, general industrial and B8 storage and distribution. The proposals also include a local centre that could include community facilities such as a primary school, health facility, nursery and retail premises.

Due to the size of the site and development proposed the application was accompanied by an Environmental Statement.

This application is in outline form and the only matters to be considered at this stage are whether the principle of the proposed development and access into the site from the A426, Leicester Road are acceptable. If this application is approved Reserved Matters submissions will be required for each part of the development to consider the layout, scale, appearance, access and landscaping.

The vehicular access into the site is to be from 2 points, the Brownsover Road roundabout at the south and the Central Park roundabout to the north. Alterations will be made to these roundabouts to accommodate the new junctions.

Areas of open space, including play areas, allotments and sports pitches will also be included within the site. Existing woodland areas and hedgerows will be retained where possible and links to existing Rights of Way and Swift Valley Nature Reserve will be created.

A Masterplan has been submitted with the application which demonstrates how the site could be developed. This shows residential development in the central and southern areas of the site with the employment development to the north, adjacent to the M6. A central spine road will be provided linking the 2 roundabouts. This will connect to the local centre and a bus route through the site is proposed.

Other relevant planning applications

This is one of four applications relating to the Gateway site that were submitted in 2010. The other applications were full applications and included land which is within the outline application site.

R10/1281 Phase R1 – Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.

The Council resolved to approve this application, subject to a s106 legal agreement on 23rd February 2011. This agreement has now been completed and planning permission was granted on 16th January 2012.

R10/1298 Temporary stockpiling of material generated by earthworks associated with the development of phases R1 and R2 of Rugby Gateway.
Approved 17/08/2011

The other application under consideration is:

R10/1286 Phase R2 - Erection of 219 dwellings with associated open space, infrastructure and ancillary works.

Third party comments

Neighbours (1) Objection

- Traffic noise currently causes disturbance to residents the situation will deteriorate further if plans are passed.
- Traffic figures are out of date and there has been a lot of recent development.
- ES refers to construction traffic but not traffic when development completed, this will have a great impact in terms of noise and pollution.
- Traffic noise readings were taken on Coton Park Drive; they should have been taken nearer to the A426.
- Speed limit has increased to 60mph, this has increased noise and will not be accounted for in assessments.

Third party (1) Comments

- Safe cycle route should be provided between Rugby and Magna Park.
- Development will increase traffic which will increase danger for cyclists.
- S106 money could contribute towards this route.

Churchover Parish Council Objection

- Consider application should be referred to Government Office
- Consider timeframe to comment was insufficient.
- Have objected to Core Strategy which prioritises Greenfield land over Brownfield, this is contrary to national guidance.
- Abolition of housing targets has undermined the basis of the Core Strategy.
- Principle of proposed development is contrary to development plan policies and the Core Strategy will not be adopted before the application is determined – application should be refused on basis of prematurity.
- Consultation carried out by developers was inadequate.
- Environmental Statement should assess impact of possible windfarm.
- Photographs within Visual Assessment appear to have been taken with a wide angle lense and chosen to minimise the impact of the development.
- Do not consider impact could be considered moderate, large buildings will obscure view of the whole area adjacent to the M6. Landscape plans proposed will not mitigate for this impact.
- Swift Valley district park will be adversely affected by the built development.
- Traffic assessment does not consider issues affecting Churchover residents. This includes vehicles travelling north of the M6 increasing the already dangerous situation at the Churchover and Coton House junctions, traffic using the area if there are emergencies on the motorways and traffic from DIRFT using M6 J1 to turn round to access to A14, this will continue and increase as DIRFT expands and if road improvements are not carried out.
- Capacity analysis shows A426 will have capacity issues, development will add to this.
- Cycleway or bus provision should be included to link Churchover with Rugby.
- No details of earthworks to the north of the site, or how mounds will be kept weed free have been provided.

Technical consultation responses

Government Office	No comment	
Health & Safety Executive	No comment	
Central Networks	No objection	There is equipment within and close to the site
English Heritage	Comments	Impact on Scheduled Ancient Monument at Cosford has not been assessed
WCC Rights of Way	Objection	Require diversion and upgrading of existing routes to improve links to the wider area, underpass under Leicester Road should be utilised, request funding to allow improvements to rights of way.

Environmental Health	No objection	Subject to conditions, lighting consultant should assess proposals.
Tree Officer	No objection	Subject to conditions
Highways Agency	No objection	Subject to condition/s106
Warwickshire Police	No objection	Development should meet Secured by Design Standards, may seek s106 contributions.
British Waterways	Comments	Contribution should be paid to maintain landscaping and SUDS
Warwickshire Wildlife Trust	Objection	Measures should be included in s106 to protect Swift Valley Local Wildlife Site and skylarks
Warwickshire Ecology	No objection	Subject to conditions/s106
Natural England	No objection	Subject to conditions/s106
Natural England (Soils)	Comments	Subject to condition/informatives
Environment Agency	No objection	Subject to conditions
Severn Trent	No objection	Subject to condition
Warwickshire CC	Comments	Request contributions towards libraries & education, design should encourage community use, should provide job opportunities for local people.
WCC Archaeology	No objection	Subject to conditions
WCC Highways	No objection	Subject to conditions/s106/informatives
Warwickshire Fire Service	Comments	Fire hydrants should be provided
Sustainability Officer	Comments	Buildings should be built to higher sustainability standards than Building Regulations, could have higher energy efficiency on social housing or have pilot project high efficiency units, should include renewable energy equipment to reduce carbon emissions by at least 10%, renewable energy should be required for residential properties, community facilities and the school, should consider funding for off site renewable energy, buildings should be orientated to take advantage of sunlight.
Community Development Officer	Comments	Community facilities and school should be available for work with young people, funding should be secured for youth workers and to support volunteers, Leicester Road prevents access to nearby areas, speed limit should be reduced and a bridge constructed, sports pitches are too close to main road, housing is proposed between community facilities and pitches, play

areas are too close to houses, is there a need for an additional community hall and healthcare facility.

Relevant planning policies and guidance

Rugby Borough Local Plan 2006 – Saved Policies

GP2	Complies	Landscaping
E6	Complies	Biodiversity
E17	Complies	Development affecting parks & gardens & other aspects of the historic landscape
T5	Complies	Parking facilities
H11	Complies	Open space provision in residential developments in the urban area
H12	Complies	Open space provision in residential developments in the rural area
LR1	Complies	Open space standards
LR3	Complies	Quality and accessibility of open space

Rugby Borough Council Core Strategy, 2011

CS3	Complies	Rugby Gateway Sustainable Urban Extension
CS10	Complies	Developer Contributions
CS11	Complies	Transport and New Development
CS12	Complies	Strategic Transport Improvements
CS13	Complies	Local Services and Community Facilities
CS15	Complies	Green Infrastructure Allocations
CS16	Complies	Sustainable Design
CS17	Complies	Reducing Carbon Emissions
CS18	Complies	Portfolio of Employment Land
CS19	Complies	Affordable Housing

Interim Parking Standards Guidance Note – May 2011

Affordable Housing Supplementary Planning Document – June 2009

Sustainable Design and Construction Supplementary Planning Document – June 2009

Planning Obligations Supplementary Planning Document – June 2007

PPS1: Delivering Sustainable Development

PPG2: Green Belts

PPS3: Housing

PPS4: Planning for Sustainable Economic Growth

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG17: Planning for Open Space, Sport and Recreation

PPS22: Renewable Energy

PPS23: Planning and Pollution Control

PPG24: Planning and Noise

PPS25: Development and Flood Risk

Draft National Planning Policy Framework, July 2011

Assessment of proposals

As this is an outline application it seeks to establish whether the principle of the proposed development is acceptable. If this application is approved Reserved Matters submissions would be required for each part of the development to consider the detailed design, layout etc.

Principle of development

The first issue to consider in relation to this application is whether the principle of the development proposed is acceptable in this location.

Policy CS3 of the adopted Core Strategy allocates this Rugby Gateway site as a Sustainable Urban Extension and states that the development should include:

- 1300 homes,
- 36 hectares of employment land (B2 and B8 use),
- At least 1 primary school,
- At least 1 local centre,
- Public transport links with the station and town centre,
- Cycle networks linking residential areas with on site facilities,
- Measures to mitigate transport impact,
- Sustainable waste management facilities if appropriate,
- An assessment of energy requirements and measures to minimise energy use and include renewable energy,
- Health care facilities, if required by the Primary Care Trust and
- Green Infrastructure network.

The application is for up to 1300 homes, up to 36 hectares of employment land and also includes community facilities and a primary school. In addition, the application includes D1 – non-residential institution uses which would allow healthcare facilities to be provided if required.

It is considered that this is in accordance with the land use requirements of policy CS3 and the principle of the proposed development is acceptable.

The other requirements detailed above are considered later in this report.

Core Strategy policy CS13 relates to local services and community facilities and states that on the sustainable urban extensions these should create a focus for the new community and should be at a walkable distance. The proposals include a local centre, which will include a school and other local facilities and this is shown in a central location within the site. This is considered acceptable in accordance with this policy.

Policy CS18 also states that 36 hectares of employment land for B2 and B8 uses will be provided at the site. The proposals are in accordance with this policy.

Since the submission of this application, the draft National Planning Policy Framework (NPPF) has been published. However, it is considered that the NPPF makes no substantive changes to the policies and guidance that are determinative in this application and the proposal would not be contrary to the general achievements of the NPPF, which places a strong emphasis on sustainable growth.

Regional Spatial Strategy & Warwickshire Structure Plan

On 15th November 2011 the Localism Act 2011 received Royal Assent. This is the first stage in the abolition of the Regional Spatial Strategies outside London and saved County Structure Plan policies. Once the Secretary of State and Parliament have considered the outcome of environmental assessments associated with this process the second stage can be completed. Until this time it has been held by case law that the Government's intention to abolish Regional Spatial Strategies is capable

of being a material consideration although it is for the decision maker, the Local Planning Authority in this case, to apportion the level of weight accordingly.

In June 2011 the Rugby Borough Core Strategy was adopted and details the future development of the Borough up to 2026 including the Rugby Gateway site. This document provides up to date locally specific policies giving a clear direction of the Borough's intended growth and carries significantly more weight than the saved policies of the County Structure Plan and the Regional Spatial Strategies that are scheduled to be abolished.

Visual amenity and design

In relation to the impact on visual amenity it is accepted that the development would have a significant impact on the visual amenity of the area and would be particularly prominent from the M6 motorway due to the sloping nature of the site.

The Environmental Statement included a Landscape and Visual Assessment to assess the impacts of the proposed development. This identified 3 areas where the proposals would have a significant and adverse impact. These are defined as undulating farmland (including within the site), Swift Valley and parkland fringe areas within the site. These locations are the most affected as they are within the site itself or immediately adjacent to it.

In addition the development will be visible from areas which are themselves highly urbanised, such as Swift Valley Industrial Estate, which is characterised by large industrial style units and from the M6 motorway.

The topography of the site and the levels changes reduce the impact from other areas surrounding the site, such as the areas to the north and east. However, distant views of the site are afforded from the surrounding area, including areas within the Green Belt. However these are distant views and the site is seen in conjunction with the M6 and the existing urban area. Therefore the visual amenity of the Green Belt will not be injured by the proposals and this is in accordance with guidance contained within PPG2.

The Illustrative Masterplan also includes measures to reduce the impact on visual amenity, such as the retention of existing hedgerows, trees and wooded areas and the introduction of landscaped bands and areas of open space. In addition the Masterplan shows open space areas and allotments along the Leicester Road frontage which will reduce the impact.

In assessing the visual impact of the proposed development the Inspector's Report on the Core Strategy states:

"There is no doubt that the impact on the landscape from built development will be noticeable from the west, especially around the Swift Valley, Cosford, and the M6. However, the landscape principles for the site's development have been carefully thought through and assessed, with development separated into discrete areas surrounded by substantial new planting. The impact of built development in wider views has been reasonably mitigated, but it is a fact that development here cannot be entirely hidden from view."

It is accepted that any development of the size proposed would have an impact on the character of the area and visual amenity. As detailed above the topography of the site, urbanised surroundings and the proposal to retain and enhance the on-site landscaping will reduce this effect.

It is therefore considered that the visual impact of the proposals is, on balance, acceptable.

As this is an outline application the detailed design of the proposals cannot be assessed at this stage. Notwithstanding this a Design and Access Statement has been submitted which refers to the existing site and characteristics of the surrounding area.

This explains that the Masterplan has been designed to allow existing hedgerows and wooded areas to be retained and to allow the topography of the site to be utilised without requiring significant changes in ground levels. This includes employment buildings to the north of the site, adjacent to the M6, utilising the flatter parts of the site.

It also states that a range of building styles will be used throughout the site. The buildings to be used in the Local Centre will be designed to form a collective group, which may be a different form and style to other buildings within the site but will be complementary to the surrounding residential areas.

The residential areas will include a range of styles ranging from more formal areas on the main spine road to informal lanes and mews adjacent to open space areas. These will include a range of materials including brick, render and cladding.

The buildings to be constructed in the community hub will include a primary school and may include healthcare facilities and retail buildings. The general design of these buildings is not known at this stage although it has been indicated that these are likely to be more contemporary and will closely relate to adjacent properties.

The employment buildings will be more functional than those on other parts of the site. However, elements such as entrances and office areas will be designed to break up the large buildings and to add interest to the elevations.

The Design and Access statement includes upper and lower building heights and states that employment buildings will be up to 20m high. Whilst this may be appropriate on parts of the site there are concerns that tall buildings would have an adverse impact on visual amenity if these are proposed in the north east corner of the site adjacent to the M1 junction. The detailed design of buildings will be considered in relation to the Reserved Matters submissions, however, an informative advising the applicants of the Council's concern regarding tall buildings in this location is considered appropriate.

It is considered that buildings could be designed that would not have an adverse impact on the character of the area and this matter would be considered in detail in the Reserved Matters submissions. The proposals therefore comply with the relevant part of policy CS16.

The area is currently undeveloped and it is therefore inevitable that the proposed development will increase the levels of lighting both within the site and visible from the wider area. This will arise from temporary lighting during construction and in the longer term from street lighting etc and lighting to proposed buildings. The Environmental Statement includes an assessment of the lighting impacts.

The Environmental Statement concludes that the development will change the external lit environment in the vicinity of the site. Lighting will also have an impact on the nearby Conservation Area and Listed Buildings. The Environmental Statement

goes on to state that the impacts will be minimised through the use of appropriate lighting designs and, in places, the screening of light sources by buildings. Areas of landscaping are also proposed which will also reduce the impact of the proposed lighting. The Environmental Statement also comments that the proposed lighting has the potential to impact on bat populations. To mitigate against this impact a dark corridor is to be retained on the western boundary of the site, close to Swift Valley Local Wildlife Site.

The lighting information has been reviewed by an independent lighting consultant who commented that the assessment overall is valid. Some points were made regarding specific technical issues within the report and additional information has been provided to address these. The lighting consultant has confirmed this is acceptable. Although the proposed development will increase the lighting within the vicinity of the site it is not considered that this impact is so significant as to warrant a recommendation of refusal. Detailed lighting schemes for each phase of the development could be controlled by condition.

Listed Buildings at Brownsover Hall and Brownsover Conservation Area are located to the south of the site. An area of woodland and existing parkland are to be retained between the residential area and the site boundary and this will reduce the impact of the development.

English Heritage raised concern that the impact on the Scheduled Ancient Monument, Cosford shrunken village had not been assessed. There is also a Grade 2 Listed Barn at Grange Farm, Cosford. The proposed development will be around 400m from these heritage assets and a landscaped buffer will remain between these and the site. An open space area is also proposed on the western boundary of the site and this will further reduce the impact. These assets are also affected to some extent by the M6 to the north and industrial buildings at Swift Valley to the south.

The impact on elements of the historic landscape is considered acceptable in accordance with saved policy E17 and guidance contained within PPS5.

Landscape and ecology

As detailed above large areas of landscaping will be retained or provided within the site with around a third of the site area proposed as open space.

There are 3 existing areas of woodland and these will be retained and improved to allow public access. In addition existing hedgerows will be retained where possible. A Tree Preservation Order has been placed on the areas of woodland and other significant trees across the site to ensure these are incorporated into the development.

The Council's Tree Officer has no objection to the proposals, subject to conditions to ensure that protected trees are not damaged during the development.

To the south of the site an area of parkland, with mature trees, will be retained providing a buffer between the development and Brownsover. There is a row of electricity pylons crossing the site and the area surrounding these will be retained providing an area of landscaping and open space across the site. Additional woodland planting is proposed to provide a buffer between the site and the M6 motorway and between the proposed residential and employment areas.

It is considered that the proposals to retain and enhance on site landscaping are acceptable in accordance with saved policy GP2.

In relation to ecology Natural England, Warwickshire Wildlife Trust and the County Ecologist initially objected to the application on the grounds that insufficient information was provided about whether protected species (bats, Great Crested Newts) or Swift Valley Local Wildlife Site would be adversely affected by the proposals.

The applicants provided additional information regarding protected species on the site and commented that they would include mitigation for the loss of habitat. This is particularly relevant for the phase of the development which involves the demolition of Lower Lodge Farm as this includes an existing bat roost. As this is an outline application it is not possible to identify precisely where replacement habitat could be provided and this will be covered by a condition.

Warwickshire Wildlife Trust raised objections to the application on the basis that contributions were required to mitigate for the impact on sky lark habitat and for increased maintenance of Swift Valley Local Wildlife Site. In relation to Swift Valley this included requests for contributions towards works to prevent the erosion of the embankment, dredging of the canal to prevent livestock straying into the site and maintenance and management contributions.

As wildlife straying into the site is a current issue it is considered that this is not directly related to the development and that this contribution cannot be required. In addition the information regarding increased management costs was not considered sufficiently detailed to support this request. Contributions will however be sought for the embankment works, sky lark habitat and increased maintenance and these will be secured by a s106 legal agreement.

Conditions were also requested that required the applicants to produce a Habitat Creation and Restoration Scheme for Swift Valley. However, as this area is outside of the applicants' control and contributions are being sought for the area this request is not considered reasonable.

Conditions will be attached to any permission to require the submission of bat surveys, an Environmental Management Plan and Habitat Creation and Restoration Plans for areas within the site to ensure the development does not have any impact on protected species or habitats.

Subject to conditions and the s106 agreement it is considered that the impact on biodiversity is acceptable in accordance with saved policy E6 and guidance contained within PPS9.

Open space provision and Green Infrastructure

As detailed above, various areas of open space are to be provided within the site. These include amenity green space, equipped play areas, woodland, sports facilities and allotments.

It is considered that high quality, accessible open space could be provided in accordance with the requirements of saved policy LR3.

The Council's 2008 Open Space Audit details the requirements for specific types of open space. Due to the nature of the site and existing habitats the proposals include more open space than would be required by the Open Space Audit. However, there is a shortfall in the amount of land to be used for allotments and sports pitches.

Saved policies LR1, H11 and H12 state that developments should provide open space in accordance with the Council's Open Space Standards and that this could include off-site provision. There is a short fall in on-site allotments and contributions towards the provision and maintenance of off-site allotments and cemeteries will be sought. Given the significant over provision of on-site amenity open space and the associated maintenance contributions it is not considered reasonable to request a further contribution towards off-site sports pitches, particularly as around 6 hectares of on-site sports pitches are proposed.

The applicants have advised that they will pay these contributions towards the provision and maintenance of off-site facilities and the on going maintenance of on-site open space. These policies are therefore complied with.

Core Strategy policy CS3 refers to Green Infrastructure and states that this should utilise existing habitats. It is considered that the proposal to retain existing woodland and parkland areas is in accordance with this policy.

The Green Infrastructure policy in the Core Strategy, CS15, states that development should balance public access with the protection of Green Infrastructure and that on the Gateway site the focus will be on wetland habitats with managed public access.

As this is an outline application detailed plans of the open space areas have not been provided at this stage. However, the drainage strategy included within the Environmental Statement states that planted surface water attenuation ponds, basins and swales will be provided on site. These will be located within the open space areas and will complement the existing habitats in the area.

Facilities for cyclists & pedestrians

Core Strategy policy CS3 refers to a requirement for a comprehensive cycle network to link the residential areas with on site facilities and adjacent developed areas.

As this is an outline application details of the pedestrian and cycle routes throughout the site have not been provided at this stage. However, the Design and Access Statement refers to a network of pedestrian routes to be provided.

Public footpath R103 runs east to west across the site, linking Newton to Cosford. Where the footpath leaves the site users are required to cross the A426, Leicester Road. Public bridleway R102 runs south to north along the western edge of the site, this connects to a public footpath which goes under to motorway and leads to Churchover.

WCC Countryside Access Team commented on the application and suggested that public footpath R103 be upgraded to a bridleway and rerouted further south to follow the open space area around the power lines and that this should run to the existing underpass beneath the A426 to allow the site to link to existing facilities at Coton Park. There has been on-going work to divert the existing bridleway through Coton Park to connect to the underpass. The layout of the appropriate phase can be designed to ensure a link to the underpass is provided, in addition the applicants' have agreed to pay a contribution towards works to the underpass including lighting, works to walls and ceiling and concrete repairs.

In relation bridleway R102 within the site, the Countryside Access Team have commented that the realignment should follow the line of the canal. This will also be considered in detail at the Reserved Matters stage and the applicants accept the principle of this, subject to retaining access to the canal for maintenance.

The Countryside Access Team also commented that the public footpaths outside of the site, to Cosford and Churchover, should be upgraded to bridleways using developer funding and requested financial contributions towards improvements to Rights of Way within 3 miles of the site.

The applicants commented that these requests were unreasonable and not directly related to the proposed development. The Countryside Access Team withdrew the request for contributions for Rights of Way within 3 miles of the site. However, they maintained that the developer should pay for the footpaths to Cosford and Churchover to be upgraded to bridleways. They advised that these works are required as the applicant is proposing a cycle network and without upgrading the existing footpaths these could not be used for cycling.

It is considered that the upgrading of the footpath to Cosford would provide an improved link into the site, and to the nearby employment areas and that this is reasonable. The initial request for contributions included a request for hard surfacing of the Cosford route, however this is not considered appropriate for a rural bridleway. There is an existing bridleway route towards Churchover, although this does require cyclists and horse riders to use the road for a short distance. It is therefore not considered that the requirement to upgrade the footpath to Churchover is reasonable in relation to this application.

Impact on Amenity

There are very few properties immediately adjacent to the site. Those most affected are Keepers Cottage and Home Farm Cottage on Leicester Road. These are adjacent to areas identified on the Masterplan as residential, allotments and sports pitches. It is considered that the proposed development adjacent to these properties could be designed to ensure there is no adverse impact in terms of enclosure, loss of light or privacy. This complies with the relevant part of policy CS16.

A resident from the other side of Leicester Road has commented that they already experience noise and disturbance from traffic and this will be increased during construction and following the completion of the development.

A Noise & Vibration Assessment was included within the Environmental Statement. Environmental Health have considered this and consider that the assessment is comprehensive. Subject to conditions they do not consider construction noise, vibration or traffic will have an adverse impact on nearby sensitive receptors. The development and properties could also be designed to ensure new properties are not adversely affected by road noise. An assessment of additional traffic noise on existing properties was also made and the report defined this as “negligible to minor adverse significance.” Environmental Health commented that no noise mitigation measures are required in relation to additional traffic noise.

The impact on existing and future occupiers is considered acceptable in accordance with guidance contained within PPG24: Planning and Noise.

Transport, highways and parking provision

The Highways Agency initially objected to the application and directed that planning permission not be granted. This was on the basis that sufficient information had not been provided to demonstrate that the proposals would not have an adverse impact on junction 1 of the M6 or other parts of the strategic road network.

The Highways Authority, Warwickshire County Council also raised an objection on similar grounds.

Additional modelling work has now been carried out of roads and junctions within the area that could be affected by the development.

Both the Highways Agency and WCC Highways now have no objection to the development.

The Highways Agency and WCC Highways are now satisfied that the highway impacts of the development could be mitigated through works to a range of roads and junctions. These include contributions towards improvement schemes at the A5/A426 roundabout (Gibbett Hill), M6 junction 1, Leicester Road/Brownsover Road roundabout, Leicester Road/Newton Manor Lane (Kipling) roundabout, the Avon Mill roundabout, and the Gyratory.

Policy CS12 states that the urban extensions may lead to unacceptable levels of pressure on significant transport corridors, these include Leicester Road and parts of the relief road which are close to the site. This policy goes on to state that identified traffic impacts should be mitigated for, in addition policy CS3 states that measures should be provided to mitigate the transport impacts of the development. It is considered that the contributions to schemes detailed above will comply with these policy requirements.

Core Strategy policy CS11 relates to transport and new developments, this states sustainable transport methods are prioritised and that measures should be put in place to mitigate any transport issues, in addition policy CS3 relates to the provision of public transport and cycle links.

Contributions have been requested towards travel packs, improved bus services, footway and cycle links and school transport improvements.

In addition a Framework Travel Plan was submitted with the application. This sets out general principles which would be incorporated into specific travel plans for each phase of the development. The Highways Agency have commented that future travel plans should include a 20% modal shift target, 25% internalisation of trips within the site, how these targets will be met, monitored and reviewed and the penalties that would be applied if targets are not met. This will allow the plans to directly relate to specific users for example Residential Travel Plans, Occupier Travel Plans and Primary School Travel Plan. These can be included within the s106 agreement

It is considered, subject to the s106, that the requirements of CS3, CS11 and CS12 are complied with.

On 3rd & 14th January 2011 the Department for Communities and Local Government wrote to Local Planning Authorities regarding changes to PPG13 and electric vehicle charging infrastructure. The Government now wishes to see electric vehicle charging infrastructure in new development. In addition, policy CS17 specifically focuses on the need to reduce carbon emissions and therefore the Local Planning Authority would anticipate electric vehicle charging infrastructure to be available in the commercial and industrial areas of the site.

Nevertheless, the provision of such facilities, together with car and cycle parking will be considered at the Reserved Matters stage. However, it is considered that suitable

levels of parking could be provided to comply with saved policy T5 and the Council's Interim Parking Standards.

Sustainable design and construction

Core Strategy policies CS16 and CS17 refer to sustainable design and reducing carbon emissions. The current Sustainable Design & Construction Supplementary Planning Document, June 2009 sets out the Councils' aspirations for development which should achieve the highest feasible and financially viable standards of sustainable design and construction. On major development the Council encourages proposals to meet a Code Level 4 standard although this will not be mandatory until 2013.

CS16 states that sustainable drainage systems (SUDS) should be used and development should meet specified water conservation levels. These requirements will be considered on a site by site basis considering a range of issues, including viability.

The application includes drainage information and a Flood Risk Assessment. These explain that surface water currently drains into ditches which discharge into the canal arm. The proposals are for the majority of surface water to be drained through SUDS, with balancing areas proposed within the open space areas, in addition other on-site attenuation to be used where additional capacity is required. It is considered that the proposed surface water drainage is acceptable.

The policy states that residential developments should meet the water conservation standards within Code Level 4 of the Code for Sustainable Homes and that non-residential development shall comply with the water efficiency in BREEAM (Building Research Establishment Environmental Assessment Method) very good standard. It is considered that a condition can be attached to ensure that these requirements are complied with.

Policy CS17 states that development must comply with the Building Regulations relevant at the time of construction and that as a minimum development of 10 or more dwellings or 1000 square metres of floorspace or more shall include equipment to reduce carbon dioxide emissions by at least 10%, this also states that the Sustainable Urban Extensions should achieve the highest technically feasible and financially viable carbon efficiency standards of the Code for Sustainable Homes.

It is considered that a condition could be used to ensure compliance with the Building Regulations at the time of construction. This is considered necessary on a development of this size as it is likely that Building Regulations will be updated during the development and to prevent plots being pre-registered which would remove the requirement to comply with updated standards.

A Sustainability Appraisal was submitted as part of the application. This considered that energy efficiency measures such as improved thermal insulation and window and building layouts are recommended for the scheme as a primary energy reduction initiative. Solar hot water heating is also considered an option for both dwellings and employment buildings and solar photovoltaic panels for employment buildings. Air source heat pumps were also identified as potentially proving viable options for the development, but combined heat and power is not recommended as a general solution, although dependent on design it may be that individual or small scale operations could be included. A large single wind turbine can provide a good

solution if sufficient space is available on site, however, this technology is not recommended at this stage particularly owing to its proximity to the urban area.

As the application is in outline form only details of the design and construction of the proposed buildings is not known at this stage. An assessment cannot therefore be made as to what types of technology or equipment would be most appropriate in order to achieve the required reductions in carbon emissions. It is also likely that market conditions may have changed by the time of construction and this would have an impact on the types of equipment that would be financially viable.

Given the size of the development and the lengthy construction period it is proposed to include a mechanism in the s106 to allow the viability of the development to be assessed when each Reserved Matters application is received. It is therefore recommended that the 10% reduction of carbon emissions, the requirement to meet the highest possible level of the Code for Sustainable Homes and relevant BREEAM very good standards are included as targets within the s106 to allow these to be considered in the future in conjunction with other financial requirements.

Archaeology

The County Archaeologist initially objected to the application on the basis that additional evaluation was required to assess the importance of archaeological deposits and whether these are likely to be affected.

The applicants carried out a programme of trial trenching across the areas identified for the spine road and employment areas as site levels and building sizes reduced the flexibility of these areas to be altered if this was required to preserve archaeological deposits. Trial trenching was also carried out on the southern part of the site as this was required for the full applications for phases R1 and R2.

Further trial trenching was carried out throughout the development site and the results were reported to the County Archaeologist. The applicants' also advised that there is flexibility in the development scheme that would allow the layout to be altered if significant archaeological finds were discovered.

The County Archaeologist has no objection to the proposals subject to conditions.

English Heritage commented that the impact on the Scheduled Ancient Monument at Cosford shrunken village had not been fully assessed. This is located to the north west of the site and it is not considered the archaeological remains will extend into the site. This was not identified as an issue through the additional trial trenching. Although the development will have an impact on the setting of the Ancient Monument this is not considered so significant as to warrant a recommendation of refusal.

Affordable housing

In relation to Affordable Housing the Core Strategy states that on developments of the size proposed a target affordable housing provision of 40% will be sought. This goes on to state that where the provision of the target level of affordable housing is likely to threaten the viability of a scheme the Council will consider a reduced target.

Due to the size of the development proposed it will be developed in phases over a long period of time and the development is not expected to be completed before 2021. Due to the long timescales involved it is not possible to assess the viability requirements of future phases at this stage as there could be major changes to the financial climate.

It is therefore proposed to include a target requirement of 40% across the Gateway site within the s106 agreement and include a requirement that a viability assessment of each phase is provided to allow the level of affordable housing proposed to be assessed. This would also allow flexibility for shortfalls in early phases to be compensated for with additional provision in later phases. This will also allow the tenure of affordable housing to be considered in accordance with the most up to date local and national policy and guidance at the time when each phase is approved.

This approach is considered acceptable in accordance with policy CS19 and the Affordable Housing SPD.

Planning obligations

Policy CS10 and the Planning Obligations SPD state that financial contributions may be sought to mitigate against the impacts of a development.

Guidance contained within Circular 5/05 – Planning Obligations and the Community Infrastructure Levy Regulations state that in order for obligations to be taken into account they 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.

If contribution requests do not comply with these criteria it is not considered that the contribution can be required by the Council.

Contributions have been requested towards highway improvements, the leisure centre, the maintenance of on site open space and the provision and maintenance of off site open space facilities, works to the Swift Valley Nature Reserve, sky lark habitat, highway works and works to the underpass under the A426.

Warwickshire County Council requested a contribution towards education facilities and the provision of land for the proposed primary school. As the development will take many years to complete it is proposed to include a requirement that education contributions be provided in accordance with the Planning Obligations SPD at the time each phase is developed to allow flexibility for future changes.

It is considered that these requests comply with the requirements above and that the requirement for contributions is reasonable. The applicants have agreed to pay contributions for these purposes and these will be included within the s106 agreement.

As the development is large and will take some time to be developed it is proposed that a mechanism is included in the s106 that requires the viability to be assessed at each phase of the development and to allow flexibility in relation to planning contributions, the amount of affordable housing proposed and sustainability measures.

Contributions were also requested towards library facilities however additional information to support this request in relation to the additional demand placed on existing facilities and how contributions would be spent was not provided, it is not, therefore, considered that this request can be supported.

Warwickshire Police stated that they would seek financial contributions towards capital funding made necessary for new housing and businesses. However, no

justification has been forthcoming despite requests and therefore in accordance with the guidance and regulations the contribution cannot be supported.

As detailed above a contribution to upgrade the footpath to Churchover to a bridleway was requested and is considered appropriate.

Although the application was initially registered in September 2010 and consultation was carried out at this time comments were not received from the NHS until November 2011. These included a request for a contribution of around £1,750,000 towards healthcare facilities to serve the population of the development. This request did not clearly detail how the requested contribution would be spent and included inconsistencies in the calculation of the contribution. Officers have contacted the NHS for more information regarding these matters but no response has been received to date. It is also understood that healthcare operations such as doctor's surgeries, dentists and pharmacies are commercial operations and clarification was requested as to how the requested contribution relates to the operation of these commercial operations.

Given the lateness of the request and as no further explanation or clarification has been provided in relation to the requests it is not considered that these can be supported by the Council. Provision will be made within the community hub for D1 uses, which could include healthcare facilities. These could therefore be provided on site in the future.

Other issues

As detailed above the intention is for surface water to be drained using a Sustainable Drainage System. Foul drainage will connect to the existing drainage system. Severn Trent and the Environment Agency commented on the proposals and raised no objection, subject to conditions. This is considered acceptable and in accordance with PPS25.

Environmental Heath raised no objection in relation to noise issues, contamination or air quality, subject to conditions and informatives. It is therefore considered that the proposals comply with PPS23 & PPS24.

Comments received from Warwickshire County Council requested that measures be included within a legal agreement to ensure that the development encourages local employment and training opportunities. The Environmental Statement includes information regarding employment and training and states that the developers will seek to secure opportunities for local residents. This will include the advertisement of vacancies through the Job Centre and any apprenticeships being advertised through the National Apprenticeship Service. In addition where subcontractors and suppliers are sourced through a tender process greater weighting will be given to companies from Rugby and the surrounding area. It is considered that these measures will encourage local employment and reduce the need for employees, suppliers and contractors to travel long distances. This approach is therefore considered acceptable.

The applicant's agent has requested that if the Council was minded to approve the application the timeframe for the submission of reserved matters and commencement of works pursuant to the outline permission is extended beyond the normal period. In accordance with Circular 08/2005, the Local Planning Authority has the discretion to alter this period, particularly where there are specific material considerations. Owing to the scale of the proposal and that it will clearly be a phased development over many years this request is considered reasonable.

Recommendation

Approval subject to completion of a s106 legal agreement and conditions.

DRAFT DECISION

APPLICATION NUMBER

R10/1272

DATE VALID

17/08/2010

ADDRESS OF DEVELOPMENT

RUGBY GATEWAY
LEICESTER ROAD
RUGBY

APPLICANT/AGENT

Kirstie Clifton
Capita Symonds
Caxton House
1 Fore Street
Birmingham
B2 5ER
On behalf of JS Bloor (Measham) Ltd, Cala
Management Ltd., Renew Holdings &
Wyggeston's Hospital Estate

APPLICATION DESCRIPTION

Outline application for residential development (up to 1300 units); employment development (up to 36ha in total, B2 – General Industrial & B8 – Storage & Distribution); community facilities (D1 – Non-residential Institutions) including primary school, nursery and health facility, retail premises (A1 – Retail, A3 – Food & Drink, A4 – Drinking Establishments & A5 - Hot Food Takeaway); open space; associated infrastructure and works including details of access into site (including alterations to highway and existing roundabouts). Demolition of existing buildings.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION: 1

Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of 7 years from the date of this permission.

REASON

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

CONDITION: 2

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

REASON:

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

CONDITION: 3

Details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any part

of that phase of the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a - Layout,
- b - Scale,
- c - Appearance,
- d – Access (excluding access to the site from the A426 – Leicester Road), &
- e - Landscaping

REASON:

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

CONDITION: 4

The Reserved Matters submissions for each phase shall be accompanied by a detailed Development Brief, to demonstrate compliance with the approved Design & Access Statement, for that phase. No development shall commence, on that phase, unless and until those details have been approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of visual amenity and to ensure the proper development of the site.

CONDITION: 5

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

<u>Plan/Document</u>	<u>Reference</u>	<u>Received</u>
Red Line Boundary Plan	CS034422.001C	15/08/10
Northern Access Roundabout	11050822/GA008C	02/08/10
Southern Access Roundabout	11050822/GA009D	01/02/12
A426/Gibbet Lane/A5 Roundabout	11050822/SK008B	24/01/12
Mitigation Strategy Report Final, December 2011	11050822	01/02/12
Design & Access Statement, July 2010		02/08/10
Planning Statement, July 2010		02/08/10
Environmental Statement: Vol 1: Main Test & Figures, July 2010		02/08/10
Environmental Statement: Vol 2: Technical Appendices, July 2010		02/08/10
Environmental Statement: Vol 3: Flood Risk Assessment, July 2010		
	11050822	02/08/10
Environmental Statement: Vol 4: Transport Assessment, July 2010		
	11050822	02/08/10
Environmental Statement: Vol 5: Sustainability Appraisal, July 2010		02/08/10
Environmental Statement: Non-Technical Summary		02/08/10
Ecological Clarification letter 09/11/10	12261440-001	15/11/10
Preliminary Ground Investigation: Outline Application Area, August 2010		
	12171138.002	21/09/10
	12171138.002	21/09/10
Travel Plan Framework, July 2010	11050822	02/08/10
Sustainable Transport Strategy, July 2010	11050822	02/08/10
Archaeological Fieldwalking Survey	3070/10052	15/11/10
Written Scheme of Investigation for Archaeological Evaluation, May 2011		
	3449	27/05/11
Archaeological Evaluation (Phase 3), July 2011		
	3449/11163	12/10/11

14/12/11

REASON:

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

CONDITION: 6

The details submitted in relation to condition 3 shall have full regard to the principles set out in the Design and Access Statement including the Development Framework (page 23) and Illustrative Masterplan (page 25) and shall include the provision of a footpath/cycleway within the development boundary connecting with the existing underpass under the A426, Leicester Road with Public Right of Way R102.

REASON:

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

CONDITION: 7

Unless otherwise agreed in writing by the Local Planning Authority the development shall comply with the following requirements:

- (i) the residential development shall not exceed 39.74 hectares and shall not contain more than 1300 dwellings;
- (ii) the employment area for uses falling within Classes B2 – General Industrial and B8 – Storage and Distribution of the Town and Country Planning (Use Classes) Order 1987 (As amended) shall not exceed 36 hectares;
- (iii) the community hub shall not exceed 2.8 hectares in total;
- (iv) the community hub shall include a site of at least 1.5 hectares for the provision of a primary school;
- (v) the buildings to be used for uses falling within Classes A1 – Shops and A5 – Hot Food Takeaways of the Town and Country Planning (Use Classes) Order 1987 (As amended) shall not exceed 1000 square metres in total;
- (vi) the buildings to be used for uses falling within Classes A3 – Restaurants & Cafes and A4 – Drinking Establishments of the Town and Country Planning (Use Classes) Order 1987 (As amended) shall not exceed 500 square metres in total; and
- (vii) provision of electrical vehicle charging facilities in each phase of the employment development and community hub,

and on site provision of the associated public open space provision to include:

- (viii) 20.68ha Amenity Green Space
- (ix) 0.092ha Children & Young People
- (x) 13.28ha Natural/Semi Natural (including existing Woodland)
- (xi) 6.22ha Outdoor Sports
- (xii) 1.1ha Allotments

REASON:

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

CONDITION: 8

No development shall commence unless and until a phasing plan for the development hereby approved, including earthworks, infrastructure, works to Rights of Way and open space works, has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved plan.

REASON:

To ensure the comprehensive development of the site.

CONDITION: 9

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

REASON:

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

CONDITION: 10

No development shall commence, in any phase, unless and until full details of the siting, design and materials of the proposed bin and cycle stores for that phase have been submitted to and approved in writing by the Local Planning Authority. The bin and cycle stores shall be provided, in accordance with the approved details before the first occupation of the building they relate to.

REASON:

In the interest of visual and residential amenity.

CONDITION: 11

No development shall commence, in any phase, unless and until details of all proposed walls, fences, railings and gates for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and no building shall be first occupied until the boundary treatments associated with that building have been installed, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interest of visual amenity.

CONDITION: 12

No development shall commence in any phase unless and until full details of finished floor levels of all buildings [and ground levels of all access roads, parking areas and footways] for that phase have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure the proper development of the site.

CONDITION: 13

The hard and soft landscaping scheme for each phase, submitted in relation to condition 3, shall be implemented in accordance with the Landscape and Woodland Management Plan under Condition 23. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

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

CONDITION: 14

No building shall be occupied until the estate roads including footways and parking provision serving it have been laid out and substantially constructed in accordance with the Highway Authority's standard specification and the detailed scheme submitted and approved in writing by the Local Planning Authority.

REASON:

In the interest of highway safety.

CONDITION: 15

Unless otherwise agreed in writing, no part of the development hereby approved shall be occupied until the scheme of highways improvement at the Gibbets Hill roundabout as defined on drawing reference SK008 Rev B, has been completed to the written satisfaction of the Local Planning Authority in consultation with the Highways Agency.

REASON:

To enable the A5 to continue to serve its purpose as part of a national system of routes for through traffic by minimising disruption on the strategic road network and in the interests of road safety.

CONDITION: 16

No development shall commence unless and until a scheme detailing the provision of bus stops, associated pedestrian crossing facilities and footway/cycleway improvements on the A426 relevant to that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme is required to be implemented in full, prior first occupation of that phase.

REASON:

In the interest of highway safety.

CONDITION: 17

No external lighting, including street lighting, shall be erected, in any phase, unless and until full details of the type, design, light spillage and location of lighting for that phase have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.

REASON:

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

amenities of the locality.

CONDITION: 18

All buildings shall be constructed to comply with the published Building Regulations that are relevant at the time of construction.

REASON:

To ensure sustainable design and construction.

CONDITION: 19

Prior to the first occupation of each phase, details of water efficiency measures to be incorporated into the design of the buildings in that phase to meet the standards below in accordance with Policy CS16 shall be submitted to and approved in writing by the Local Planning Authority. These approved measures shall then be incorporated in to the design of each building prior to their first occupation and then retained in perpetuity.

Unless otherwise agreed in writing with the Local Planning Authority, the minimum standards shall be:

- i) Dwellings – equivalent to Code Level 4 of the Code for Sustainable Homes;
- ii) Non-residential buildings – equivalent to BREEAM very good standard.

REASON:

In order to ensure water efficiency through sustainable design and construction.

CONDITION: 20

Development shall not begin in any phase, until a surface water drainage scheme and a foul drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, provide a satisfactory means of drainage, improve habitat and amenity and ensure the future maintenance of these.

CONDITION: 21

No development shall commence in any phase, unless and until a Construction Method Statement / Construction Environmental Management Plan (CEMP) for that phase, has been submitted to and approved in writing by the Local Planning Authority. All relevant developers, contractors and sub-contractors should sign up and agree with the statement. The statement should cover all aspects of the development from earth working to construction and should include include:

- (i) a scheme to treat and remove suspended solids from surface water run-off during construction;
- (ii) construction traffic routing ;
- (iii) construction works and delivery hours of operation as appropriate to that phase;
- (iv) noise and dust mitigation measures;

- (v) measures to ensure the environment is protected from pollutants, likely impact of vibration imposing activities on existing and future properties;
- (vi) a BS5228 construction type noise assessment;
- (vii) Environment and Species Protection Plan;
- (viii) Measures to prevent deleterious matter being carried onto all nearby highways

the adoption of Best Practicable Means as defined in Section 72 of the Control of Pollution Act 1974, or any such revision, should be used as the basis for drafting and implementing the construction method statement/plan. Development shall not be carried out other than in accordance with the approved method statement/plan.

REASON

To ensure that the environment is protected from pollutants and in the interests of the amenities of the area.

CONDITION: 22

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

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

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

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

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

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

PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

REASON:

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

CONDITION: 23

In conjunction with any Reserved Matters applications as required by Condition 3 a Landscape and Woodland Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- detail extent and type of new planting (NB planting to be of native species)
- details of planting programme
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies

REASON

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

CONDITION: 24

No development shall commence, in any phase, unless and until details of the acoustic treatment, for that phase, to prevent potential noise impact from the A426, have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details and the acoustic treatment measures for that phase shall be installed prior to the first occupation of any building in that phase and remain in place in perpetuity.

REASON:

In the interest of residential amenity.

CONDITION: 25

No development shall commence in relation to the primary school unless and until details of the glazing and ventilation, to prevent potential noise impact, have been submitted to and approved in writing by the Local Planning Authority. Development

shall not be carried out other than in accordance with the approved details and the noise mitigation measures shall be installed prior to the first occupation of the school and remain in place in perpetuity.

REASON:

In the interest of amenity of future occupiers.

CONDITION: 26

No development shall commence in relation to any employment building unless and until details of noise mitigation measures proposed in relation to that building and its associated curtilage, have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details and the noise mitigation measures shall be installed prior to the first occupation of the building and remain in place in perpetuity.

REASON:

In the interest residential amenity.

CONDITION: 27

Unless otherwise agreed in writing with the Local Planning Authority, any fixed plant or equipment shall not exceed the noise limits contained within table 13.24 and sections 13.4.89 and 13.4.90 of the Noise and Vibration Assessment contained within the Environmental Statement received by the Local Planning Authority on 02/08/2010.

REASON:

In the interest residential amenity.

CONDITION: 28

No development shall commence, in any phase, unless and until a Tree and Arboricultural Statement, for that phase has been submitted to and approved in writing by the Local Planning Authority. This statement shall include a tree constraints plan, arboricultural implications assessment and arboricultural method statement in accordance with sections 5, 6 & 7 of BS5837:2005 (Trees in Relation to Construction - Recommendations). Development shall not be carried out other than in accordance with the approved statement.

REASON:

In the interest of visual amenity.

CONDITION: 29

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS5837:2005 (Trees in Relation to Construction - Recommendations) and should be carried out before the commencement of development.

REASON:

In the interest of visual amenity.

CONDITION: 30

No building shall be occupied, in any phase, unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes for that phase, has been submitted to, and approved in writing by, the Local

Planning Authority. No building shall, in that phase, then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interests of fire safety.

CONDITION: 31

No development shall commence until a site-wide Landscape and Green Infrastructure Plan has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details. (Comment: this has always been considered to be a strategic document for the overall scheme – i.e. distinct from the more detailed Landscape & Woodland Management Plan required for each phase)

REASON:

In the interests of biodiversity and amenity.

CONDITION: 32

No development shall commence, in any phase, unless and until an Environmental Management Plan, for that phase, has been submitted to and approved in writing by the Local Planning Authority. The surveys, mitigation, contingency measures and all construction activities shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

REASON:

To protect species and features of recognised nature conservation.

CONDITION: 33

No development shall commence, in any phase, unless and until a Habitat Creation/Restoration Scheme for that phase, has been submitted to and approved in writing by the Local Planning Authority. All habitat creation/restoration/mitigation works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

REASON:

In the interests of biodiversity.

CONDITION: 34

The Reserved Matters submissions for each phase, shall be accompanied by a bat report, for that phase, detailing bat surveys carried out and any mitigation measures proposed. No development shall commence, on that phase, unless and until the bat report has been approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved mitigation details.

REASON:

In the interests of biodiversity.

CONDITION: 35

Prior to the first occupation of the 170th dwelling, the allotment area shall be provided on site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include accesses, hardstandings, landscaping, boundary treatments and any buildings.

REASON:

In the interest of visual and residential amenity.

CONDITION: 36

Unless otherwise agreed with the Local Planning Authority, no development shall take place within the areas identified as Phase 3 and Phase 5 in the Written Scheme of Investigation for further Archaeological Works, December 2011, 3363 (Issue 5) received by the Local Planning Authority on 14/12/2011 (hereafter referred to as the CWSI), until the fieldwork components of the archaeological work to be undertaken across these areas as detailed in the CWSI has been completed to the satisfaction of the Local Planning Authority in accordance with the CWSI. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the submitted CWSI.

REASON:

To ensure the preservation of important archaeological remains and that any archaeological history of the site is recorded.

CONDITION: 37

No development shall take place in any phase of development across Phases 1 and 2 (as identified in the Written Scheme of Investigation for further Archaeological Works, December 2011, 3363 (Issue 5) received by the Local Planning Authority on 14/12/2011) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, for that development phase, which has been submitted to and approved in writing by the Local Planning Authority. The archaeological fieldwork, post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the submitted WSI.

REASON:

To ensure the preservation of important archaeological remains and that any archaeological history of the site is recorded.

CONDITION: 38

Prior to the submission of Reserved Matters detailed in Condition 3 for any phase of development within Phase 4 (as identified in the Written Scheme of Investigation for further Archaeological Works, December 2011, 3363 (Issue 5) received by the Local Planning Authority on 14/12/2011, hereafter referred to as the CWSI):

- a) the programme of archaeological trial trenching and associated post-excavation analysis, report production and the preparation of the archive for deposition detailed within the CWSI, for that development phase, is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the Local Planning Authority prior to, or concurrently with, the Reserved Matters submission.
- b) An Archaeological Mitigation Strategy document, for that development phase, shall be submitted to the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits of national importance.

Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place in any development phase, within Phase 4 identified in the CWSI, until the Archaeological Mitigation Strategy document for that development phase has been approved in writing by the Local Planning Authority and any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been

completed to the satisfaction of the Local Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON:

To ensure the preservation of important archaeological remains and that any archaeological history of the site is recorded.

REASON FOR APPROVAL:

The development represents one of the sites for a Sustainable Urban Extension to Rugby adopted in the Rugby Borough Core Strategy, 2011. The proposal is for up to 1300 homes and up to 36 hectares of employment land which also includes community facilities, a school, non-residential and retail uses, transport links and Green Infrastructure and thereby accords with Policies CS3, CS13, CS15 & CS18 of the Rugby Borough Core Strategy, 2011 and PPS3 & PPS4. These development parameters formed the basis of the submitted Environmental Statement.

On balance, the design, siting and visual impact of the development, together with on-site mitigation measures such as landscaping, would not cause substantial harm to the amenities of neighbouring properties or to the character and appearance of the locality of setting of the Brownsover Conservation Area or the listed building of Brownsover Hall and as such would comply with Policy CS16 of the Rugby Borough Core Strategy, 2011 and saved Policy E17 together with PPS1 & PPS5.

The proposal has demonstrated that sufficient protection and mitigation measures can be provided to flora and fauna and therefore the proposal would accord with Policy CS15 of the Rugby Borough Core Strategy, 2011, saved Policies GP2 & E6 and PPS9. The provision of public open space on site together with off-site financial contributions for Swift Valley Nature Reserve and contributions for both indoor and outdoor sports as well as off-site leisure facilities and allotments, means the proposal would not conflict with saved Policies H11, H12, LR1 & LR3 and PPG17.

Subject to infrastructure improvements on and off site, an acceptable highway access on to A426, Leicester Road can be achieved and the capacity of the surrounding highway network would not be adversely affected. Together with the submission of a Green Travel Plan, the proposal will accord with Policies CS11 & CS12 of the Rugby Borough Core Strategy, 2011, saved policy T5 and PPG13.

Adequate mitigation measures can be put in place to safeguard matters in relation to archaeology, flood risk, drainage, noise, air quality and contamination. Therefore the proposal will accord with PPS5, PPS23, PPG24 & PPS25.

The potential provision of numerous energy efficiency measures, particularly within the community hub and employment areas, means that the development could achieve the highest technically feasible and financially viable carbon efficiency standards thereby according with Policy CS17 of the Rugby Borough Core Strategy, 2011 and PPS22.

The provision of on-site affordable housing and off-site contributions towards education together with the other obligations would result in the compliance with Policies CS10 & CS19 of the Rugby Borough Core Strategy, 2011.

INFORMATIVE: 1

This development is subject to a s106 legal agreement.

INFORMATIVE: 2

Notwithstanding the submitted information the Local Planning Authority have concerns regarding the potential impact of tall employment buildings in the north east corner of the site. Therefore the Local Planning Authority needs to be satisfied that the heights of buildings within the north east of the site are acceptable.

INFORMATIVE: 3

Central Networks have equipment within, and in close proximity to, the site and require 24 hour access to this network.

INFORMATIVE: 4

Warwickshire Police recommend that the development is built to “Secured by Design” standards.

INFORMATIVE: 5

Separate consent will be required to divert or upgrade Public Rights of Way.

INFORMATIVE: 6

The principle outdoor amenity areas of properties in the north west corner of parcel R6 should be located facing away from the direction of Cosford Shooting Ground.

INFORMATIVE: 7

In relation to works in proximity to the canal British Waterways advise:

- i. The applicant/developer is advised to contact the Works Engineering Team in order to ensure that any necessary consents are obtained and that the works comply with British Waterways’ “Code of Practice for Works affecting British Waterways”.
- ii. British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

INFORMATIVE: 8

The drainage scheme referred to in Condition 20 shall include:

1. Limiting the rate of surface water run-off generated by the site to discharge at a rate of not more than the greenfield rate of the existing site (as outlined in the FRA, Ref: 11050822, Rev A, dated 28 July 2010.)
2. Provision of attenuation storage volume on the total site to retain the 100-year 30% flow event volume assuming the discharge rate given above.
3. Demonstration that the detailed surface water system proposed will also provide water quality improvements by implementing the SUDs methods as outlined in the FRA.
4. Details of how the entire surface water scheme shall be maintained and managed after completion.
5. Detailed assessment of the performance of the surface water system for the 30-year and 100-year 20% flow cases. If above ground flooding is to occur, detail must be provided of where this will go and prove that the development or adjacent property will not be flooded as a result.

INFORMATIVE: 9

Natural England recommends that a Soil Resource Plan is drawn up to limit the movement of soils through the phasing of the project, as well as safeguarding soil resources during development. They also recommend that soil bunds remaining in place for 6 months or more, or over the winter period, are grass seeded and maintained to prevent weeds.

INFORMATIVE: 10

The Environment and Species Protection Plan for Construction required by Condition 21 shall include:

- a. Surveys at agreed periods by an agreed expert to determine the possible presence of birds, reptiles including Great Crested Newts, amphibians, bats and badgers.
- b. Details of appropriate mitigation measures and contingency plans should such a protected species be found to be present and either (i) preparing to breed, (ii) in the process of breeding or rearing young.
- c. An appropriate scale plan showing the "Environment Protection Zones" where all construction activities are restricted and where protective measures will be installed or implemented;
- d. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- e. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (*such as the bird nesting season*);
- f. Persons responsible for:
 - i. Compliance with legal consents relating to nature conservation;
 - ii. Compliance with planning conditions relating to nature conservation;
 - iii. Installation of physical protection measures during construction;
 - iv. Implementation of sensitive working practices during construction;
 - v. Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
 - vi. Provision of training and information about the importance of "Environment Protection Zones" to all construction personnel on site.

INFORMATIVE: 11

The applicant is advised that in accordance with the Site Waste Management Plans Regulations 2008, prior to construction works commencing on site, a Site Waste Management Plan will need to be prepared to conform with those Regulations. The applicant is advised to discuss such a Plan with the Environmental Services Section of Rugby Borough Council (01788 533857).

INFORMATIVE: 12

Any external plant or equipment shall not exceed a rating of 10 dB below the existing background noise level at the nearest noise sensitive receptor.

INFORMATIVE: 13

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

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

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

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

Reference number:

R11/0128

Site address:

Ken Marriott Leisure Centre, Bruce Williams Way, Rugby, CV22 5LJ

Description :

Non-material Amendment to the demolition of existing leisure centre and erection of new leisure centre, including café, parking, ancillary facilities, external works and temporary car park

Case Officer Name & Number:

Richard Holt – 01788 533687

Description of Proposals:

This non-material amendment relates to the planning permission for the demolition of the existing leisure centre and erection of a new leisure centre. That permission included an 8 lane 25m swimming pool, studio pool, sports hall, café, 100 station fitness suite, dance studio, multi-use room, wet and dry changing areas, health suite, climbing wall, offices, car, coach and cycle parking, ancillary facilities, external works and a temporary car park.

This application for a non-material amendment is being report to Committee as it relates to a Council application.

The non-material amendment is for 12 very small changes which have come about following the process of preparing detailed design drawings to enable the project to be priced and constructed. These include:

1. brick plinth to base of building;
2. reduction in size of high-level window to north elevation above main entrance;
3. provision of louver panel door to north elevation of biomass boiler room;
4. flue diameter of gas boiler reduced;
5. horizontal 'brise soleil' added above large south facing window;
6. air intake louvres added to south elevation of sports hall;
7. replacement of large horizontal glass window to south elevation corridor with 3 smaller windows;
8. replacement of render with brick to southern elevation;
9. increase in door size at bottom of escape stairs on southern elevation;
10. relocation of plant room door and provision of louver panel on west elevation;
11. provision of railing on the roof of the plant room; and
12. air louver added to plant room on western elevation.

Technical Consultations:

Rugby Borough Council – Environmental Services

No objection to non-material amendments as matters will be addressed via subsequent air quality and noise assessment reports submitted pursuant to the relevant conditions in due course.

Assessment of Amendment:

The external alterations relating to changes in materials, such as the provision of the brick plinth and replacement of render with brick on the southern elevation, will provide slightly more visual interest to the external appearance of the building and therefore are welcome.

The alterations to window sizes and provision of brise soleil have resulted from thermal modelling of the internal spaces to which they relate as in certain circumstances they may be a possibility of overheating in the summer months. It is

accepted that to address this matter now rather than retrofit air-conditioning equipment is a better solution.

The provision of small air intake louvers to the sports hall, boiler and plant rooms to enable better ventilation is also accepted as these changes would only result in minor alterations to the external elevations of the building. Environmental Services have considered that such alterations are acceptable in principle but would need to be reflected in any subsequent air quality and noise reports required by planning conditions on the original planning permission, R11/0128.

The installation of railings above the plant room roof on a lower section of roof is required for the safety of individuals maintaining this part of the building.

Whilst the flue diameter of the gas boiler is being reduced slightly, the plans do show the flue height increasing by approximately 0.75 metres. However, the design and dimensions of all flues, vents and ducts will be addressed by Condition 4 of the original planning permission, R11/0128. A note to applicant will be added to remind them of this requirement.

Finally, it is understood that the enlargement of the external doors for the escape stairs serving the multi-use room have been requested by Building Control in order to facilitate a satisfactory means of escape in case of a fire.

Overall the changes are considered to be very minor and therefore the recommendation is for approval.

Recommendation:

Approve, non-material amendment.

DRAFT DECISION

Town and Country Planning Act 1990 (As amended).
Approval of non-material changes to planning permission.

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

APPLICATION NUMBER

R11/0128

DATE OF PERMISSION

28/09/2011

ADDRESS OF DEVELOPMENT

THE KEN MARRIOTT LEISURE
CENTRE
BRUCE WILLIAMS WAY
RUGBY
CV22 5LJ

APPLICANT/AGENT

Jonathan Mawson
B3 Architects
The Paper Hall
Anne Gate
Bradford
West Yorkshire
BD1 4EQ
On behalf of Tim Margerison, Rugby
Borough Council

Amended Plan/Information

91299 G2 EL-202 D/North & East Elevations
91299 G2 EL-203 D/South & West Elevations

Date Received

23/01/2012
23/01/2012

Details of amendment

Alterations to elevations including materials, glazing, doors, louvers, brise soleil, flue diameters and maintenance rail.

Notes to Applicant**INFORMATIVE 1:**

This non-material amendment application also approves the reduction in a band of glazing on the northern elevation above the small external door that serves the Studio Pool area.

INFORMATIVE 2:

The applicant is advised that external surface changes to the materials shown on the elevations, together with those associated with the provision of additional louvers, brise soleil and maintenance rail, would be addressed as part of Condition 3 of planning permission R11/0128.

INFORMATIVE 3:

Whilst the reduction in the width of the boiler flues is accepted, it is noted that they have increased in height. However, this matter would be addressed as part of Condition 4 of planning permission R11/0128.

INFORMATIVE 4:

The applicant is advised that notwithstanding the non-material amendments approved as part of this submission, issues relating to noise and air quality would be addressed through Conditions 12 and 14 of planning permission R11/0128 which may or may not affect the intended changes.

Reference number: R10/1850

Site address: Warwickshire Nursing Home, Main Street, Thurlaston

Description: Erection of a 2-storey extension and single storey annex and conservatory to western end of building; 2 no single storey extensions to northern side of building; and single storey extension and balcony to southern side of building. Demolition of air raid shelter to accommodate new conservatory to the southern end of building. Demolition of part of existing wall to accommodate new parking area. Enlarged entrance and modified parking and landscaping alterations.

Case Officer Name & Number: Richard Redford

The Proposal;

Planning permission is sought for the extension of Warwickshire nursing home. The submission, as detailed on the application forms and plans, detail the following;

- A 2-storey extension to the western end of the building (running south to north from the end of the existing 2-storey building) with both a single storey annex and a conservatory also attached to the proposed 2-storey extension located so as to run parallel to the bulk of the existing building in a west-east direction;
- A 2-story and 2 single storey extensions to the northern side of the main building;
- Demolition of an air raid shelter and erection of 2 single storey extensions with one being a conservatory to the southern side of the existing main east-west running block;
- Demolition of an existing single storey extension and subsequent erection of a single storey extension with roof terrace above on the southern side of the main east-west running block;
- Enlargement of the existing site entrance closest to the Main Street / Biggins Hall Lane junction;
- Demolition of an a section of existing wall to the front of the administrative offices and removal of grassed / landscaped area to provide parking;
- Other modified parking alterations; and
- Various landscaping alterations including removal of areas of existing landscaping along site frontage at northern site entrance with replanting of new saplings and wildflower meadow.

In addition to the submitted plans a Design & Access Statement, Design Development Document, Justification Statement, Arboricultural Survey, Method & Report document, and Protected Species report were submitted. The application forms the proposal will be constructed of materials to match those of the existing building with matching bricks, roof tiles and timbers. A total of 40 formal, marked out parking spaces are proposed with an addition 7 over-flow provided in the meadow area utilising grasscrete in order to maintain the meadow appearance.

Amended plans have been provided reducing the number of parking spaces proposed from 40 designated with 7 overflow spaces on the meadow to 25 designated spaces all contained within existing parking areas. As a result in the reduction in the number of parking spaces, the grassed area and section of brick wall to the front of the original Manor House dwelling that were to be removed to make way for the additional on site parking will be retained in its current form.

Site History;

The site has an extensive history with those detailed below being the most relevant;

Retention of external staircase (R05/1000/6192/PACA)
Refused 21.11.05 and appeal dismissed.

Erection of 6 dwellings and construction of new access
Refused 30.05.01 and (R00/0929/6192/P) appeal dismissed

Erection of 3 dwellings and construction of new vehicular Refused 12.07.00
access (R00/0243/6102/P)

Erection of 5 dwellings and alterations to existing access Refused 12.07.00
(R00/0243/6102/P)

Erection of 13 dwellings and construction of new vehicular Refused 12.01.00
access (R99/0887/6102/P)

Erection of 2-storey extension and use for storage purposes with Approved
ancillary office (R92/0260/6192/P) 01.04.92

Erection of 2-storey rear extension to existing retirement home Approved
19.02.86 (R85/1198/6192/P)

Use of existing outbuilding as extension to existing retirement home Approved
19.02.86 (R84/1541/6192)

Consultee Correspondence;

Environmental Health	No objections	Request conditions and informatives
RBC Landscape Officer	No objections	
RBC Trees Officer	Object	Requests landscaping / planting scheme
WCC Archaeology	No objections	Request a condition
WCC Care	No objection	

WCC Rights of Way	No objection	
WCC Ecology	No objections	Request conditions and informatives
Fire & Rescue	No objections	
Natural England	No objection	

Third Party Correspondence;

Thurlaston Parish Object On the grounds of no opinion having been sought from a Council conservation officer on the proposal which should be done prior to determination; strong doubts over scale and design of the proposal; excessive parking provision above required standards; failure of plans to show adjoining / neighbouring properties including Nut Coppice to the south of the application site giving a false impression to those not familiar with the village; need for a site visit by the Planning Committee prior to their consideration and determination of the application; loss of lawns and gardens identified in a 2001 appeal decision as giving this area of the conservation area ‘..a spacious and verdant character.’; intrusive nature; reduction in visual amenity of neighbouring dwellings; detrimental visual impact through demolition of part of wall at access point; relationship with listed buildings; consent for the proposed works not having been applied for; provision of the proposal on the meadow identified in the 2001 appeal statement as being important and the appeal statement still carrying weight; adverse impact on the visual amenities of the area; impact on view from Biggins Hall Lane; increased width of access point in excess of Highway Authority requirements and should be limited to no more than 4.8m in width; visibility splay proposed would seriously alter the street scene and balance with other site access toward south; see no reason why the fruit trees should be felled; and some of Parish Council comments from the pre-application discussions having been dismissed.

Neighbours (2)	Support	
Neighbours (18)	Object	<p>On the grounds of increased noise and disturbance through increased parking area; increased noise and disturbance generally; highway safety concerns through reduced visibility; visual impact on the Conservation Area; loss of walled garden and its replacement with parking area out of keeping with historic appearance of conservation area; at odds with Village Design Statement; loss of visual amenity; perceived decrease in property value; loss of lawns and hedges in area marked as 'Garden of Remembrance'; loss of privacy; inter-looking and loss of amenity through positioning of 1 of the 2 conservatories as well as 'garden of remembrance' area; increased traffic; enlargement of access out of character in the village and conservation area; concerns over traffic, parking and noise during construction; increased congestion; use of excessive vehicular speeds; increased staff levels will increase traffic and congestion; removal of front garden element will have a negative visual impact on neighbouring properties; original 'Manor House' roof extended in 2003 through removal of external chimney stacks; negative visual impact of conservatories on the area; inappropriate design and appearance that neither preserves or enhances the conservation area; apparent unnecessary need to increase width of northern most site access; proposed removal of the plum trees an attractive feature of the conservation area with their loss neither preserving or enhancing the conservation area; adverse impact on the character and appearance of the area; impact on 'the meadow' identified in a 2001 appeal decision by the Inspector as making an important contribution to the visual amenities of the area; curved addition to access creating a grand entrance as opposed to as stated in submission; concerns over water pressure through increased number of rooms; differences in submitted plans from those discussed at</p>

pre-application stages with the Parish Council; loss of an area of the meadow; loss of a section of the wall that is a notable feature in the street scene and conservation area; impact on increased access width between access and Biggins Hall Lane; impact of bulk of extension on openness; prominence of the proposal; landscaping concerns; parking provision at odds with required standards; loss of large area of open space within the conservation area that provides a transition between the village and the countryside; inappropriate relationship with 4 surrounding listed buildings; will detract from the area; adverse impact on the character and appearance of the area and street scene; light pollution through increased vehicle movement due to increased parking levels; failure to preserve or enhance the conservation area; it being an unwelcome development; unneighbourly; failure to preserve or enhance the conservation area; and loss of trees due to their having reached the end of their fruit bearing life unreasonable;

Other Relevant Information;

Cllr Roberts has requested the application be brought before your Committee for determination and was the subject of a site visit this afternoon.

The site is located within the defined settlement boundaries of Thurlaston as well as within the Thurlaston Conservation Area. Situated on the corner of Main Street and Biggins Hall Lane, access into and out of the site is via one of 2 existing access points off Main Street with the Main Street boundary being a brick wall approximately 2m in height whilst along Biggins Hall Lane is a hedge that is approximately 2m above the road surface due to Biggins Hall Lane road being set lower and falling as it goes away from Main Street. Ground level at the front of the site where the existing buildings are as well as the area where the majority of the proposal will be situated is level with ground levels falling away to the rear (west) and to the north from the edge of the site down to Biggins Hall Lane. A recent assessment of the conservation area has occurred with the report contained within the Thurlaston Conservation Area Appraisal.

In dismissing the planning appeal against the refusal of permissions of the erection of 3, 5 and 13 dwellings covered by 3 separate applications and refusals, the Inspector detailed in his report that key issues in the determination and subsequent dismissal of the appeal related to the Conservation Area, views along Biggins Hall Lane and the then proposed

developments relationship with Biggins Hall Lane in terms of open space and proximity.

Relevant Policies;

RBCS Policy CS1	Complies	Development Strategy
RBCS Policy CS16	Complies	Sustainable Design & Construction

Interim Parking Standards Guidance Notes
Thurlaston Conservation Area Appraisal

Planning Policy Statement 1, Delivering Sustainable Development
Planning Policy Statement 4, Planning For Sustainable Economic Growth – policy EC6
Planning Policy Statement 5, Planning For The Historic Environment
Planning Policy Statement 9, Biodiversity & Geological Conservation

Consideration;

The main issues to consider relate firstly to the proposals acceptability or otherwise in terms of the principal of the development, secondly matters pertaining to its design and layout, thirdly its relation with the Conservation Area and subsequently matters pertaining to parking, amenities and materials.

Principal:

The site is located within Thurlaston settlement boundaries with Thurlaston being a Local Needs Settlement. Policy CS1 of the Rugby Borough Core Strategy details development be directed toward the most sustainable location in the first instance before being considered elsewhere. Local Needs Settlements are identified as 4th priority locations above the countryside and green belt that are 5th and 6th locations respectively. There are, in principal, more sustainable locations for nursing homes to be located but in this particular instance the proposal relates to the extension of an existing facility as opposed to the provision of a new nursing home. Furthermore, both PPS1 and PPS4 indicate the need for sustainable development that can be coupled with economic development / growth and good design. The provisions of policy EC6 on planning for economic development in rural areas in PPS4 clearly indicates the need to protect the countryside for its intrinsic character, beauty and diversity (EC6.1) before going on to say in rural areas Local Authorities should locate most new development in or on the edge of existing settlements (EC6.2). Given this guidance it is reasonable to conclude that the extension of an existing facility located within the settlement boundaries is acceptable in principle.

Design & Layout:

There are 10 new build extension elements that comprise the proposed built additions of which 8 are single storey in height with the remaining 2 being 2-storey in height. In addition to this works include the widening of the northern most site entrance / exit, the formal separation of the parking area from the adjacent meadow and provision of a enclosed bin storage area in connection with the kitchen.

The various extensions proposed have, through discussions, been arranged in a manner so as to relate to the existing built form on the site whilst also seeking to minimise intrusion upon open areas within the site that have, through previous applications and appeals, been identified as of being of significant value in establishing and setting the character, appearance and nature of the area. This has also been established in the Thurlaston Conservation Area Appraisal that will be discussed below.

The largest extension is one of the 2-storey elements situated at the western end of and attached to the 1986 extension existing building. Running in a north-south direction with a steeply pitched roof to match in with not only the extension to which it will be attached but also the original buildings on the site. Its design allows it to fit in and relate with the existing building and other extensions proposed as part of the application, with matching proportions, materials etc. Its length, at approx 36.5m is less than the length of the existing building when measured from Main Street into the site although the proposal will obviously be viewed in a different context from the surrounding area. Nonetheless it is considered appropriate when taken into account on its own and with the other elements proposed as well as within the context of the overall size of the site.

At to the northern end of this 2-storey extension is a single storey element running west to east with there being a conservatory at its eastern end. Designed to have proportions in-keeping with and appropriate to existing building as well as the extended building, the use of materials to match and fit in will contribute to it also fitting in. As with the 2-storey element that it will be attached to, it has a high pitched roof to enable it to fit in with the area with the use the same roof tile further ensuring visual continuity. In respect of the conservatory it will, due to the widening of the northern most access point as well as use of an appropriate fence to separate the access road from the meadow within the site, be of prominence to people travelling along Main Street. Even though its visibility will be relatively limited in the context of the whole site its ridge level is relatively high but is set lower than the extension to which it will be attached to ensure an appropriate step down given its visual prominence from the Main Street access point. Subject to a condition in respect of its materials being agreed prior to commencement in the interest of visual amenity it is considered an acceptable element.

The proposed built elements above discussed create a courtyard type of area within them into which the main access and majority of the parking provision will be provided along with refuse, delivery and ambulance vehicles using it, similar in nature to older farms having a central area from where deliveries and collections were made.

Within this new courtyard type area a flat roofed kitchen extension will be located and attached to the existing kitchen in the corner of the existing building. Due to its location it will only be visible from within the site and will, in part, be screened from view by a 1.8m high close boarded fence that will enclose an area for bin and refuse storage associated with the operation of

the site. Despite this secluded location, it is of an acceptable design, appearance and nature.

Also in this area will be a 2-storey extension to the main entrance with projecting single storey canopy feature to its front to provide covered facilities for ambulances etc and single storey extensions on both sides. There will also be 2 single storey extensions with one on each side of the 2-storey element. The designs of these elements are such that they relate to each other and the existing building without being too excessive or at odds with the current or proposed situation. Furthermore, the ridgelines drop from existing to the 2-storey element then down to the canopy giving a stepped appearance within the courtyard style area giving an attractive feel and feature to the area.

Centrally located on the south facing elevation of the existing main east-west running block, a single storey link section will be demolished and replaced by a similar flat roof link section with the roof acting as a roof terrace. In design terms there is an obvious difference given the provision of a roof terrace with there being a balustrade in place where there previous wasn't one. The design, scale and massing of the proposal are such that it fits in with the building and wider area.

On the southern side of the existing main block there is a corner location on which there is a 1 ½ storey section where eaves level is in-line with the top of the windows above which is a mono-pitched roof. Here floor and ceiling levels internally will increase with the mono-pitched roof being removed, the exterior walls increased in height to the eaves level on the main 2-storey section of the building and a flat roof put in place. Although the raising of the walls and provision of a flat roof will appear at odds with the building, its position is such that it is not readily seen from outside of the site other than from one neighbour and they will see it from an oblique angle. The use of matching materials will allow it to fit in without raising impact and whilst not totally in-keeping this would not justify a refusal.

The last element of building work is a conservatory to be located on the southern most section of the existing building. Its width will extend across the depth of the section discussed in the above paragraph as well as the depth of the existing building when viewed from Main Street. As with the other conservatory element discussed above its design, scale, massing and proportions are appropriate whilst a condition in respect of materials is required in order to ensure it fits in fully with the character and appearance of the conservation area.

Parking and landscaping alterations are also proposed incorporating the formal separation of the meadow from the access road plus the increase in the width of the northern most vehicular access point to allow 2-way movement at the same time as opposed to the current situation of one way vehicle movement at any time in or out. Parking currently occurs in an ad-hoc manner on the edge of and over parts of the meadow area with no clear definition as to where the access, parking area and meadow separate. The provision of a formal access with footpath and fence separating them from the

meadow provides a categorical definition as well as allowing the parking to be provided within a defined area. This clear identification and separation of the meadow area from built form in conjunction with the design of the proposal in their individual and collective elements allows the open country feel discussed in the 2001 Planning Inspectors report to be retained without impacting on the layout and nature of the area. It will also serve to enhance and reinforce details contained within the Conservation Area Appraisal which identifies this area as being key to the character of the area.

The amended plans provided have seen the reduction in parking space numbers with the amended plans resulting in the area of formal garden between the front of the building and the Main Street site boundary being retained in its current form so maintaining an attractive feature of the site.

The proposal will also entail the enlargement of the existing northern most access point into and out of the point and alterations to the visibility splays. The wall is a very prominent feature within the street scene and contributes to the character and appearance of both the area generally and the Conservation Area. Whilst the increase in its width will impact on the symmetry of the 2 openings they are not readily read in the context of each other and furthermore the rebuilding of the pillar can be done of the bricks taken down thus ensuring material continuity. Given the increased number of rooms proposed which are acceptable, it is considered an increased access point is required for highway safety purposes and in this instance it will be seen in the context of Biggins Hall Lane junction that will be of a similar size. As such it is considered to be acceptable.

Conservation Area:

The Thurlaston Conservation Area Appraisal details amongst other things how the main character of the area is formed by low density linear development in an agricultural setting with highly landscaped areas as well as important landscaping that softens the appearance of the built form. It also identifies the nursing home site as one of four key areas within its boundary.

In reference to the nursing home sub-area, the appraisal specifically identifies the change in ground levels between the site and the adjacent Biggins Hall Lane with the lane being set much lower as a key feature whilst also highlighting the field / meadow as giving a sense of the countryside being absorbed into the village. Specifically, the appraisal also identifies the Main Street wall as being a dominant feature in the conservation area that is visually attractive and prevents most views into the site. Existing buildings on the site are identified as being the most dominate buildings in the village with the scale of the original building(s) having been overtaken through the various extensions but they respond to the prevailing character of the area through the use of appropriate materials, design features and being of similar heights to surrounding buildings.

The provisions of PPS5, Planning for the Historic Environment details in policy HE7 that developments should make a positive contribution to the character

and local distinctiveness of the historic environment and that heritage assets be preserved and enhanced where possible.

In dismissing the planning appeal against the refusal of permissions of the erection of 3, 5 and 13 dwellings covered by 3 separate applications and refusal, the Inspector detailed in his report that key issues in the determination and subsequent dismissal of the appeal related to the Conservation Area, views along Biggins Hall Lane and the then proposed developments relationship with Biggins Hall Lane in terms of open space and proximity.

With these provisions in mind it is essential that the proposal addresses these key areas and as a minimum preserves the conservation area.

The layout of the proposal is such that the size of the rooms, corridors etc are pre-determined through Health Service requirements to ensure all elements are capable of being used for various purposes for which they are intended. As such the proposal has been designed and laid out in a manner that accommodates these requirements whilst also serving to minimise impacts on not only the conservation area generally but also those areas identified in the conservation area appraisal as well as by the Planning Inspectors report that is still considered of relevance.

The position of the main bulk of the extension has been positioned 31m from the sites northern site boundary which is Biggins Hall Lane whilst as detailed earlier the design, appearance, scale, massing, proportions and materials all fit in with and are respectful of the existing buildings on the site – a feature identified in the conservation area appraisal as being important and having already been done with relative success in terms of other historic extensions. In terms of height of the various built elements, these continue along the lines of the existing buildings with sections having been reduced to single storey in height in order to reflect their position within the site with regards to their prominence from both Biggins Hall Lane and the northern most vehicular access point which is to be increased in width.

Furthermore, the provision of a well defined access road within the site and fencing that formally delineates and separates the meadow from the built area ensures that the open field / meadow area is retained and subsequently maintained in a manner that still ensures elements of the countryside are still linked into the village.

Through the amended plans the retention of the wall and formal grassed area to the front of the former Manor House ensures that this section of the site is retained in its current so continuing to preserve the conservation area.

One of the main elements of the proposal for discussion in terms of potential impact on the conservation area relates to the proposed increase in the width of the northern most site access from a current width of 4m to a proposed width of 6m. This element has the potential to have an impact on the conservation area given the prominence of the brick wall within Main Street and its identification in the conservation area appraisal as being visually

attractive and preventing views into the site. By increasing the width by the 2m proposed there will be the obvious increased in views into the site however this impact needs to be balanced against highway and pedestrian safety matters brought about through the increased number of rooms, the need to ensure safe vehicular movement and the actual extent of view into the site that will be increased. Whilst the increase in the width of the access by 2m will increase views into the site from Main Street, the increased number of rooms will logically bring an increased number of vehicular movements albeit probably by a low level and this limited intensification of the access may serve to increase highway and pedestrian safety conflict so it can be argued that the increased width is needed to ensure no adverse or detrimental impact on highway or pedestrian safety. From the officers site visit it appears as though the northern section of this existing access at some point has been damaged and re-built in a brick of slightly different colour and shade. The extension to the access would allow for the existing pillar arrangement to be retained although further away from its current position whilst also allowing it to be rebuilt in a brick of more appropriate colour and shade. When travelling along Main Street into Thurlaston the increased width will give increased views toward the existing building initially and in the main it is not considered this would be unacceptable or grounds to justify a refusal. The main areas from which increased views will be obtained is when directly opposite the access looking into the site which will occur from a small number of houses. In this instance increased views of some of the proposed extensions will occur but it is not considered that this is sufficient reason for refusal.

Overall therefore the proposal is considered acceptable whilst in the main preserving the character and appearance of the Thurlaston Conservation Area whilst enhancing other areas such as the meadow / field area through formal separation leading to a clear boundary as to where that area of special significance is which doesn't currently exist.

There are 4 listed buildings surrounding the site and the provisions of PPS5 require consideration, where relevant, be made to the potential impact on these heritage assets as well. The siting of the proposal, both holistically and in terms of the various individual elements, are considered to be of a design and appearance as well as location that there will be no adverse or detrimental impact upon the setting of these surrounding listed buildings.

Access & Parking:

The Interim Parking Standards Guidance Notes details that for nursing / rest homes 1 space will be required for 4 residents. Based on the intended number of bedrooms and resultant residents a maximum of 15 parking spaces are required

The application originally proposed a total of 40 formal, designated parking spaces with an additional 7 'over-flow' spaces made available through the use of grasscrete in the meadow area immediately to the rear of the northern most section of the Main Street brick wall frontage. Of the 40 spaces originally proposed 18 were to be provided in the 'new court yard' area to the north of the site adjacent to the bulk of the proposed extensions, 8 were to be

provided in the existing area to the front and side (north-east) of the building that historically was the Manor House with the remaining 14 being provided in a new parking area that was to be created to the front of the former Manor House. They would have been provided through the demolition of a 9m length of wall starting from the former Manor House and going toward Main Street, the removal of an existing area of well laid out and planted formal garden to the front of the former Manor House and the construction of a new wall to formally separate the car park as proposed from the remainder of the formal garden area.

The amended plans provided, following a request by officers, has seen the total number of parking spaces proposed reduced by 14 to provide a total 26 on-site parking spaces. This has been provided within the existing area to the northern side of the former Manor House where parking is currently provided as well as in the 'new court yard' style area amongst the bulk of the proposed extensions. The existing formal, landscaped garden between the Manor House and the sites front boundary with Main Street will remain in its current forms. Although the number of spaces proposed still exceeds the numbers required by standards, from a walk around the site this number is roughly comparable with the apparent existing informal number of spaces provided and is therefore on balance considered acceptable.

It is proposed as part of the application to demolish a section of the existing northern most site entrance / exit in order to increase the access width to provide a road capable of allowing two-way vehicular movement which is currently not achievable. The Highway Authority has no objections to the proposal subject to conditions and informatives being attached to any approval and they are satisfied the proposal will not impact on highway safety.

Amenities:

The various built elements of the proposal, individually and collectively, have been designed and positioned in locations so as to ensure there will be no adverse or detrimental impacts upon other users of the facilities or neighbouring and surrounding sites. The amended plans reducing parking space numbers and removing the proposed additional parking area as a result of this reduction in numbers has ensured the amenities of the nearest neighbour, Nut Coppice, have not been unduly affected through increased noise levels due to the additional parking. Overall therefore the proposal will not impact upon amenities and is acceptable.

Other Relevant Factors:

As part of the application an arboricultural report was submitted that has been assessed by the Tree Officer. Whilst objecting initially on the grounds of requiring details on a landscaping plan, this objection has been overcome through the landscaping plan being able to be provided through a pre-commencement condition. As such a pre-commencement condition requiring a landscaping plan with full details is required.

Also submitted as part of the application was a Protected Species report that has looked at the site and assessed it in relation to any protected species.

This report, along with the other submitted documents, has been assessed by Warwickshire County Council Ecology Team who are satisfied with its findings but request a number of conditions and informatives be attached to any permission.

Objections have been received from the Parish Council as well as a number of local residents with details of these objections contained above. Whilst the report has dealt with a number of these objections, those not already addressed are addressed here.

Whilst the submitted plans showing the details of the development do not show the proposal in relation to neighbouring and surrounding sites, the site location plan does allow for an assessment to be made and although the exact extent of Nut Coppice is not fully shown, the case officer identified this neighbour on site and was able to establish the proposals relation with it and has used this in the assessment of the application

A question has been raised as to why the fruit trees to the front of the site adjacent to the site access to be widened should be felled. The Tree Officer has assessed these fruit trees as part of the proposal commenting that these purple plum trees collectively show very poor form and vitality with very limited life expectancy. Taking a long term view the tree officer is of the opinion they should be removed and replaced with native species that compliment and enhance not only the development but also the overall amenity of the conservation area and rural outlook.

In respect of the Parish Council comment that some of their comments from the pre-application discussions have been dismissed, the applicant and their agent obviously have had to come to a view in terms of what to incorporate in terms of the comments made by not only the Parish but the Local Planning Authority as well and in terms of these submitted the application taking in the comments they thought relevant.

There will be increased noise and disturbance during construction, should the application be approved, but this will be temporary. Through the reduction in the number of parking spaces as shown on the amended plans it is considered the proposal would not increase vehicle movement an undue amount to adversely impact on the area at a level that would justify refusing the application.

Perceived decrease in property value is not a relevant material consideration whilst increased concerns over traffic, parking and noise during construction will only be temporary. Concerns of excessive vehicular speeds are not relevant as they cannot be controlled through the planning proved whilst concerns over water pressure through increased number of rooms is an issue that would have to be addressed by the water provider.

Recommendation;

Recommend approval subject to conditions.

Report prepared by: Richard Redford 9th February 2012

DRAFT DECISION

APPLICATION NUMBER

R10/1850

DATE VALID

30/11/2011

ADDRESS OF DEVELOPMENT

HOME WARWICKSHIRE RESIDENTIAL
 THE MANOR HOUSE
 MAIN STREET
 THURLASTON
 RUGBY
 CV23 9JS

APPLICANT/AGENT

Bob Law
Sylvester Estates
208 Hillmorton Road
Rugby
Warwickshire
CV22 5BB
On behalf of Mr R Perry, Eastdene
Investments Ltd

APPLICATION DESCRIPTION

Erection of a 2-storey extension and single storey annex and conservatory to western end of building; 2 no single storey extensions to northern side of building; and single storey extension and balcony to southern side of building. Demolition of air raid shelter to accommodate new conservatory to the southern end of building. Demolition of part of existing wall to accommodate new parking area. Enlarged entrance and modified parking and landscaping alterations.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Application forms, Arboricultural Suvery, Report & Method Statement by RJ Tree Services dated October 2011, Protected Species Report by Ecolocation dated 14th November 2011, existing plans numbered 1107/500 Rev A, 1107/01, 1107/03, 1107/05, 1107/07 and 1107/20 all dated 18th November 2011 and submitted as part of the planning application received by the Local Planning Authority on 20th November 2011; and

Amended Design & Access Statement Rev A dated 27th January 2012, amended Appendix C Design Development Document Rev A dated 27th January 2012, amended Proposed First Floor Plan numbered 1107/04 Rev A dated 18/11/11, amended Proposed Second Floor Plan numbered 1107/06 Rev A dated 18/11/11, amended Proposed Roof Plan numbered 1107/08 Rev A dated 18/11/11 and amended Proposed Elevations plan numbered 1107/21 Rev A dated 18/11/11 all submitted to and received by the Local Planning Authority on 30th January 2012; and

Amended Proposed Key Works Plan numbered 1107/501 Rev A dated 18/11/11 and amended Proposed Ground Floor Plan numbered 1107/02 Rev A dated 18/11/11 both submitted to and received by the Local Planning Authority on 3rd February 2012.

REASON:

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

CONDITION 3:

Prior to the commencement of the development hereby approved a full schedule of all materials to be used on the development, to include details on all fencing, paving, road surfacing, entrance walls and buildings, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of visual amenity and ensuring that all materials are suitable and in-keeping with the site's location within the Thurlaston Conservation Area.

CONDITION 4:

No works shall commence beyond the wall plate at first floor level that may be disturbing to bats until bat activity surveys of the site have been conducted at an appropriate time of year. The results of the survey along with a plan of any mitigation plans as may be necessary shall be submitted to and agreed in writing by the Local Planning Authority. Any works approved shall then be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure that protected species are not harmed by the development

CONDITION 5:

The development hereby permitted shall proceed in accordance with the detailed mitigation measures for great crested newts and reptiles as set out in Section 11 of the approved document entitled Protected Species Report prepared by Ecolocation Ltd on 14th November 2011 and received by the Local Planning Authority on 30th November 2011. The approved mitigation measures shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

REASON:

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

CONDITION 6:

No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

REASON:

To ensure the preservation of important archaeological remains and that any archaeological history of the site is recorded.

CONDITION 7:

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

REASON:

In the interests of the amenities of neighbouring properties.

CONDITION 8;

Prior to the commencement of the development hereby permitted full and precise details in respect of a suitable flue extraction system for the kitchen shall be submitted to and agreed by the Local Planning Authority in writing. The system shall be designed to operate in full accordance with the approved details before the kitchen is fully functional and be maintained in accordance with the approved details. The flue outlet shall terminate no less than 1 metre above the apex to the main roof. Details of means to prevent grease, fat and food debris from entering the foul drainage system must also be submitted to and approved in writing by the Local Planning Authority for approval. The approved scheme shall be installed prior to the kitchen becoming operational and shall thereafter be maintained in accordance with the approved details.

REASON:

In the interests of amenity.

CONDITION 9;

Prior to the development hereby permitted commencing a Phase II contaminated land intrusive investigation to concentrate on proposed building footprint extension areas with a residential receptor end use being used for risk assessment considerations shall be carried out with resultant report, including mitigation where necessary, being submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures approved shall then be implemented as part of the development in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of the amenities of future occupiers.

CONDITION 10;

As the development hereby approved involves demolition and construction works in proximity to residential accommodation areas, prior to the commencement of the development hereby approved a comprehensive dust management report shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of residential amenity.

CONDITION 11;

Before any demolition, construction or alteration works commence on site a detailed asbestos survey shall be undertaken for the proposed site development with the resultant report, to include mitigation where necessary, submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in

accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of amenity.

CONDITION 12;

The northern site access altered as part of this approval shall be hard surfaced in a bound material for a distance of 7.5m from the near edge of the highway footway.

REASON:

In the interests of highway and pedestrian safety.

CONDITION 13:

The development hereby permitted shall not be occupied before the [highway/verge] crossing has been laid out and constructed to the satisfaction of the Local Planning Authority in accordance with the standard specification of the Highway Authority.

REASON:

In the interest of highway safety.

CONDITION 14:

During the construction period, adequate measures shall be taken to prevent deleterious matter being carried onto all nearby highways.

REASON:

In the interest of highway safety.

CONDITION 15;

The parking, turning and manoeuvring areas shown on the approved plans shall be completed and capable of use prior to the occupation of any part of the extensions to the nursing home hereby approved.

REASON:

To ensure sufficient parking provision is available prior to the extensions being used in the interest of parking, highway safety and amenity.

CONDITION 16;

No works or development shall take place until a specification of all proposed mitigation tree planting has been submitted to and approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. The planting shall be implemented or implementation commenced in the first planting season following completion of the development in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. If within a period of 5 years from the date of planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON:

In the interests of visual amenity and to mitigate for trees to be removed as part of the approved development.

CONDITION 17;

No works or development shall take place until a specification of all proposed wildflower meadow planting has been submitted to and approved in writing by the LPA. This specification will include details of the quantity, species, position and the proposed time of all planting, together with an indication of how they integrate with the proposal in the long term. The planting shall be implemented or implementation commenced in the first planting season following completion of the development in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of visual amenity and to ensure wildflower planting is carried out to an acceptable standard.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Core Strategy policies CS1 and CS16

Interim Parking Standards Guidance Notes

Thurlaston Conservation Area Appraisal

PPS1, Delivering Sustainable Development

PPS4, Planning For Sustainable Economic Growth

PPS5, Planning For The Historic Environment

PPS9, Biodiversity & Geological Conservation

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

REASON FOR APPROVAL;

The development represents an appropriate form of development with the extensions being in keeping with and appropriate to the existing building to which they will be attached whilst other works including the widening of the northern most access point and provision of formal parking areas will serve to improve the facility whilst being in-keeping with the area. The development as a whole is considered to be in-keeping with whilst also preserving and enhancing the Thurlaston Conservation Area in accordance with Rugby Borough Core Strategy policies CS1 and CS16.

INFORMATIVE 1;

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

INFORMATIVE 2;

The applicant is respectfully advised that as additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants. It is worth noting that certain plant species such as honeysuckle and night-scented flowers can be beneficial to bats due to their ability to attract moths and would be of greater wildlife value particularly where bats

are known to be in the area. Advice should be sought from an ecologist regarding recommended management in order to maximise the value of the wildflower meadow for wildlife.

INFORMATIVE 3:

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

INFORMATIVE 4:

The granting of Planning Permission does not give the Applicant/Developer consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to Warwickshire County Council's Rugby Area Team Tel 01926 412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

INFORMATIVE 5:

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the [applicant{s}/ developer{s}] must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

INFORMATIVE 6;

Before any improvement works required by this planning permission are commenced to the existing highway, the developer shall enter into an Agreement under section 184 of the Highways Act 1980 with the Highway Authority (Warwickshire County Council).

AGENDA MANAGEMENT SHEET

Name of Meeting	Planning Committee
Date of Meeting	22 nd February 2012
Report Title	Delegated Decisions –13 th January 2012 to 2 nd February 2012
Portfolio	N/A
Ward Relevance	All
Prior Consultation	None
Contact Officer	Paul Varnish 3774
Report Subject to Call-in	N/A
Report En-Bloc	N/A
Forward Plan	N/A
Corporate Priorities	N/A
Statutory/Policy Background	Planning and Local Government Legislation
Summary	The report lists the decisions taken by the Head of Planning and Culture under delegated powers
Risk Management Implications	N/A
Financial Implications	N/A

Environmental Implications N/A

Legal Implications N/A

Equality and Diversity N/A

Options N/A

Recommendation The report be noted.

Reasons for Recommendation To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

Rugby Borough Council

Planning Committee – 22nd February 2012

Delegated Decisions – From 13th January 2012 to 2nd February 2012

Report of the Head of Planning and Culture

Recommendation

The report be noted.

1. BACKGROUND

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

Name of Meeting: Planning Committee

Date Of Meeting: 22.02.2012

Subject Matter: Delegated Decisions – 12.01.2012 to 02.02.2012

Originating Department: Planning and Culture

LIST OF BACKGROUND PAPERS

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

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

* Exempt information is contained in the following documents:

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

(*Delete if not applicable)

DECISIONS TAKEN BY THE DIRECTOR OF TECHNICAL SERVICES UNDER
DELEGATED POWERS FROM 13.01.2012 TO 02.02.2012

A. APPLICATIONS – DELEGATED

Applications Refused		
<i>R11/0803 Refused 20.01.2012</i>	The Cottage Wolston Lane Coventry	Erection of a 4 bed dwelling
<i>R11/1852 Advertisement Refusal 20.01.2012</i>	Amethyst Residential Lettings 33 Regent Street	Retrospective consent to display an internally illuminated fascia sign
<i>R12/0023 Advertisement Refusal 31.01.2012</i>	Unit 2 5 Castle Mound Way Rugby	Display of 2 fascia signs
Applications Approved		
<i>R11/2295 Approved 12.01.2012</i>	210 Hillmorton Road	Erection of a first floor side and a single storey rear extension including a pitched roof over part of the existing garage.
<i>R11/1857 Approved 12.01.2012</i>	Kilmore House Coventry Road Hinckley	Retrospective application for erection of stables with tack room and hay store
<i>R11/2286 Approved 12.01.2012</i>	Toft Manor Southam Road Dunchurch	Relocation of existing tractor shed and erection of a new agricultural building
<i>R11/2235 Approved 13.01.2012</i>	Old Marton Glebe Farm Stockton Road Birdingbury	Variation of condition 3 of Planning Permission R10/0349 (Erection of single storey extensions, a porch to the north west elevation, a door & porch to the north east elevation and extension to the detached garage) granted 17th February 2011 to include a new external chimney.
<i>R11/2367 Approved 13.01.2012</i>	Woodbine Stables Grandborough Fields Road Grandborough	Erection of 6 no. stables and erection of fodder store.

<i>R10/1281 Approved 16.01.2012</i>	Rugby Gateway Phase R1 Leicester Road	Erection of 244 dwellings with associated open space, infrastructure and ancillary works; alteration to Brownsover Lane and junction with existing roundabout.
<i>R11/2391 Approved 17.01.2012</i>	2 Sheridan Close Rugby	Erection of a single storey side extension.
<i>R11/2298 Approved 17.01.2012</i>	83 Alwyn Road Bilton	Single storey front extension, 2-storey side extension and single storey rear extension.
<i>R11/2316 Approved 19.01.2012</i>	45 Regent Street Rugby	Change of use from Class A2 to Class A5 takeaway at ground floor (and basement) with 1 residential flat above including installation of rear extract duct and alterations to the shopfront
<i>R11/2371 Approved 19.01.2012</i>	28 Vicarage Hill Rugby	Continuation of use of existing workshop as a commercial premises
<i>R11/1952 Approved 20.01.2012</i>	25 Main Street Clifton on Dunsmore	Erection of a single storey rear extension to replace existing conservatory
<i>R11/2412 Approved 20.01.2012</i>	31 Warren Field Ryton on Dunsmore	Erection of single storey side and rear extensions and provision of new pitched roof
<i>R11/2433 Approved 24.01.2012</i>	Station House Lutterworth Road Stretton Under Fosse	Erection of single storey extension to rear (north east). Erection of wall to north east and north west boundaries.
<i>R11/2038 Approved 24.01.2012</i>	The Old Rectory Frankton Road Birdingbury	Erection of a single storey rear extension
<i>R11/2109 Approved 24.01.2012</i>	NPIA National Policing Improvement Agency Leamington Road	Erection of 2 detached garages and 2 sheds for training purposes, installation of CCTV and lighting columns, associated landscaping and hardsurfacing works.
<i>R11/2145 Approved 25.01.2012</i>	Sandpit Farm Shilton Lane Coventry	Retention of buildings for use as a cattery and office.

<i>R11/2323 Approved 27.01.2012</i>	Potters Poultry Willey Fields Farm A5 A Road Watling Street Wolvey	Retention of one temporary static caravans for employees
<i>R11/2123 Approved 27.01.2012</i>	91 Grendon Drive Brownsover	Erection of single storey side and rear extension.
<i>R11/2349 Approved 30.01.2012</i>	3 North Road Clifton Upon Dunsmore	Erection of a single storey rear extension
<i>R11/1841 Approved 01.02.2012</i>	Beehive Cottage Southam Road Kites Hardwick	Erection of 2no. 1.5 storey storey side extensions (partially retrospective).
<i>R11/2392 Approved 01.02.2012</i>	Edward Knight Estate Agents 14 Regent Street	Erection of a first floor rear extension including provision of a dormer window facing Bank Street.
<i>R11/2395 Approved 01.02.2012</i>	The Stables Rugby Road Brandon	Erection of a two storey side extension and conversion of part of the existing garage to form a residential annexe.
<i>R11/2383 Approved 01.02.2012</i>	Plot D, Valley Drive Valley Park Cosford	Siting of an above ground sprinkler tank and associated equipment housing.
<i>R12/0036 Approved 01.02.2012</i>	Red House Farm Draycote Road Draycote	Erection of detached 3-bay garage
Listed Building Consents		
<i>R11/2040 Listed Building Consent 24.01.2012</i>	The Old Rectory Frankton Road Birdingbury	Listed Building Consent for the erection of a single storey rear extension
<i>R11/1785 Listed Building Consent 25.01.2012</i>	22 Hillmorton Road Rugby	Listed Building Consent for a replacement pitched roof to the existing rear extension, including new rooflights in the roofslope and a reduction in the boundary parapet wall from 3.0m to 2.7m and external and internal

		alterations to the rear projection of the Listed Building. Erection of side boundary wall.
Advertisement Consents		
<i>R11/2439 Approved 18.01.2012</i>	Main Line Timber Ltd The Old Garage Coventry Road Marton	Retention of non-illuminated sign on building
Certificate of Lawful Use or Development		
<i>R11/2361 Approved 17.01.2012</i>	Dunchurch Park Hotel Rugby Road Dunchurch	Certificate of lawfulness for a marquee used for events purposes in association with existing site operations.
Approval of Details/ Materials		
<i>R10/1306 Approval of non-material changes 25.01.2012</i>	David Smith Packaging Boughton Leigh House Brownsover Road Brownsover	Erection of 5 dwellings with associated landscaping and highways works
<i>R11/0014 Approval of Reserved Matters 25.01.2012</i>	Land at Coton Park East Gentian Way Brownsover	Submission of reserved matters comprising access, appearance, landscaping, layout and scale and discharge of related conditions nos. 4 (details of roads, footpaths etc), 5 (foul and surface water drainage), 6 (parking), 7 (site boundaries treatment), 8 (levels), 10 (hard and soft landscaping), 12 (tree protection), 14 (materials) and 17 (acoustic ventilation) pursuant to outline planning permission ref. APP/E3715/A/09/2113178 (LPA ref. R09/0188/MEIA) dated 29 June 2010, for the erection of a maximum of 165 dwellings complete with associated open space and infrastructure.
<i>R11/0926 (R09/0972/MAJP) Approval of Reserved Matters & Details 26.01.2012</i>	Land East of Calvestone Road Calvestone Road Cawston	Erection of 129 dwellings (Approval of Reserved Matters in relation to planning permission R09/0972/MAJP.)