



23 February 2024

PLANNING COMMITTEE - 6 MARCH 2024

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 6 March 2024 in the Council Chamber at the Town Hall, Rugby.

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

Mannie Ketley
Chief Executive

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of meeting held on 7 February 2024.
2. Apologies.
To receive apologies for absence from the meeting.
3. Declarations of Interest
To receive declarations of –
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Delegated Decisions – 18 January 2024 to 14 February 2024.

Membership of the Committee:

Councillors Gillias (Chair), Edwards, Mrs Garcia, Harrington, Mrs Hassell, Karadiar, Lawrence, Lewis, Mrs Maoudis, Sandison, Srivastava and Ward

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

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

Planning Committee – 6 March 2024

Report of the Chief Officer for Growth and Investment

Applications for Consideration

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Item	Application Ref Number	Location site and description	Page number
1	R22/0928	Land North of Dunchurch, South of Bilton, Rugby Full planning application for the delivery of an all-traffic single carriageway link road (the Homestead Link Road.	3
2	R23/0831	Flecknoe Farm Stud and Livery, Flecknoe Village Road, Flecknoe, Rugby, CV23 8AU Proposed conversion and partial demolition of former equestrian barn to a single residential dwelling (Use Class C3).	66
3	R23/1197	136, Hillmorton Road, Rugby, CV22 5AL Outbuilding to rear (retrospective).	84

Reference: R22/0928

Site Address: LAND NORTH OF DUNCHURCH, SOUTH OF BILTON, RUGBY

Description: Full planning application for the delivery of an all-traffic single carriageway link road (the Homestead Link Road), including 2m verge, 2m footway and 3m cycleway on the development side of the carriageway, a Pegasus crossing, new junctions with the B4429 Coventry Road, Cawston Lane, Alywn Road, the A426 Rugby Road and to adjacent land allocated for residential development, plus realigned side road accesses to several existing residential properties. A new junction off Alwyn Road, its partial re-alignment and construction of a future 'spine road' (part only) that will provide access to other land allocated for residential development at SW Rugby. Associated works including street lighting, landscaping, surface water drainage infrastructure, utility diversions and ground remodelling, plus demolition of existing agricultural buildings. Creation of a landscaped buffer between the Homestead Link Road and Dunchurch, to include informal footpaths, new and enhanced ecological habitats, plus the same combination of features on land west of the Link Road.

Weblink: <https://planning.agileapplications.co.uk/rugby/application-details/35529>

Recommendation

1. Planning application R22/0928 be approved subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chair) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

1.0 Introduction

1.1 This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major development and more than 15 letters of objection have been received.

1.2 The development proposed is considered to be an Environmental Impact Assessment (EIA) development and as such, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 is accompanied by an Environmental Statement (ES). The ES provides an overview of the environmental impact of the proposals with a summary of mitigation measures proposed and contains a methodology for assessing the

significance of the environmental effects and the cumulative impact. A series of technical papers consider the range of environmental factors.

2.0 Description of site

2.1 This application relates to a large area of land located to the west north and east of Dunchurch. The site will stretch from the B4429 Coventry Road to the west of Dunchurch to the A426 Rugby Road, close to the Cock Robin Roundabout to the east of Dunchurch.

2.2 The application site largely comprises existing agricultural land however, it also includes existing roads, Rights of Way, trees and hedgerows. Alterations will be made to existing roads as detailed later in the report.

2.3 The proposals involve the demolition of existing agricultural buildings at Cherry Tree Farm, Northampton Lane.

2.4 The western part of the site comprises the majority of the existing field to the east of the allotments on of Coventry Road, Dunchurch. Coventry Road itself is included within the site extending along the road to the area to the north of Done Cerce Close. Land to the north of Coventry Road is included within the site, although numbers 90, 91 & 93 Coventry Road are excluded.

2.5 Residential properties at Homestead Farm and The Elms are outside of the site to the north, although the accesses to these properties from Coventry Road fall within the site boundary.

2.6 The application site includes the Windmill Lane right of way and land to the north of this. Moving east the site crosses Cawston Lane and includes agricultural land to the north of Northampton Lane and buildings at Cherry Tree Farm.

2.7 The existing telephone exchange at Northampton Lane is excluded from the site which extends north along Alwyn Road to the existing residential dwellings. Land to the west of Alwyn Road to the north of an existing hedgerow is also included in the site.

2.8 To the east of Alwyn Road the site comprises part of the agricultural fields to the north of Northampton Lane, but excluding the dwelling, Daru House.

2.9 From the junction with Northampton Lane eastwards the application site includes Rugby Road and land to the north. This extends eastwards towards the Cock Robin roundabout and to the front of 50 Rugby Road and Cock Robin Cottages (52-58 Rugby Road). Cock Robin Cottages are a Grade II Listed Building.

2.10 There are many residential properties close to the site including those on Coventry Road, Dunchurch, Cawston Lane, Northampton Lane, Alwyn Road, Montague Road and Rugby Road.

2.11 Trees and hedgerows are found within the application site, generally adjacent to existing roads and Rights of Way or forming field boundaries. These include many mature high quality trees. There are trees covered by Tree Preservation Orders within the site including those located along Alwyn Road, along the Windmill Lane bridleway and adjacent to the accesses to properties at Homestead Farm and The Elms on Coventry Road.

2.12 There is an existing public footpath (R169b) crossing the western field and running south east to Coventry Road with a restricted byway (a public right of way for pedestrians, horse riders, cyclists and non-motorised vehicles) R169z running along the northern boundary of this field. This then runs along Northampton Lane as a bridleway which then runs south through the residential area outside of the site towards the centre of Dunchurch.

3.0 Description of proposals

3.1 The application proposes a link road running from Coventry Road, Dunchurch in the west around the north of Dunchurch and connecting to Rugby Road at the east. The proposals also include the provision of a landscaped buffer adjacent to the road. At the western edge this will be to the west of the proposed road, for the remainder of the site this will be to the south of the proposed road.

3.2 The proposed road will comprise a single carriageway road of approximately 2km in length, including a verge, footway and cycleway with supporting infrastructure including lighting and surface water drainage.

3.3 To the west of Dunchurch the existing alignment of Coventry Road will be stopped up to form a cul-de-sac with the proposed road heading north from Coventry Road. A junction will provide a route connecting to the existing alignment of Coventry Road further east with the link road having traffic priority. Coventry Road to the west of this will form a cul-de-sac to access existing properties. The spur connecting the proposed road to Coventry Road will pass to the front of properties at Homestead Farm and The Elms and the existing accesses will be realigned.

3.4 Travelling east a Pegasus crossing will be provided where the road crosses the right of way (which will be diverted at this point) with a junction providing access to the Sustainable Transport Link and future development to the east, the proposed link road will have priority at this junction.

3.5 Where the link road is proposed to cross Cawston Lane a traffic signal controlled junction will be provided allowing access north along Cawston Lane. Cawston Lane to the south will be closed to motor vehicles and a footway/cycleway provided.

3.6 Traffic signals will also be provided where the link road crosses Alwyn Road to allow access north and south along Alwyn Road. Further north, a roundabout will be provided on Alwyn Road, this will allow access to future development to the east and west and link to the community spine road to the west in the future. The first part of this community spine road forms part of the current application running to the north of an existing hedge. During the processing of the application revised plans were received which increase the length of spur proposed.

3.7 At the eastern end of the site a new roundabout will be provided connecting the link road to Rugby Road. This will provide connections to Rugby Road travelling into Dunchurch and also north-east towards Rugby, a connection will also provide access to future development. Part of the existing alignment of Rugby Road will be stopped up and part will provide a cul-de-sac access to existing properties.

3.8 The link road itself is designed for 40mph traffic and this is consistent with the 40mph speed on the existing parts of Coventry Road and Rugby Road. The spur roads proposed from the link road into Dunchurch are proposed with 30mph speeds.

3.9 Surface water drainage will be provided in a series of ponds along the length of the road.

3.10 The proposals also involve the creation of a landscape buffer between Rugby and Dunchurch. This will be located to the south and west of the link road and will include earth mounds and areas of planting including trees, hedgerows and woodland planting as well as meadow and wetland grassland, and the provision of new wildlife ponds and swales.

3.11 Wildlife crossings will be provided at roundabout at Rugby Road, across Alwyn Road, and across the link road where it crosses Northampton Lane. These will contribute towards providing a wildlife corridor between Cock Robin Wood, Cawston Spinney and Coventry Road, Cawston. Bat boxes and amphibian hibernacula are also proposed.

3.12 Pathways will be provided within the buffer to allow access by the public.

3.13 During the processing of the application a series of revised plans were received which revised the proposed alignment of the road connecting the eastern roundabout and Rugby Road. These plans proposed a tighter bend when approaching the proposed roundabout from the east and it was intended to reduce the proposed speed of this part of the road to 30mph. However, the applicants discussed these proposals with the Highway Authority who advised that it would not be acceptable in highway safety terms to reduce the speed of this part of the road to 30mph and that the proposed alignment was not suitable for 40mph traffic. Further revised plans were therefore received reverting to the originally proposed alignment. These further revised plans also made changes to address comments made during the consultation process.

Planning History

R20/0885 EIA Scoping Opinion Request: Homestead Link Road
Comments 13/11/2020

Relevant Planning Policies

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

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

Rugby Borough Local Plan 2011-2031, June 2019

GP1 Securing Sustainable Development
GP2 Settlement Hierarchy
GP4 Safeguarding Development Potential
GP5 Parish Level Documents
DS1 Overall Development Needs
DS8 South West Rugby
DS9 South West Rugby Spine Road Network
HS1 Healthy, Safe and Inclusive Communities
HS2 Health Impact Assessments
HS4 Open Space, Sports Facilities & Recreation
HS5 Traffic Generation and Air Quality, Noise and Vibration
NE1 Protecting Designated Biodiversity and Geodiversity Assets
NE2 Strategic Green and Blue Infrastructure
NE3 Landscape Protection and Enhancement
SDC1 Sustainable Design

- SDC2 Landscaping
- SDC3 Protecting and Enhancing the Historic Environment
- SDC5 Flood Risk Management
- SDC6 Sustainable Drainage
- D1 Transport
- D3 Infrastructure and Implementation
- D4 Planning Obligations

National Planning Policy Framework, 2023 (NPPF)

South West Rugby Masterplan Supplementary Planning Document, June 2021
 Air Quality Supplementary Planning Document, July 2021
 Sustainable Construction & Climate Change Supplementary Planning Document, February 2023
 Planning Obligations Supplementary Planning Document, March 2012

Rainsbrook Valley Landscape Sensitivity Study, 2017
 Warwickshire County Council: Landscape Assessment of the Borough of Rugby, 2006 including Summary of Rugby Town's Urban Fringe

Technical consultation responses

Original plans & information

Cadent Gas	No objection	Subject to informative
Casework Unit	No comment	
Environmental Health	Comment	Require further noise information, require conditions and informatives
Environment Agency	No comment	
Historic England	No comment	
National Highways	Comment	Do not determine for 3 months, additional information required regarding modelling, impact of road and south west SUE must be assessed
Natural England Parks	No comment Comment	Impact on natural environment must be assessed Pathways should be more robust, buffer should be well used green corridor between open spaces
Tree & Landscape Officer	Objection	Significant tree loss, more design work required to investigate retention of trees
Warwickshire Ramblers	Comment	Welcome footway, cycleway and landscape buffer, R169 is restricted byway not bridleway, diversion orders required, welcome diversion through landscape area, route must connect to Cawston Lane
WCC Archaeology	Comment	Archaeological work required before determination
WCC Ecology	Comment	Require updated bat survey, biodiversity metric, details of wildlife crossings and bat hop overs prior to determination. Request conditions.
WCC Infrastructure	Comment	No strategic s106 requests
WCC Flood Risk	Objection	Surface water drainage information required
WCC Rights of Way	Objection	Northampton Lane not recognised as restricted byway, if this is resolved specification of diversions must be agreed, request condition & informative

Additional information

WCC Ecology	Comment	No objection to bat survey, proposals show biodiversity gain. Request details of wildlife culverts and bat hop overs prior to determination. Request conditions.
WCC Flood Risk	No objection	Subject to conditions & informatives

Amended plans

Environment Agency	No objection	
Environmental Health	No objection	
Historic England	No comment	
National Highways	No objection	
Natural England	No comment	
Tree & Landscape Officer	No objection	Subject to conditions
WCC Archaeology	No objection	Subject to condition
WCC Ecology	No objection	Subject to conditions
WCC Flood Risk	No objection	Subject to conditions & informatives
WCC Highways	No objection	Subject to conditions & informatives

Third party comments

Original plans

Dunchurch Parish Council Objection

- This is not a suitable or sustainable location for this type of development;
- Would cause significant harm to the character, appearance, infrastructure and amenity of the area as well as highway safety;
- Does not represent sustainable development, especially as it will increase reliance on the private car for journeys and associated environmental harm;
- As such it is in conflict with various national and local planning policies such as in respect of highway safety, sustainable development, flooding, drainage, amenity as well as requirements to protect important heritage and trees;
- Benefits of the proposal are not outweighed by the substantial harm;

Highway safety

- Uncontrolled 3 arm junction near Homestead Farm requires users to cross 3 lane carriageway, this is dangerous and unacceptable;
- Proposed stopping up of B4429 and diversion of right of way is unclear;
- Cyclists and pedestrians are not catered for at Alwyn Road/Northampton Lane junction, this is a direct link to Rugby High;
- Roundabout and road proposed close to properties on A426, will cause noise and other pollution and cause difficulty accessing and egressing properties due to speed of traffic and reduced visibility;
- Length of stopped up part of A426 is unnecessary and could lead to parking issues;
- Right of way users will have to cross new road which is dangerous and unacceptable;
- Cycle facility along stopped up road uses footway and does not meet required standards;
- There is a highway safety risk for drivers from the blind bend coming off the Cock Robin roundabout towards Dunchurch and the concealed access to five properties;
- At present any traffic stopping here causes severe restriction of the traffic flow, the proposal will make this unacceptable situation worse;
- Traffic modelling is inadequate as traffic has increased due to other developments;
- All residents would be affected during construction, what traffic control is proposed;
- Applicant states 16.3m route was required but it is 14m in places, green corridor is also narrower in places;

- Traffic speed from the Cock Robin roundabout is already a dangerous problem, highway safety and environmental problems will increase;
- Any reduced speed limit or signage near Cock Robin Cottages would probably not be effective or adhered to;
- Applicant refers to options for the eastern part of the road but these have not been provided;
- Eastern part of road should be moved further north into adjacent land to address the impact of noise, vibration, air quality and safety;
- It would cause unacceptable congestion leading to chaos, anger, and frustration to road users.
- The link road has been designed to access the new housing developments not as a link road between Cock Robin roundabout and the A45/M45 junction;

Heritage Assets

- Serious concerns regarding the effects on important heritage assets including Listed Buildings. Noise cannot be easily attenuated in older buildings and increased vibration from the traffic will have a serious impact on these often-non-underpinned buildings;
- The increased traffic expected near Cock Robin Cottages and the closeness to the buildings will have a serious impact on the historical setting of the Listed Cock Robin Cottages. The A426 is part of the old toll road system with Cock Robin Cottage buildings being originally an old coaching inn named the Cock and Robin Inn. The Inn is mentioned in Tom Brown's Schooldays;

Deficiencies in the Transport Assessment & studies

- TA refers to decreased traffic at Dunchurch crossroads, highly likely signal timings and layout will no longer be appropriate, but this is not referred to;
- Road Safety Audit not provided, this needs to be prepared in cooperation with residents;
- Road is not just to remove traffic from Dunchurch, is to serve thousands of new dwellings, more robust assessment of impact on Dunchurch is required;

Drainage, Flooding & Residential Amenity

- Area suffers from flooding and poor surface water drainage and many properties are below the road surface. Mitigation measures not adequate or feasible to prevent localised flooding drainage and other amenity issues (dirt and litter being washed onto properties) to safeguard the living conditions of future occupiers and surrounding properties;
- Link road is proposed to improve the air quality and environment at the crossroads in Dunchurch, while welcome this should not be done to the detriment of the environment at other positions on the route;

Not Sustainable Development

- Proposal includes some proposals that may support some journeys by foot and bicycle;
- However, the focus and aim of the development is to facilitate journeys by motor vehicle, especially by car;
- This is in direct conflict with local and national planning policies to promote sustainable modes of transport (public transport, walking and cycling etc.) and not increase reliance on the private car for journeys and associated environmental harm;

Trees and Hedges

- Developers plan to cut down a large number of Grade A trees - this should be reviewed on an urgent basis before any approval is given;
- Different tree experts are required for this review as the documents regarding trees contain many errors such as not properly identifying the actual trees (oaks have been listed as elms, ash as oaks, etc) and other grade A trees have been grouped together instead of being separately listed);
- An unnecessary and unacceptable amount of hedging proposed to be removed;

Other issues

- National Cycle Route is severely affected by the Homestead Link Road, this is frequently used and crosses Coventry Road, how will access be maintained;
- It would appear that Sustrans are not a formal consultee and it is strongly recommended that Sustrans are consulted;
- For these and other compelling reasons we would strongly urge that the application in its present form be refused.

Neighbours/Local residents (33) Objection

Buffer

- Green buffer should be provided to the north of the road;
- Planning Inspector required an 80m buffer and plans from 2019 showed a 245m buffer and no houses behind Montague Road, this should not be changed;
- Bare minimum of green corridor proposed and housing developers may squeeze this further, should be addressed at this stage;
- Green corridors are the lungs of the development and should be maximised;
- Proposed landscape buffer at the east of the site is insufficient and does not provide the required "significant" buffer;
- Must retain identity of Dunchurch, it must not become part of Rugby;
- Proposals will weaken the distinction between Rugby & Dunchurch;
- Proposals do not comply with Local Plan policies or the South West Rugby SPD;
- Road is shown connecting to Alwyn Road, Cawston Lane is proposed to allow access for through traffic rather than forming a sustainable transport corridor and the second north-south phase of the link road is not proposed;
- Proposals do not allow for a connection to the phase 2 north south element of the link road or to the land east of Alwyn Road, the closing of Cawston Lane to the south of the link road will prevent bus access, contrary to policy GP4;
- No explanation is given for altered design;

Transport/Highway safety

- ALL
- Traffic has greatly increased due to recent developments (such as Ashlawn Road, Houlton and DIRFT);
- Application may be based on out of date modelling, real world modelling was not carried out;
- Traffic assessment does not consider existing and proposed traffic volumes, including from proposed developments and traffic travelling through the area;
- Transport assessment does not consider development beyond 2031 or assess impact on junctions in the wider area;
- Transport assessment considered junctions will be working close to capacity in 2031 leading to queueing;
- Impact on strategic road network has not been assessed;
- Improvements at Dunchurch crossroads in 2022 have increased traffic on Coventry Road;
- Road may not be able to accommodate the quantities of traffic it will experience;
- Link road will increase traffic from users avoiding the Blue Boar junction;
- Application states the road will not lead to increased traffic however all traffic from South West Rugby developments will use this road;
- Number of junctions will lead to traffic accelerating and decelerating;
- 30mph limit would reduce pollution, make crossing the road more pleasant and reduce the risk of fatalities;
- Traffic from Rugby Road and Southam Road will still travel through Dunchurch;
- Will the road be extended to Southam Road;

- Reduction in traffic has been overestimated, is likely to be a reduction of 5%;
- Traffic surveys are not suitable or up to date, have focussed on Dunchurch crossroads, not roads leading into Dunchurch;
- Proposals will move problems to roads around Dunchurch;
- Public would not know which traffic was from Tritax Symmetry when reporting infringements;
- Impacts of traffic on whole of Rugby must be assessed as Victorian infrastructure is inadequate for extra homes;
- Failure to provide sustainable transport link at Cawston Lane will increase car trips;
- No bus stop are proposed or information as to how bus routes will be improved;
- Cycle facilities are not suitable contrary to policy - proposals do not provide cycle connections along Coventry Road to the west, cycle route changes from north to south of link road leading to unnecessary crossings, cycleway at Alwyn Road is not segregated from carriageway, no crossing is provided from existing cycle route to south of Rugby Road;
- Pedestrian and cycle routes are combined on Coventry Road to the west, Alwyn Road and Rugby Road;
- Proposals divert public footpath from its historic route and along a busy road;
- Walking and cycling are not being encouraged;
- Access to the countryside for walkers and cyclists will become more difficult;
- Pedestrian refuges must be provided;
- Walkers will not be able to use footpath R169b;
- Will no longer be able to cycle safely from Alwyn Road to Northampton Lane, Cawston Lane and Atkinson Avenue on to London Road, do not want to cycle on busy roads;
- RUGBY ROAD
- Proposed road starts at Cock Robin roundabout and reuses parts of the A426 Rugby Road, no details are provided for this part of the road;
- These properties have a junction around 100m from the existing roundabout, this is beyond a blind bend and traffic speeds in this area;
- There have been many near misses and this is clearly a danger spot;
- Residents experience the junction 24/7, have to wait long periods to exit the drive and turning right into the drive causes delays;
- The planning statement and safety audit have scoped this junction out of the assessment of major accidents;
- Road could be moved further north east to connect to the roundabout, this would affect a small part of Cock Robin Wood that could be replaced;
- COVENTRY ROAD
- Proposed junction leading to Dunchurch from proposed road means traffic travelling to the south and from Ashlawn Road will still travel through Dunchurch;
- There should be a full assessment of increased traffic on Coventry Road and whether access can be maintained at existing accesses and side roads;
- Assessment of traffic queuing at the roundabout and impact on Coventry Road must be undertaken;
- Turning into Homestead from this spur will be dangerous, this will be 40mph and drivers will speed;
- Travelling to Homestead from the M45 will involve a dangerous right turn across the busy road and a sharp left turn;
- Residents asked to view risk assessment for this spur, it has not been provided;
- This spur should be omitted from the proposals;
- Would be better to provide a roundabout on Coventry Road to connect to link road, keep Coventry Road open and add traffic calming leading into Dunchurch;

- This would also prevent disruption to services for properties at Homestead;
- Homes England are pursuing this option so WCC will adopt the road and save money;
- Coventry Road junction could cause delays to traffic using the proposed road;
- Existing safety issues and speeding traffic on Coventry Road would be made worse;
- Properties have narrow drives and have to reverse in, this is made dangerous by increased traffic;
- Grants should be made available for residents to improve driveways;
- Right turn lane into new housing adds confusion;
- There is only a single access to Thurlaston;
- Access from Coventry Road and Thurlaston to Dunchurch will be restricted, this affects children travelling to school or to school buses;
- Crossing points should be provided;
- Link road should be provided through Tritax site to A45 not Coventry Road as was originally proposed, this route is to save money;
- Parked cars linked to the school cause hazards on Coventry Road, proposals may lead to cars parking on drives or the new road;
- Speed cameras required on Coventry Road;
- Increased danger to pedestrians, footpaths are narrow;
- Many cyclists cross Coventry Road from Windmill Lane;
- Cycle route should be provided from Coventry Road to businesses on the A45;
- CAWSTON LANE/ALWYN ROAD
- Proposals will cause a 'rat run' down Northampton Lane and Cawston Lane, these are narrow residential lanes with narrow pavements, there are already speeding vehicles / vehicles parked on pavements. Traffic calming measures need to be put in place;
- Increased traffic at northern end of Alwyn Road;
- Footpath should be continued along Cawston Lane to existing properties, currently have to walk in the road but changes will reduce driver visibility;
- Roundabout on Alwyn Road will be close to existing driveway and will make reversing dangerous;
- Alwyn Road is very busy with queueing school traffic, proposed houses will lead to chaos;
- Cycling on Alwyn Road will become dangerous;
- Footpath should be extended along the west side of Alwyn Road to prevent unnecessary road crossing;
- If junction from link road to Cawston Lane is closed traffic would increase on Alwyn Road, this should not occur unless alternative route through the developments have been provided, the Main Street junction signalised and crossing facilities provided;

Environmental/Amenity

- Road could be moved further north away from Daru House without impact on highway standards, this should have been considered;
- Noise and vibration assessment does not include detail of construction plant or programme, this should be provided before any decision is made;
- Noise and vibration monitoring during works should be agreed with residents of Daru House;
- Noise assessment should have included measurements at Daru House;
- Detail of noise barrier not provided, will affect visual amenity and landscaping should be provided;
- Road runs to the front of Cock Robin Cottages and Homeleigh and will have a major impact on these Listed Buildings and their residents;
- Cock Robin Cottages was originally an inn that is shown on 19th century maps and mentioned in Tom Brown's School Days;
- Is not easy to provide noise attenuation in Listed Buildings;

- Increased vibration will affect these properties which are not underpinned;
- Environmental Assessment does not assess air quality, noise, dirt and vibration for properties on Rugby Road, increased traffic in recent years has led to increases and the proposals will lead to further deterioration;
- Improved air quality & environment in Dunchurch should not be to the detriment of other areas;
- Does not create a healthy and safe environment as required by policy;
- Applicants claim to work with residents and stakeholders however residents at Cock Robin Cottages & Homeleigh have been ignored, concerns include road safety at the joint access, increased noise, vibration & dirt from the increased traffic flow, drainage and the impact on air quality. Mitigation would be very difficult to achieve;
- Layby between the properties and the new road may address these issues;
- Homestead currently has a farm like access, this should be retained;
- No noise mitigation has been proposed for existing residents to the north, earth mounds and/or acoustic fencing should be provided, will also lead to a loss of privacy;
- Traffic calming, road resurfacing and triple glazing should be provided to reduce noise and air pollution to properties along Coventry Road;
- Increased traffic along Coventry Road due to recent and proposed developments leads to issues with noise, air pollution and vibration;
- Noise mitigation not proposed;
- Proposed 40mph speed will increase noise and air pollution, vehicles will travel faster unless speed cameras are provided;
- Fields to the road of Montague Road flood, how will this be prevented in future;
- Noise assessment does not include construction noise and this must be properly addressed;

Landscape/Ecology

- Trees to be removed are shown as “worst case” and developers are likely to remove these;
- Grade A oak trees, ash and rowan trees and hedgerow are being removed unnecessarily;
- T32, an oak tree on Coventry Road, is protected and should be retained;
- Inaccuracies within tree report, trees incorrectly identified and trees have been grouped instead of identified individually;
- Trees would reduce noise pollution, hide the telephone building, provide valuable habitat and produce oxygen;
- Tree and hedgerow loss is unnecessary and they should be retained;
- If trees or hedgerows are lost they must be replaced;
- Application does not include framework plan of required blue and green infrastructure corridor;
- Wildlife corridor includes large gap near Northampton Lane, narrows by Daru House and is not sufficient at the east of the site as landscaping and trees will be removed – this is not suitable;
- Proposals include bunds which is contrary to SPD;
- Landscaping includes non-native species, does not reflect existing species and includes insufficient oaks;
- Proposals include unnecessary removal of trees and hedgerows outside of the area of the proposed road;
- Loss of trees and hedgerows including oaks over 100 years old and historic Scots Pines at Coventry Road;
- Removal of trees and hedgerow will have ecological implications;
- Historic hedgerows will be removed, historic landscape was heathland and this is not proposed;
- Proposed roads will not be bounded by hedges, these are typical of the area;

- There is no wildlife corridor from Cock Robin Wood to Cawston Wood as animals will have to cross the link road;
- Wildlife will not use underpasses;
- Existing wildlife habitats will be disturbed and new habitats will take years to mature;
- Many species use land currently including deer, badger, bats, buzzards and rare white squirrels;
- Large oak tree, T32, adjacent to Homestead will be removed, rerouting the road, redesigning the footpath/cycleway or omitting this spur would avoid this;
- Concerned bat surveys may not have been independent;
- Light pollution may affect Dark Skies, this must be considered;
- Proposals will affect wildlife;
- Rural footpath should be provided within wildlife corridor;
- Existing footpaths should not be routed through housing developments;
- Planting not shown for Alwyn Road roundabout;
- Visual impacts on properties on Cawston Lane not fully assessed, does not include views to the rear or from the first floor, mitigation required cannot be fully assessed;

Other

- Committee should visit the site to understand the issues;
- Due to increased traffic volumes benefits of link road may not outweigh harm;
- Footpaths will affect safety and security of Daru House;
- Application documents do not identify new properties built on Cawston Lane, therefore assessment of impacts is flawed;
- Applicants have not met residents to discuss changes made to plans;
- Planning drawings are poor and do not include road names;
- Will streetlights be turned off overnight;
- Will Alwyn Road roundabout affect the green verge at Duncan Drive, proposed position will affect existing houses, would be better at the end of Longrood Road;
- Understand over 500 houses and a school are to be built;
- No children's play facilities in Thurlaston, access to Dunchurch will be restricted by the proposals;
- Believe Houlton development is not to be completed, this should be built and the South West reviewed at a later date;
- Existing properties may have to be renamed, occupiers must not have to pay for any changes;
- Contractors must not block existing accesses and must keep roads free from mud and debris;
- Brexit and Covid may mean the new houses, and the road, are no longer required;
- Would like confirmation, before decisions are made, that the economic, social, housing and environmental costs/needs of this project are re-evaluated and justified before the destruction of the village of Dunchurch in favour of urban sprawl;
- Application does not include details of construction compounds, police traffic monitoring laybys, safety audits of all existing accesses or a Statement of Community Involvement;
- Lack of notification to local residents;
- No one will bother to read comments;
- Leaflet only gives 6 days to comment and plan is unreadable, Council are trying to avoid comments;
- Stopping up of Coventry Road will affect historic context of Lavender Furlong;
- Documents required by policy, SPD and requested by consultees have not been provided;
- SPD requires a statement of compliance with SPD and this has not been submitted, there are numerous deviations from the SPD;

Amended plans

Local residents (12) Objection

- Proposals should comply with the Council's plan;
- Protected oak tree (T32) on Coventry Road should be retained, this could remain for hundreds of years, proposed removal lacks justification, cyclepath could be rerouted;
- Hedges and oak trees on Alwyn Road are to be removed;
- Properties on Rugby Road and Daru House will be affected by noise, vibration and reduced air quality with no suitable or reliable mitigation proposed;
- Is not clear what the impacts will be during construction as details of equipment not provided;
- Additional noise monitoring and construction details are required to assess noise and vibration impacts on Daru House;
- Noise survey is flawed as it was undertaken in dry weather during Bilton Grange School school holidays, does not assess night time impacts;
- Baseline noise data was recorded closer to the road than Daru House, data should be recorded closer to the house;
- Noise barriers are proposed to Cherry Tree Farm and Daru House but not Rugby Road which includes Listed Buildings;
- Precise details of proposed noise barrier and proposed planting are required, planting should be provided between the barrier and Daru House to reduce visual impact;
- Security risk to Daru House, land should be transferred to this property so the boundaries can be protected;
- Safety concerns regarding Rugby Road access are ignored, access is close to Cock Robin roundabout and there is already increased traffic;
- Water from road could flood Rugby Road properties which are at a lower level;
- Road could be moved north to address these issues;
- Road could also be moved north to reduce impact on Daru House, this section of road could also be provided at 30mph design speeds;
- Residents are being ignored to progress an unsafe solution;
- Traffic modelling may be out of date given recent developments;
- Concern suitability visibility not provided to drive to properties at The Elms etc. particularly turning right;
- Do not believe western spur road required, link road could connect to existing Coventry Road at a roundabout;
- Concern regarding loss of hedgerows and impact on wildlife;
- Could affect on street parking for Dunchurch School leading to parking on private drives;
- Require protection from sound and light pollution during construction;
- Hedgerows should be planted at early stage to provide mitigation once the road is operational;
- Impact on flora and fauna should be independently assessed;
- Object to rerouting of right of way to property, this requires consent from owners;
- No plans to mitigate noise or pollution impacts on Homestead Farm with planting or landscaping;
- Landscape buffer should be provided to west of Alwyn Road properties and to the rear of Montague Road;
- Design & Access Statement refers to retaining trees "where practicable" this is not done;
- Proposal does not include green infrastructure corridor or promote shifts to sustainable transport;
- No reference is made to the Warwickshire Design Guide or Warwickshire Landscape Guidelines;

- Footpaths and cycleways are claimed to be “generous” but are minimum necessary to meet standards;
- Many failures in species selection;
- Report under estimates numbers of “important hedgerows”;
- Claim to reduce traffic on local roads ignores increases on Alwyn Road and Cawston Lane;
- Report claims to reduce journey times for pedestrians and cyclists, no evidence of this and multiple junctions could increase times;
- Proposed road is not in accordance with Local Plans policies or the South West Rugby SPD;
- Artist’s impression Design & Access Statement shows trees which are to be removed;
- Wildlife crossing at Alwyn Road is referred to but not proposed;
- Trees T32 & T100 could be retained by rerouting cycleway/footpath;
- More trees would be retained if road was provided as shown in policy DS9;
- Cycleways and footpaths should be separate, this is not proposed along Coventry Road and Rugby Road;
- Cycle routes and crossing facilities inadequate and unsuitable;
- Sustainable transport connection should be provided to Cawston Lane to the north of the road, proposal is for all purpose road;
- No link for buses to travel south along Cawston Lane sustainable transport corridor as required by policy;
- These changes increase hedgerow loss;
- No connection from link road to road travelling north as shown in SPD;
- Green and Blue infrastructure corridor is not proposed;
- Planting proposed does not reflect local character and involves non-native species, species proposed do not feature in local hedgerows;
- Increase numbers of oaks should be provided;
- Bunds should not be proposed in landscape areas;
- Poor drainage may prevent use of badger culverts;
- Proposals do not provide suitable corridor for bats;
- Cycleways and footways could be provided away from road to retain trees;
- Submitted documents do not include lighting strategy, Road Safety Audit & response, tracking for horse drawn vehicle at crossing or tracking for buses;
- Proposals do not provide significant buffer between Rugby and Dunchurch;
- Proposals claim to provide links to wider South West area and facilities but these do not form part of this application;
- Hedgerow to be removed has increased;
- Historic value of Scots Pines along Coventry Road is not considered;
- Large amounts of time and money being spent changing scheme from that approved in 2019;
- Houlton development is enough to meet housing needs;

4.0 Assessment of proposals

4.1 The key issues to assess in the determination of this application are: whether the principle of the proposed development is acceptable. The impact in terms of visual amenity and landscape, highway safety, air quality, and impacts on neighbouring residents, heritage assets, protected species and biodiversity must also be assessed.

5.0 Principle of development

5.1 Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of

sustainable development and to secure development that improves the economic, social and environmental conditions in the area.

5.2 This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.

5.3 Paragraph 11 of the NPPF states that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.

5.4 The Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing. The latest Annual Monitoring Report (AMR), published in October 2021, confirms this position. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.

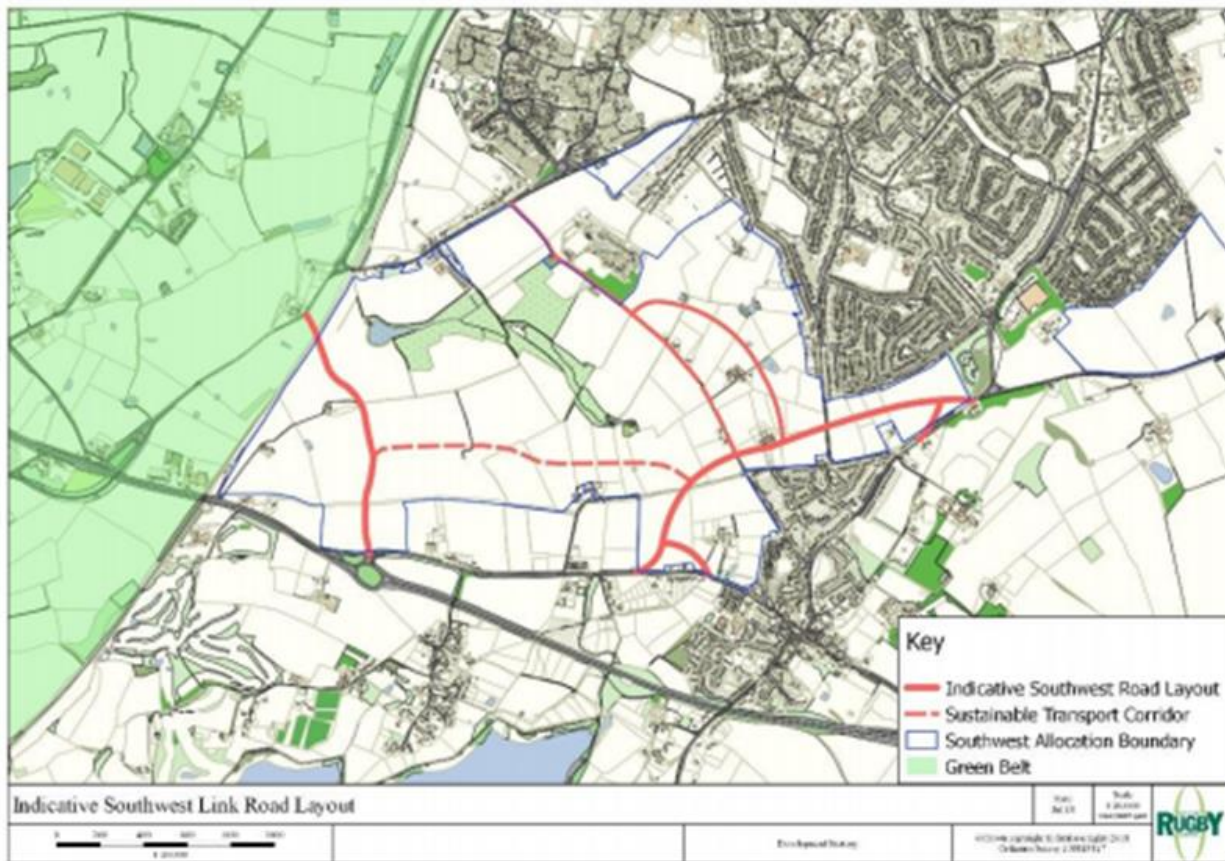
5.5 Policy DS1 of the Local Plan sets out the proposed levels of housing and employment development for the borough between 2011 and 2031. This policy goes on to state that development will be high quality and sustainable and fully supported by infrastructure provision and environmental mitigation and enhancement, as required elsewhere in the plan.

5.6 Policy GP2 sets out the settlement hierarchy for development throughout the borough and states that Rugby town and allocated Sustainable Urban Extensions, such as South West Rugby, are the main focus for development.

5.7 The application site falls within an area to the South West of Rugby which is allocated for development by the Local Plan. Policy DS8 sets out the overall requirements within the South West Rugby allocation. This policy states that the South West Rugby site must contain sustainable transport provision that integrates with existing networks and provides good connectivity to the surrounding area. This should include an all traffic spine road network, walking and cycling network, high quality public transport and other measures to mitigate transport impacts as required.

5.8 The policy also states that development must respect and maintain a physical and visual separation between Rugby town and Dunchurch to prevent coalescence and protect their individual character and identities. A significant buffer between Rugby and Dunchurch, which incorporates a Green Infrastructure Corridor from Cock Robin Wood (to the east of the current application site) to Cawston Spinney (to the north west) is also required.

5.9 The requirements for the South West Rugby Spine Road Network are set out in policy DS9 and this includes a plan showing the indicative layout (below), this includes the provision of a road to the north of Dunchurch as proposed.



5.10 The policy states that development proposals must secure the delivery of the spine road network as early as possible and that development that would have a severe impact on the local road network must contribute to the delivery of the spine road network and ensure it is delivered according to the milestones set out in the Infrastructure Delivery Plan and South West Rugby SPD.

5.11 The Infrastructure Delivery Plan within the Local Plan refers to the delivery of the Homestead link by 2026. The supporting text to policy DS9 states that the spine road network is essential for the delivery of the South West allocation and that the indicative layout will bring the optimum benefits to the surrounding road network, particularly Dunchurch crossroads which are already at capacity.

5.12 The Council's South West Rugby Masterplan Supplementary Planning Document (SPD) sets out further detail regarding development within the South West allocation.

5.13 In relation to the Homestead Link the SPD states that this must be constructed in its entirety in order to minimise impacts on the highway network and relieve pressure on other areas, particularly Dunchurch crossroads. The SPD states it is essential this is delivered in a timely manner in order to ensure the development of the South West allocation is not compromised by lack of transport mitigation.

5.14 The SPD includes plans showing the indicative alignment of the Homestead Link however this explains that the precise alignment and design, including the location and form of junctions and crossings, will be assessed through the determination of the planning application.

5.15 In relation to the landscaped buffer the SPD refers to the DS8 requirement to provide physical and visual separation between Rugby and Dunchurch and incorporate a Green Infrastructure corridor. The SPD also refers to the need to strengthen existing tree and hedgerow planting and introduce similar new planting into the buffer area. This also states that informal recreation uses, such as cycling and walking routes, will be appropriate but formal recreational uses will not be acceptable.

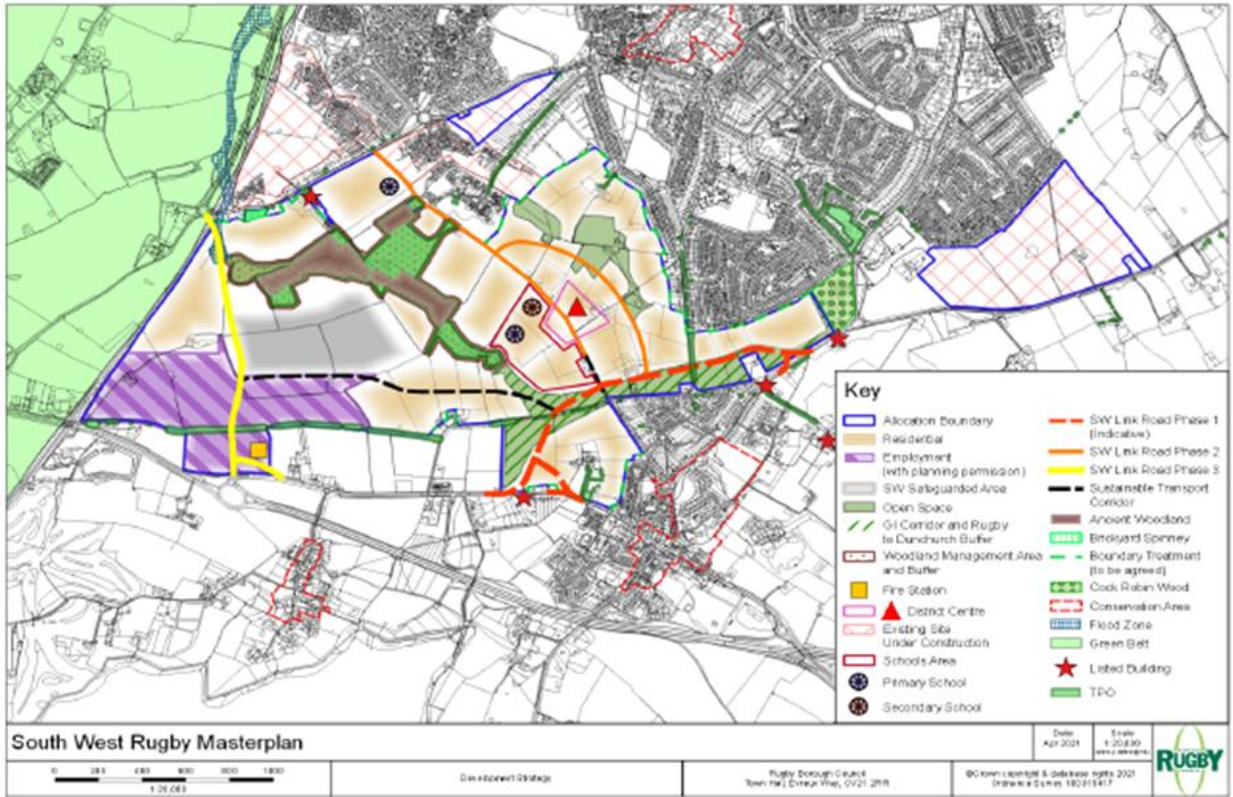
5.16 As detailed above this application proposes the construction of the Homestead Link Road, with an associated landscape buffer. This reflects the requirements of the relevant policy and SPD and is considered acceptable in principle.

5.17 Policy GP4 states development will not be permitted if it would prevent the development of other land, the comprehensive development of allocated sites or the provision of necessary infrastructure. It is considered the proposed development assist in the development of the wider South West Allocation in accordance with this policy.

6.0 Road Alignment

6.1 In relation to the alignment of the spine road network policy DS9 states that the design specification and routing will be considered in more detail in the South West SPD and proposals must be consistent with this document. The SPD includes plans showing the indicative alignment of the Homestead Link however this explains that the precise alignment and design, including the location and form of junctions and crossings, will be assessed through the determination of the planning application.

6.2 As detailed above plans within the SPD show the indicative alignment of the spine road network. These are consistent with the alignment shown within policy DS9 (included earlier in this report). However, these show the southern part of Cawston Lane forming a sustainable transport corridor that is not open to all vehicular traffic but would be used by buses, cyclists and pedestrians.



6.3 The SPD states that opening the southern part of Cawston Lane to all traffic would be likely to encourage car travel to the proposed schools, increase traffic along Cawston Lane and result in the loss of trees and hedgerows.

6.4 The proposed scheme varies from the indicative alignment in relation to Cawston Lane and the road proposed connecting Cawston Lane to the spine road network, known as the community spine and shown as SW Link Road phase 2 on the above plan.

6.5 The proposals do not show Cawston Lane being closed to the north of the Homestead Link and a junction is proposed connecting Cawston Lane to the proposed road. Between the Homestead Link and Northampton Lane to the south Cawston Lane is proposed to be closed and a footpath and cycle link provided.

6.6 The connection from Cawston Lane to the north, known as the community spine is shown connecting to Alwyn Road at a roundabout junction, instead of connecting directly to the Homestead Link.



6.7 The applicants were asked to explain why these changes to the scheme had been made.

6.8 In relation to the use of Cawston Lane for vehicular traffic the applicants explained that the Link Road will be provided in advance of the community spine being provided. If access between the link road and Cawston Lane was restricted at this stage existing traffic would not be able to access Cawston Lane from the link road leading to traffic diverting along existing roads within the wider area. In addition if Cawston Lane traffic was restricted in future this would result in all traffic from the north using the Community Spine and Alwyn Road increasing pressure on these roads and junctions.

6.9 The applicants confirmed that they are currently considering proposals for land to the north of the link road which will also include Cawston Lane although this is at an early stage. These proposals could include restricting access to parts of Cawston Lane in the future, however this will be considered in relation to future applications and traffic modelling will be carried out at the relevant time.

6.10 In relation to the community spine, as detailed above, the SPD plan showed this connecting directly to the Homestead Link. The applicants advised that this was investigated with a roundabout junction proposed. However, the traffic modelling showed that the removal of this junction increased traffic flows along the Homestead Link and increased the desirability of the Homestead Link as an alternative to existing routes within Dunchurch. The applicants therefore proposed the connection to Alwyn Road.

6.11 This is proposed at a roundabout junction which will also provide access to development land to the west and east of Alwyn Road. The use of a roundabout removes the need for additional junctions in this area which could have greater impacts in relation to highway safety and tree removal.

6.12 The proposed alignment will also allow the drainage and electricity schemes for the overall South West area to be provided running within the highway network rather than requiring easements within development areas.

6.13 Objections have been received on the basis that connection of the community spine to the link road is not proposed and that the delivery of the SW Link Road phase 2 will not be possible. However, as detailed above this connection is now shown joining Alwyn Road.

7.0 Landscape buffer

7.1 Policy DS8 and the SPD require development proposals to respect and maintain a physical and visual separation between Rugby and Dunchurch which incorporates a Green Infrastructure corridor. The SPD also refers to the need to strengthen existing tree and hedgerow planting and introduce similar new planting into the buffer area.

7.2 The SPD divides the buffer into 3 sections and provides guidance regarding the requirements for the buffer.

1: Cock Robin Wood to Alwyn Road (east)

7.3 The SPD states that as visibility between the 2 settlements is limited in this area it is considered acceptable to reduce the width of the buffer, subject to the retention and strengthening of existing planting and tree canopy cover on Rugby Road, Northampton Lane and Alwyn Road. The objective should be to maintain the existing character of frequent glimpses of development through hedgerow and tree planting that varies in height and depth.

7.4 The SPD also refers to the buffer being used to minimise impacts on the Listed Cock Robin Cottages and the need for separation from existing residential properties.

7.5 At the eastern end of the site in the vicinity of Cock Robin Cottages the proposed road joins Rugby Road on the existing alignment. Existing trees and hedgerow on the northern side of the road are shown to be retained with additional tree planting and species rich grassland. The impact on the Listed Buildings is assessed later in this report.

7.6 The link road connects to Rugby Road at the proposed roundabout. The proposals show existing trees to be removed to the east and south of the roundabout. Concerns were raised that the removal of trees did not comply with the requirement to retain and strengthen existing planting.

7.7 Moving west the buffer widens between Rugby Road and the link road and is then reduced where the road runs close to the northern boundary of Daru House. The distance between the road and rear boundary of this property is around 8.5m to 18m and this reflects the road alignment shown in the SPD.

7.8 To the west of Daru House a wider buffer of around 240m is retained to the north of Northampton Lane. Tree planting along Northampton Lane is shown to be retained with additional planting within the buffer.

7.9 As detailed above the realigned route of Cawston Lane is shown connecting to Alwyn Road to the north of the link road and the buffer zone. The submitted plans show trees to be removed along Alwyn Road in the vicinity of the roundabout and to provide the route of the link road. Concern was raised regarding this as it did not constitute the retention and strengthening of existing planting as required by the SPD.

2: Alwyn Road to Cawston Lane (central)

7.10 The SPD states that in this area it is considered acceptable to reduce the physical separation subject to significant strengthening of planting along Alwyn Road and Northampton Lane and the introduction of new planting along the south of the link road. The objective should be to maintain the existing character of some open views and frequent glimpses of development through hedgerow and tree planting that varies in height and depth.

7.11 The proposals include landscaping and tree planting to the west of Alwyn Road. However, as detailed above there were concerns that the provision of the roundabout prevented the retention and strengthening of existing planting along Alwyn Road.

7.12 Between Alwyn Road and Cawston Lane the buffer is provided to the north of Northampton Lane. This ranges between around 65m to the north of the telephone exchange, to 110m decreasing to 35m to the rear of Cherry Tree Farm and 55m adjacent to Cawston Lane. Existing trees and hedgerows are to be retained along Northampton Lane with additional planting within the buffer.

3: Cawston Lane to Allocation Boundary north of B4429 (west)

7.13 The SPD explains that there is not currently a visual or physical relationship between Rugby and Dunchurch within this area. However, the development of the allocation will change this in the future and the buffer is required to prevent coalescence. The SPD refers to the need for the buffer to continue along the western boundary of the allocation providing separation between residential development areas within the allocation. The SPD refers to the western part of the buffer containing more open space to create a gradual transition to the adjacent countryside.

7.14 To the west of Cawston Lane the buffer is proposed to the north of the existing right of way and existing trees are shown to be retained along the right of way. As the road moves south it crosses the right of way, in this location the buffer is positioned to the west of the link road with the right of way to the north and Coventry Road to the south. The boundaries of the buffer in this location are formed by the existing field boundaries resulting in a roughly triangular area which is around 185m wide at the widest point. Except where removals are required for highway works trees and hedgerows are retained to the field boundary with additional planting within the buffer area.

7.15 In relation to surface water drainage the SPD states that it is not appropriate to include large scale attenuation features serving the built development, but that small scale drainage features associated with run-off from the link road may be appropriate.

7.16 The submitted plans do not include attenuation features to serve the adjacent built development and surface water drainage for these schemes will be considered as part of the relevant applications. Surface water drainage for the link road itself is proposed with balancing ponds within the buffer which is in accordance with the SPD.

7.17 The proposed landscape buffer will provide separation between Rugby and Dunchurch as required by policy. However, there are areas where the removal of trees results in this not retaining and strengthening existing planting and this is considered later in the report. However, the alignment and layout of the proposed buffer generally accords with the buffer requirements as detailed within the SPD.

8.0 Transport and Highway Safety

8.1 As detailed above policy DS8 sets out the requirements for development within South West Rugby. In relation to transport and highways this refers to the need for an all traffic spine road network, a comprehensive walking and cycling network, high quality public transport services and other measures to mitigate transport impacts as deemed necessary.

8.2 Policy DS9 provides further information regarding the spine road network necessary to deliver the South West Rugby allocation and the Homestead Link Road is a key element of this. This policy states that development which would prejudice the delivery of this infrastructure will not be permitted and that development proposals for the South West must enable delivery of the full spine road network as early as possible.

8.3 DS9 also states that development proposals that are shown to have a severe impact on the local road network, before or after the implementation of the Dunchurch Crossroads Mitigation scheme (approved and carried out as part of the Ashlawn Road residential development), must demonstrate how they will contribute to the delivery of the spine road network and ensure that it is delivered.

8.4 In relation to the alignment of the spine road network policy DS9 states that the design specification and routing will be considered in more detail in the South West SPD and proposals must be consistent with this document. The SPD includes plans showing the indicative alignment of the Homestead Link however this explains that the precise alignment and design, including the location and form of junctions and crossings, will be assessed through the determination of the planning application.

8.5 Policy HS5 states developments should promote a shift to sustainable transport modes and low emission vehicles and that proposals should be located where the use of public transport, walking and cycling can be optimised.

8.6 Policy D1 states that development will be permitted where sustainable modes of transport are prioritised and measures designed to mitigate transport impacts are provided. This policy states that large scale developments which result in the generation of significant traffic movements should be supported by a Transport Assessment. A Transport Assessment was provided with the application.

8.7 Objections received comment that it is not considered that the submitted transport assessment and studies are suitable. However, this was not raised as an objection by National Highways or Warwickshire County Council and Warwickshire County Council advised that the scope of the transport assessment was agreed between them and the applicant, including in respect of highway infrastructure design, supporting traffic modelling and associated analysis.

8.8 In relation to transport impacts the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.9 Comments received from National Highways requested additional traffic modelling and information regarding how the proposals would impact on the strategic road network, including details of mitigation if necessary.

8.10 Additional information was provided and National Highways advised they have no objection to the proposals subject to a condition requiring a Construction Traffic Management Plan be agreed (condition 18).

8.11 The Highway Authority, Warwickshire County Council, commented on the application and raised no objection to the proposals subject to a range of conditions and informatives.

8.12 In relation to the layout and design of the road the Highway Authority commented that they have reviewed the proposed design and a Stage 1 Road Safety Audit. They comment that the design is considered satisfactory at this stage of the design process. However, they have requested a condition to ensure more detailed highway drawings and a Stage 2 Road Safety Audit are carried out prior to the construction of the road (condition 20).

8.13 Traffic modelling was carried out to assess the impacts on the strategic networks and specific junctions. This showed that the proposed link road and associated junctions are predicted to operate satisfactorily.

8.14 The Highway Authority commented that future development proposals within South West Rugby could result in changes to traffic flows and additional modelling may be required in relation to future planning applications.

8.15 The traffic modelling also identified that the overall South West development, enabled by the link road, will have an impact on parts of the wider highway network, including in the area of the Ashlawn Road roundabout to the Bawnmore Road/Sainsbury's roundabout, and that financial contributions will be required to mitigate these impacts. These schemes are identified within Appendix K of the South West Rugby SPD and contributions towards these works will be secured in relation to future applications.

8.16 The Highway Authority also provided comments in relation to active travel in order to promote cycling and walking. They commented that there are parts of the proposals where amendments will be required in order to improve facilities for pedestrians and cyclists, including the provision of a signal controlled crossing where the link road crosses the spur connecting to Dunchurch in the western part of the site, a priority crossing at the Community Spine/Alwyn Road junction and other crossings and footway/cycle track changes. The Highway Authority commented that the detail of these could be addressed at the highways technical approval stage and by condition (condition 20).

8.17 The proposals include the provision of a pond (pond 8) within the proposed highway boundary, close to the Alwyn Road roundabout. A condition is proposed to ensure the detailed design of this pond is agreed as part of the highways technical approval process (condition 23).

8.18 The Highway Authority also requested a condition relating to a Construction Management Plan (condition 18).

8.19 Subject to the proposed conditions the impact of the proposals on highway safety and the highway network are considered acceptable.

9.0 Public Rights of Way

9.1 There is an existing public footpath (R169b) crossing the western field which then runs south east to join Coventry Road.

9.2 It is proposed to divert this footpath from the existing point in the west, this will run south adjacent to the western boundary of the site then east along Coventry Road crossing the link road to connect with the existing alignment.

9.3 Objections received comment that this footpath should be retained on an alignment similar to the existing alignment and retain the existing route through the western field. However, the proposed diversion proposes that the footpath would run along the part of Coventry Road which is to be stopped up to through traffic crossing Coventry Road and the spur road at proposed crossing points. To follow the existing alignment would result in the footpath running along the spur road and requiring a crossing over the link road close to the link road spur road junction. The proposed diversion would therefore be along a more open route with less traffic. No objection to the diversion has been received from WCC Rights of Way or the Ramblers and it is considered the proposed diversion would provide a more suitable route.

9.4 Restricted byway R169z (a public right of way for pedestrians, horse riders, cyclists and non-motorised vehicles) runs along the northern boundary of the western field, this then runs along Northampton Lane as a bridleway. This then runs south through the residential area outside of the site towards the centre of Dunchurch.

9.5 The byway will largely remain on the current alignment. However, this will be diverted where it will cross the proposed road. This will run south adjacent to the proposed road where a Pegasus crossing will be provided across the road. This will then run north adjacent to the road to the existing route.

9.6 Warwickshire County Council Rights of Way objected to the application on the grounds that Northampton Lane was referred to as a bridleway rather than a restricted byway. They commented that diversions of the Rights of Way will be required and that the road crossing should be suitable for users of the restricted byway. Subject to the issue of the byway being addressed they requested a condition (condition 12) and informative (informative 7).

9.7 The applicants responded to these comments and confirmed that the references to the restricted byway should include the correct number R169z. They also confirmed that orders would be applied for to divert the rights of way as required.

9.8 Notwithstanding this, public rights of way are controlled by other legislation and the relevant consents would need to be obtained in relation to this to carry out any works to these rights of way.

9.9 The proposals will therefore retain the existing rights of way, although this may be on diverted alignments, and allow access to the site from the surrounding area on foot or by cycle. This is in accordance with the NPPF and policy HS1 of the Local Plan which requires the retention of rights of way.

9.10 Objections received to the application refer to National Cycle Route 41 being affected by the proposals and that it will no longer be possible cycle safely from Alwyn Road to Northampton Lane, Cawston Lane and Adkinson Avenue and on to London Road.

9.11 National Cycle Route 41 enters the site at the west along the Northampton Lane right of way. This will cross the proposed link road where a Pegasus crossing point will be provided. The route then travels along Northampton Lane and Rugby Road to the Cock Robin roundabout in the east. This route will be retained along these roads although an improved cycle route will be provided at Rugby Road.

9.12 In relation to cycling along Alwyn Road a cycleway will be provided as part of the proposed development, between the proposed road and Northampton Lane, Cawston Lane to the south of the link road will be closed to vehicular traffic and a pedestrian and cycle connection will be provided. No changes are proposed to Cawston Lane to the south of Northampton Lane and cycle routes in this area and to Adkinson Avenue will be unchanged.

10.0 Air Quality

10.1 As detailed above policy HS5 states development proposals should promote a shift to sustainable transport modes and low emission vehicles to minimise the impact on air quality, noise and vibration caused by traffic.

10.2 The site is located within the Air Quality Management Area (AQMA) which covers the Rugby Urban Area and areas surrounding this including Dunchurch. Sensitive areas within the AQMA include Dunchurch crossroads and the gyratory.

10.3 The NPPF also refers to air quality and states planning decisions should contribute towards limits and objectives for pollutants taking into account AQMAs and that opportunities to improve air quality or mitigate impacts should be identified such as through traffic and travel management and green infrastructure. Decisions should ensure new development within AQMAs is consistent with the local air quality action plan. The Council's Air Quality SPD adopted in July 2021 also refers to the AQMA.

10.4 The Environmental Statement details that air quality impacts are assessed in relation to Nitrogen Dioxide. This states that monitoring shows that the annual mean nitrogen dioxide objective of 40 microgram (one millionth of a gram) per cubic metre has been exceeded at one location, the Dun Cow at Dunchurch crossroads, from 2016-2018 with 43.3 recorded in 2018. This reduced to 38.5 in 2019 and 27.3 in 2020, although results from 2020 are affected by the Covid lockdowns.

10.5 The impacts on air quality from the proposed development comprise the potential for dust during construction and traffic emissions once the development is completed.

10.6 In relation to construction the Environmental Statement details that there is the possibility for dust to occur during earthworks, demolition and construction and that dust may occur from vehicles leaving the site.

10.7 The Environmental Statement goes on to set out a range of measures to be implemented to reduce the impacts of dust during construction. This includes measures such as screening material storage and construction areas, damping down areas where necessary, using hard surfaced haul routes, ensuring vehicle loads are covered and using wheel wash facilities.

10.8 Environmental Services commented that these measures would reduce the impacts to an acceptable level. A condition for a Demolition and Construction Management Plan (condition 5) is proposed including the requirement of measures to control dust to be agreed.

10.9 Regarding the impact on air quality once the road is operational it is accepted that the road will introduce traffic into an area where there is none at present. This will therefore introduce pollutants which will have some impact on air quality.

10.10 The assessment included within the Environmental Statement considered the predicted emissions in 2026, with the proposed development at a range of locations within Dunchurch and along Ashlawn Road, Dunchurch Road and Rugby Gyrotory.

10.11 As detailed above the annual mean nitrogen dioxide objective is 40 microgram (one millionth of a gram) per cubic metre. The predicted nitrogen dioxide emissions did not exceed 40 at any of the locations. The highest predicted level was 20.9 at Rugby gyrotory. The largest predicted increase compared to 2026 without the development was at residential properties at Cawston Lane which would experience an increase of 0.85 to a total of 8.8. Properties at Cock Robin Cottage, Rugby Road would experience an increase of 0.5 to 12.4.

10.12 Receptors in the centre of Dunchurch were generally predicted to experience a reduction in the annual mean nitrogen dioxide levels with or without the development, however the predicted reduction with the development is greater. The highest predicted level within the vicinity of Dunchurch crossroads is 14.7.

10.13 The receptors were also assessed in relation to the impact in terms of Particulate Matter. This also showed increases at some locations, with the highest increase at Cawston Lane, but with the levels remaining below the annual air quality objectives. Again, reductions were expected at locations within Dunchurch.

10.14 The impacts on nearby ecological receptors were also predicted to be within the required levels.

10.15 Environmental Services agreed with the finding of the Environmental Assessment that the predicted emissions from traffic do not exceed the annual mean air quality objectives at any modelled receptor; that the impact of proposed development on modelled receptors is 'not significant' and that there is a predicted reduction and improvement in nitrogen dioxide annual mean concentrations at several receptors. These are generally within Dunchurch as the Homestead Link Road is likely to reduce traffic going through the Dunchurch crossroads.

10.16 It is therefore considered, subject to a condition, that the impact on air quality is acceptable in accordance with policy HS5 and the NPPF.

11.0 Noise and Vibration

11.1 Policy HS5 also refers to impacts in terms of noise and vibration and states that developments should promote a shift to sustainable transport and low emissions vehicles to minimise the impacts on noise and vibration. The NPPF states that development should not contribute to unacceptable levels of noise pollution or land instability and that development should mitigate and reduce to a minimum adverse impacts from noise.

11.2 The impacts in terms of noise and vibration relate to impacts on the wider area linked to traffic and construction noise.

11.3 The Environmental Statement details that the proposed 40mph speed limit will reduce the traffic noise impacts to some extent. In addition, a thin surface course system (TSCS) road surface is to be used along the proposed road which will also result in reduced noise impacts.

11.4 The Environmental Statement explains that a baseline noise survey was completed in July 2021 with recordings taken at locations on Rugby Road, Alwyn Road, Cawston Lane and Coventry Road. This was to establish the baseline background and ambient noise levels.

11.5 This was undertaken during the pandemic and traffic movements and noise may have been reduced. To address this a baseline model was created using traffic information from 2019 which broadly agreed with the measured levels.

11.6 Computer modelling was then used to calculate the change in road traffic noise levels at a range of properties in the area. This included residential properties on Coventry Road (including those close to Windmill Lane and at Homestead Farm), Cawston Lane, Northampton Lane, Alwyn Road, Montague Road and Rugby Road, Dunchurch Primary School and Bilton Grange School.

11.7 This models the predicted noise levels, both day and night time, at these properties in 2026 and 2031 with and without the proposed Homestead link. This showed the greatest noise increases linked to the proposed road will be at properties closest to the proposed road, particularly Daru House and Cherry Tree Farm. There will also be some beneficial noise impacts with a reduction in noise at properties within the centre of Dunchurch.

11.8 The Environmental Statement identifies that additional mitigation measures will be required at Daru House and Cherry Tree Farm. Acoustic barriers, a minimum of 2.5m high are proposed to the side and rear of these properties. The proposed position of these noise barriers is shown on the submitted plans, although details of the design have not been provided. Environmental Health commented that details of these could be secured by a condition (condition 6) and that these would be required to mitigate noise during construction and once the road is operational.

11.9 Environmental Health commented on the proposals and raised concerns that the impact on surrounding properties would increase if the TSCS road surface deteriorates over time. They recommended that further consideration be given to mitigation to reduce noise impacts at The Elms, properties on Cawston Lane, Northampton Lane, Alwyn Road and Montague Road.

11.10 The applicants provided an updated noise report and carried out noise monitoring close to Cherry Tree Farm and Daru House. Environmental Health commented on this and advised that there would be an increase in noise levels at nearby properties such as Cock Robin Cottages, Homestead Farm and properties on Rugby Road and Coventry Road. However, the level of noise increase at these properties complies with national standards and is considered acceptable in accordance with these standards. It is therefore not considered reasonable to require additional noise mitigation at these properties.

11.11 Objections received from Daru House expressed concerns regarding the noise assessment in relation to the positions where noise readings were carried out and the lack of detail regarding the proposed acoustic barrier. As detailed above Environmental Health consider the submitted noise assessment is acceptable and that the details of the noise barrier can be controlled by condition.

11.12 In relation to noise and vibration during construction the applicants have referred to the submission of a Construction Management Plan to limit the impacts of construction activity. This will include information regarding construction hours, traffic routing, noise information and best

practice techniques and a mechanism for residents to raise any issues which occur. The submission if this will be secured by condition (condition 5).

11.13 In relation to potential vibration impacts due to the operation of the road it is considered that a maintained road surface would not lead to vibration to the extent that would cause significant adverse impacts to nearby properties. No objections have been received from Environmental Health relating to vibration. However, they requested that the Construction Management Plan, required by condition 5, include a requirement for a piling risk assessment to allow the potential vibration impacts to be assessed and mitigation provided if required.

11.14 Subject to the conditions detailed above the impact in terms of noise and vibration is considered acceptable.

12.0 Visual Amenity and Landscape

12.1 Policy SDC1 refers to design and states that development must demonstrate high quality design and must be of a scale, density and design which responds to the character of the area where they are situated. Factors such as massing, height, landscape, layout and materials are key considerations in the determination of applications.

12.2 Policy SDC2 refers to landscaping and states landscaping should form an integral part of the overall design and that a high standard of landscaping, including native species of ecological value should be used. Policy NE2 states landscape planning should be integrated into the design of development and consider the landscape context.

12.3 Policy DS8 and the SPD require development proposals to respect and maintain a physical and visual separation between Rugby and Dunchurch which incorporates a Green Infrastructure corridor. The SPD also refers to the need to strengthen existing tree and hedgerow planting and introduce similar new planting into the buffer area.

12.4 The Environmental Statement included a Landscape and Visual Impact Assessment (LVIA) to assess the impact of the proposed development on the landscape character of the area and the visual amenity of receptors in the surrounding area.

12.5 The site is located within the Dunsmore: Plateau Farmlands landscape character type in the Landscape Assessment of the Borough of Rugby, 2006. This landscape is defined as comprising a gently rolling, low plateau with few roads and little settlement; a regular, geometric field pattern defined by hedges with mature hedgerow oaks, blocks of ancient woodland and the remnants of heathy vegetation in woodlands and verges. The assessment defines this character type as moderate sensitivity. In relation to condition this is described as varied but the assessment states that the majority of the application site is in a strong condition.

12.6 As detailed above, and as defined by the Landscape Character Assessment, boundaries within the site are formed by hedgerows containing mature trees. There are also mature trees running alongside existing roads within the site.

12.7 The eastern part of the site, to the east of Alwyn Road is included in the Rainsbrook Valley Landscape Sensitivity Study, 2017. This document refers to this area forming the last remaining gap between Rugby and Dunchurch and that development is inappropriate. However, this area has been allocated for development by the Local Plan and the principle of development in this area is considered acceptable by adopted policy. The Landscape Sensitivity Study also states

the green infrastructure link between Cock Robin Wood and the countryside to the west should be maintained and this is assessed later in the report.

12.8 In relation to landscape character the LVIA detailed that the application site is broadly flat, with only occasional and gentle undulations that broadly result in the higher land being towards the east of the site close to Cock Robin Wood (at elevations of between 122-125 m AOD), and the low point being in the west, around Homestead Farm (at elevations of 115-117 m AOD). The site forms part of an elevated plateau that extends south westwards from the edge of Rugby, towards Dunchurch, before falling away to the south and west direction, south of the settlements of Dunchurch and Thurlaston, to form a localised escarpment. There are no rivers or streams within the site, and the only water bodies are occasional field ditches.

12.9 The land is predominantly in arable agricultural use with hedgerow boundaries, containing mature trees, and mature trees lining roads within the site.

12.10 It is accepted that the link road, infrastructure such as lighting columns, vehicles and landscape scheme will be visible outside of the site. Due to the nature of the proposed development the elements that are most likely to be visible from outside of the site are lighting columns and HGVs. The proposals also include the removal of existing trees and hedgerows which will currently be viewed from the surrounding area. The development will therefore alter the character of the area and impact on visual amenity.

12.11 The LVIA assessed the impact of the proposals on 20 viewpoints in public areas such as roads and rights of way surrounding the site, these were all within 0.6km of the site. The impact on 9 areas of residential properties was also assessed, although views from private property are not a matter that can be taken into account in determining planning applications.

12.12 The Environmental Statement details that there will visual and landscape impacts of the development both during construction and once the road is operational. Due to the landscaping proposed the operational effects will reduce as the planting matures in the future.

12.13 The Environmental Statement assesses the landscape and visual impacts during construction and at years 1 and 15 of operation. This details that during construction and year 1 the proposals would result in significant major/moderate adverse effects at properties in close proximity to the site, to users of National Cycle route 41 and on the Dunsmore Plateau Farmlands character of the area and trees which form elements of the landscape.

12.14 Due to the extensive landscaping proposed these effects are expected to reduce by year 15 with these impacts being assessed as not significant and moderate/minor neutral. The impacts on other locations and elements of landscape character are assessed as neutral or beneficial and not significant.

12.15 The impact of the development on specific trees and hedgerows within the site is assessed elsewhere in this report. However, existing trees and hedgerows are to be retained, except where removal is necessary in order to provide the proposed road, footpath/cycleway and associated works including drainage works and alterations to ground levels.

12.16 The proposed landscape scheme proposes earth mounds and areas of planting including trees, hedgerows and woodland planting as well as meadow and wetland grassland, and the provision of new wildlife ponds and swales. Objections received comment that the proposed

species are not native to the Rugby area and that the SPD states that man-made features such as bunds would also not reflect the existing flat and open topography character of the land.

12.17 The Council's Tree and Landscape Officer commented on the proposals and advised that in general there is a good species palette with a considerable proportion of native planting. However, they asked for specific species to be changed and additional planting incorporated including more Warwickshire varieties within the orchard area to the west. Revised plans were provided and the Tree and Landscape Officer has raised no objections to the scheme or species proposed.

12.18 The proposals include the provision of earth mounds within the landscape area. The proposed mounds are relatively shallow with gently sloping sides and will be seen in association with the planting proposed within the landscape buffer. No objections to the mounds have been received from the Council's Tree and Landscape Officer and it is considered that these will not form incongruous features within the wider area.

12.19 Subject to the proposed conditions, the retention of existing planting as proposed and the provision of landscaping and the buffer it is considered that the impact of the proposals on the character of the area and landscape, particularly in the short term, carries some weight against the proposals.

12.20 As detailed above the proposals include the provision of a landscaped buffer which will perform a strategic function in providing separation between Rugby and Dunchurch in addition to having a positive impact on visual amenity. Conditions are proposed to secure the delivery of the landscape scheme (condition 8). Due to the amount of landscaping proposed this is to be delivered in phases with the areas of landscaping adjacent to Northampton Lane properties and around the western field boundary provided in the first planting season and the remainder of the buffer provided by the end of the third planting season following first use of the road.

12.21 The s106 legal agreement will refer provision and maintenance of the landscape buffer with this to be adopted by the Council.

13.0 Trees & Hedgerows

13.1 Policy NE3 refers to landscape and states development should aim to conserve, enhance or restore important landscape features. Policy SDC2 also states that important landscape features should be identified for retention.

13.2 As detailed above there are trees and hedgerows on the site boundaries and within the site itself. These include trees along Alwyn Road, Northampton Lane right of way and at the entrances to Homestead Farm, Homestead and The Elms that are covered by Tree Preservation Orders (TPOs).

13.3 An Arboricultural Impact Assessment was submitted with the application, this assessed the impact of the proposals on existing trees and hedgerows across the site. Trees were assessed as being category A – high quality and value, B – moderate quality and value, C – low quality and value or U – poor quality. This assessment initially identified a total of 131 individual trees, 69 groups of trees and 2 small areas of woodland within the site. These features were assessed as 24% category A, 49% category B, 22% category C and 5% category U.

13.4 The Environmental Statement and Arboricultural Impact Assessment detail that 28 of the 131 individual trees across the site would be removed including 8 category A trees, 12 category B trees, 3 category C trees and 5 category U trees. This includes 9 individual trees protected by TPOs (T30, T32, T34, T35, T42, T58, T95, T96 and T97). In relation to groups of trees, 20 of the 69 groups identified across the site would be fully or partially removed and this includes groups at Alwyn Road including TPO oaks. The groups of trees to be removed include approximately 230m of hedgerow identified as Important Hedgerow.

13.5 The Council's Tree Officer objected to the proposals and raised concerns that individual trees, including protected oaks along Alwyn Road, had been assessed within groups than individually. The applicants were asked to provide additional tree information to assess some of the trees included within groups on an individual basis.

13.6 The Council's Tree Officer also objected to the proposals on the grounds that many trees were identified for removal which would be positioned outside of the alignment of the proposed road or within verges or landscaped areas. This included trees protected by TPOs or adding to the character of the area, such as existing pine trees at Coventry Road, Dunchurch. The applicants advised that the trees shown to be removed were a "worst case scenario" and that if any of these could be retained during construction they would be protected. However, additional information and assessment was requested from the applicants in order to identify which of these trees could be retained.

13.7 An updated Arboricultural Impact Assessment was provided which assessed trees previously considered within groups on an individual basis. Information was also provided regarding the trees which had been shown to be removed in a "worst case" scenario to establish whether these removals were necessary for the proposed development.

13.8 The revised assessment identified a total of 186 individual trees, 67 groups of trees, 2 small areas of woodland and 37 hedges comprising 3042m of hedgerow. These features were assessed as 21.8% category A, 64% category B, 13.4% category C and 0.8% category U.

13.9 The updated Arboricultural Impact Assessment detail that 47 of the 186 individual trees across the site would be removed including 8 category A trees, 22 category B trees, 13 category C trees and 4 category U trees. This includes 12 individual trees (T32, T34, T42, T95, T96, T135, T136, T149, T150, T151, T152 & T156) and 10 trees within a group (G36) protected by TPOs. In relation to groups of trees, 16 of the 67 groups identified across the site would be fully or partially removed with 12 hedges affected and 912m of hedgerow removed.

13.10 As requested additional information was provided to assess whether the removal of trees not directly within the alignment of the proposed road was required. This identified that the removal of many of these trees was required in order to provide the proposed footway/cycleway or due to the requirements for earthworks and drainage works to be carried out.

13.11 This assessment and revised plans allow the retention of 7 additional trees: T36, T97, T137, T164, T165, T175 & T176 and parts of G26 (T97 and T137 are oak trees subject to TPO). These include 2 pine trees at Coventry Road which are to be retained due to a revised connection to the existing footpath. However, the revised drainage works also require the removal of a further tree T86 and a small part of G25.

13.12 The Tree Officer commented on the revised information and advised that although there are reduced tree removals there are still significant losses including those protected by TPO. In

relation to mitigation they commented that the proposals include the planting of 3 good high quality semi mature oak trees to mitigate for the loss of T32 but similar mitigation was not proposed for the loss of other protected trees and they considered that further mitigation is required.

13.13 Revised plans were provided which increase the number of oak trees to be provided as mitigation of those to be removed. The Tree and Landscape Officer commented that their suggested changes had been incorporated and raised no objection to the proposals.

13.14 Local residents have expressed concern regarding the removal of T32 which is a protected oak tree located close to the existing access to Homestead Farm. This is located adjacent to the proposed footway/cycleway and the applicant has advised there will be a significant encroachment into the Root Protection Zone (RPZ). The applicant considers that the tree is not in good enough condition to retain next to footway/cycleway and this may be further affected by the works within the RPZ.

13.15 The Tree Officer has commented on this tree and advises that there is an established crack/split in the middle of the tree and it also lost a large limb to the north west. Therefore, the creation of the link road and footpath/cycleway close to the tree would lead to risks to users and therefore the tree is unsuitable for retention in the long term. The loss of this tree is to be mitigated by the planting of 3 good high quality semi mature oak trees in a similar location and the Tree Officer has no objection to this.

13.16 Objections also refer to the removal of a mature oak tree located in the field to the east of Alwyn Road. This is within an existing hedgerow running north to south which will be crossed by the proposed road. This is a category A tree and is not covered by a Tree Preservation Order. This tree is within the verge area to be provided to the north of the road and cycleway. The applicant commented that this tree has a significant root protection zone and that the earthworks required to provide the highway/footway and earthworks would have a significant impact on the RPZ and it will not be possible to retain the tree. It is also not possible to realign this part of the road as it would not meet the standards required by the Highway Authority.

13.17 The proposed tree removals would result in the fragmentation of the existing linear pattern of oak trees along Alwyn Road which would no longer form a continuous tree line. However, it is accepted that some removal of trees within this linear feature is necessary to provide the proposed road and this would be addressed in part by the planting of replacement semi-mature trees in this area.

13.18 It is accepted that the removal of trees will be necessary to allow the formation of the link road and associated works, particularly in order to cross Alwyn Road. This will have an adverse impact on the landscape, character of the area and visual amenity and carries weight against the proposals.

13.19 The proposals also include the provision of landscaping within the proposed buffer. This includes 883 trees, approximately 3.16ha of new woodland planting; and around 3,000m of native hedgerow and will include a greater range of species than at present. Once this planting reaches maturity there will be an overall gain in trees and hedgerows and this carries weight in favour of the proposals.

13.20 Whilst the removal of trees in order to provide the proposed road, footpath/cycleway, verges and associated earthworks and work within root protection areas carries weight against

the proposals this must be weighed against the provision of the accesses and overall development as well as the proposals for the provision of extensive on-site landscaping.

14.0 Open space

14.1 The area within the landscape buffer is to include pedestrian footpaths to connect to the wider area. This is also expected to be utilised as informal recreational space.

14.2 Policy HS4 refers to new open space and states that this should be suitably maintained, secure and safe, attractive, enhance the natural environment, accessible by a range of transport methods and not adversely impact on residents, neighbouring uses or biodiversity.

14.3 Parks commented on the proposals and advised that mown grass pathways proposed within the buffer should be replaced with a more robust path surface to allow increased access throughout the year. However, due to the informal nature of the buffer open space area it is not considered that a tarmac surface would be acceptable. Revised plans have been received which show the proposed paths to be provided as either mown grass or gravel. It is considered acceptable for the paths to be provided as a mix of these surfaces depending on their position within the site and likely usage. A condition is proposed to require the final surfacing details to be agreed (condition 11).

14.4 It is considered that the open space areas within the buffer are in accordance with policy HS4.

14.5 Due to the strategic function performed by the open space buffer it is necessary for this to be retained in perpetuity. The s106 agreement will allow for this land to be transferred to the Council in the first instance or, if this is not possible, for it to be maintained by a management company in accordance with details agreed by the Council.

15.0 Heritage Assets

15.1 Policy SDC3 refers to protecting and enhancing the historic environment. This states development will be supported that sustains and enhances the significance of the Borough's heritage assets, which include Listed Buildings, Conservation Areas and archaeology. The policy goes on to state that development affecting the significance of a designated or non-designated heritage asset will be expected to preserve or enhance its significance.

15.2 With regards the NPPF, chapter 16 sets out the government's advice on conserving and enhancing the historic environment. Paragraph 201 requires that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). Paragraph 205 advises great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification.

15.3 The Setting of a heritage asset is defined by the glossary of the NPPF as:
"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral."

15.4 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve and enhance the character or appearance of a conservation area. In addition the council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or any of its features of special architectural or historic interest.

15.5 There are no designated heritage assets within the application site itself however there are designated heritage assets close to the application site boundary.

15.6 The Dunchurch Conservation Area is around 200m south of the site and the Thurlaston Conservation Area is around 770m to the south west.

15.7 The grounds of Bilton Grange and Dunchurch Lodge (known as Dunchurch Park Hotel) are Grade II Registered Parks and Gardens.

15.8 There are 55 Grade II Listed Buildings within 1km of the site, generally within the Conservation Areas and the grounds of Bilton Grange and Dunchurch Lodge.

15.9 Grade II* Listed Buildings within 1km of the site comprise Bilton Grange School – 400m south, Dunchurch Lodge – 735m south and the Church of St. Peter – 455m south. The Medieval standing cross at Dunchurch crossroads – 340m south is a Scheduled Ancient Monument.

15.10 The heritage assets closest to the site boundary are:
Cock Robin Cottages, Rugby Road – Grade II Listed Building
Rugby Road Lodge, Bilton Grange – Grade II Listed Building
Lavender Furlong, Coventry Road – Grade II Listed Building
Bilton Grange grounds – Grade II Registered Park & Garden

15.11 The SPD refers to heritage assets and states that any harm to, or loss to, the significance of a designated heritage asset must be justified by the applicant so it can be considered by the Council and any impacts can be assessed as required. The SPD goes on to explain that the landscape buffer will provide opportunities to safeguard Listed Buildings and Registered Parks and Gardens. Specific reference is made to the buffer being used to minimise impacts on the Listed Cock Robin Cottages.

15.12 Buildings within the Conservation Areas and Listed Buildings themselves will not be impacted or lost by the development. The proposed development will not be visible from the majority of locations and Listed Buildings within the Conservation Areas. However, the development itself will be visible from the assets closest to the boundary and elements of lighting columns and HGVs could be visible from other heritage assets. It is therefore considered that the development will cause harm to the setting of these designated heritage assets and it is therefore necessary to determine the level of harm to these assets.

15.13 *Cock Robin Cottages, Rugby Road – Grade II Listed Building*

Cock Robin Cottages comprises a row of 4 terraced cottages located on the south side of Rugby Road. These properties are relatively open to the road with front gardens of around 13m and low level planting to the front boundary.

15.14 The alignment of Rugby Road immediately to the front of these properties is to remain as existing. However, works will be carried out to widen the cycleway on the northern side of the

road opposite the properties. To the south west Rugby Road will bend northwards to connect to the roundabout and the link road. These works will include the provision of a wider footpath and cycleway and the widening of the road approaching the roundabout. These works will begin around 11m from the boundary of the Listed Building and around 21m from the building itself. This will also involve the removal of existing trees around 40m from the properties.

15.15 It is considered that the proposed removal of vegetation opposite the Listed Building, combined with the construction of the road and removal of trees to the west and increased traffic in the area resulting from the South West Rugby development will have some adverse impact on the setting of the Listed Building.

15.16 The applicants were asked to consider whether the proposals could be amended in order to reduce the impact on this heritage asset.

15.17 Consideration was given to whether the footpath/cycleway could be moved further north, away from the Listed Building with a planted area between the road and footpath/cycleway. However, this proposal would result in the removal of more of the existing planting in order to provide the footpath/cycleway and the works could also impact on existing trees. It is also possible that users of the route would feel unsafe in darkness and that low level planting would be required to ensure the route remained well used and was suitably visible and attractive to users. This would limit the separation from the Listed Building and the removal of existing planting would increase the impact on the setting.

15.18 It was also suggested that instead of running alongside Rugby Road a footpath/cycleway between the roundabout and Rugby Road be provided within the adjacent residential development to the north. However, this is not within the current application site and the timescales for the delivery of the residential development are not yet know. This would result in no pedestrian or cycle link being formed to the west until the residential development is carried out. This is not considered acceptable as it would increase the reliance on motorised transport or pedestrians and cyclists would have to travel along Rugby Road itself or cross to the existing footway on the south side of this road. Whilst this would reduce the impact on the setting of the Listed Building the impacts from the construction of the road and removal of trees to the west and increased traffic in the area would not be addressed and this would lead to issues related to lack of sustainable transport options and highway safety.

15.19 The applicants considered altering the alignment of the section of the proposed road between the eastern proposed roundabout and Rugby Road to reduce the impact on Cock Robin Cottages. They proposed a tighter bend when approaching the proposed roundabout from the east and the reduction of the speed limit of this part of the road to 30mph. However, the Highway Authority advised that this would not be acceptable in terms of highway safety.

15.20 *Rugby Road Lodge, Bilton Grange – Grade II Listed Building*

This is a two storey buff brick lodge building located immediately adjacent to the access drive to Bilton Grange.

15.21 The proposals do not involve any road alterations in the immediate vicinity of this building. Works to Rugby Road to connect to the link road are proposed around 40m to the north east of the building with the proposed roundabout around 160m to the north east. A small number of trees will be removed around 60m to the north west to allow a pedestrian connection to be made into the buffer area.

15.22 It is considered the proposals will lead to very limited harm to the setting of this heritage asset.

15.23 *Lavender Furlong, Coventry Road – Grade II Listed Building*

This is a two storey thatched cottage located on the south side of Coventry Road.

15.24 To the west of the property it is proposed that Coventry Road will bend northwards to form the link road with the element of Coventry Road to the front of the property forming a cul-de-sac. Areas of hedgerow to the north of Coventry Road and to the west will be removed as part of the proposals. The areas of hedgerow to be removed are a minimum of 13m from the boundary and 26m from the building itself with the proposed construction around 33m from the building and 13m from the boundary.

15.25 It is considered the proposals will lead to limited harm to the setting of this heritage asset.

15.26 Comments received refer to the stopping up of Coventry Road to the front of this property and that this will affect the historic setting. They comment that the alignment of Coventry Road reflects a former track which was subsequently upgraded to a toll road and the property may have been aligned to this route. However, although Coventry Road is to be stopped up to through traffic the current alignment will be retained, providing access to existing properties, and the context is retained.

15.27 *Bilton Grange grounds – Grade II Registered Park & Garden*

15.28 The eastern boundary of this Registered Park and Garden is to the east of the site adjacent to Ashlawn Road. The boundary then runs along the Ashlawn Road and Rugby Road frontages (running around the properties on Rugby Road) and then runs south and west along the rear boundaries of residential properties. The areas of the access into Bilton Grange, where Rugby Road Lodge is located also forms part of the Registered Park and Garden.

15.29 The part of the Registered Park and Garden closest to the proposed development is the area to the west of the Rugby Road properties where the boundary is adjacent to Rugby Road. The roundabout connecting the link road to Rugby Road is proposed to the west of this area and this will involve the removal of some trees on the northern side of Rugby Road. However, the northern boundary of the Registered Park and Garden includes mature trees and a wide band of other landscaping which reduce the impact of the proposals.

15.30 It is considered the proposals will lead to limited harm to the setting of this heritage asset.

15.31 As detailed above the proposals will lead to varying degrees of harm to the settings of these heritage assets it is considered that the development will not lead to substantial harm to significance of these heritage assets. Paragraph 202 of the NPPF and policy SDC3 state that where there would be less than substantial harm to the significance of designated heritage assets this harm must be weighed against the public benefits of the proposal.

15.32 The less than substantial harm to the heritage assets, particularly the harm to the setting of Cock Robin Cottages, carries weight against the proposals and will be weighed against the public benefits later in the report.

15.33 Historic England were consulted on the proposals and advised they did not wish to comment on the application.

15.34 The historic environment assessment within the Environmental Statement assessed recorded archaeological remains within 1km of the site. Geophysical surveys had also previously been carried out in parts of the application site.

15.35 The County Archaeologist commented on the application and advised that the site is within an area of significant archaeological potential and there is potential for archaeological features associated with the use of this area during the pre-medieval periods to survive across the site.

15.36 The County Archaeologist therefore recommended that archaeological assessment and trial trenching of the site be carried out prior to the determination of the application.

15.37 This fieldwork identified a number of features identified as pits or tree throws (sites of former trees), drainage ditches, former field boundaries and a probable outhouse constructed with handmade bricks and associated with mid-18th century pottery. Close to Cherry Tree Farm a number of pits and linear features were identified. Whilst these features are currently undated, they could date from the prehistoric periods onwards.

15.38 The County Archaeologist advised that the proposed development is likely to have an impact on these archaeological features, and any others which survive across this site. They do not object to the proposals but request a condition (condition 17) requiring a mitigation strategy to be agreed, which may include some further localised archaeological fieldwork.

15.39 Subject to this condition the impact on non-designated archaeological heritage assets is considered acceptable.

16.0 Impacts on neighbouring residents

16.1 Policy SDC1 states that proposals for new development will ensure the living conditions of neighbouring occupiers are safeguarded.

16.2 There are many residential properties close to the site including those on Coventry Road, Dunchurch, Cawston Lane, Northampton Lane, Alwyn Road, Montague Road and Rugby Road. Residential properties at Homestead Farm and The Elms are outside of the site to the north, although the accesses to these properties from Coventry Road fall within the site boundary.

16.3 The closest residential properties to the proposed road are Daru House and Cherry Tree Farm with properties on Rugby Road adjacent to where the road joins the current alignment of Rugby Road.

16.4 The landscape buffer will be provided to the sides of Daru House with the road to the north. There will be a landscape area between around 7m to 17.5m between the boundary and the road. The house itself is set away from its boundaries and will be around 55m from the road. As detailed above a 2.5m noise barrier is proposed to the sides and rear of this property. This will be set away from the boundary by around 3m to 15m.

16.5 The landscape buffer will be provided to the sides and rear of Cherry Tree Farm with the road proposed around 22m from the boundary of this property and 50m from the house. Noise barriers will be provided around the boundary of this property.

16.6 Objections received relating to the impact on neighbouring properties refer to factors such as traffic, air quality, noise and vibration are addressed elsewhere in this report.

16.7 It is considered the development, including the proposed noise barriers, will not have a significant adverse impact on neighbouring properties in terms of loss of light, sense of enclosure or loss of privacy. The proposals therefore comply with the relevant part of SDC1.

16.8 It is accepted that the outlook from neighbouring properties will be altered by the proposed development. However, the loss of a view is not a matter than can be considered in the determination of a planning application.

17.0 Health Impacts

17.1 Policy HS2 states that it will need to be demonstrated that for non-residential development exceeding 1 hectare will not generate adverse impacts on health and wellbeing through a Health Impact Screening report.

17.2 A screening report was provided with the application, this uses a checklist format with a range of categories to assess the proposals. These are housing design and quality, access to healthcare services and other social infrastructure, access to open space and nature, air quality, noise and neighbourhood amenity, accessibility and active travel, crime reduction and community safety, access to healthy food, access to work and training, social cohesion and lifetime neighbourhoods, minimising the use of resources and climate change.

17.3 Many of these themes are not directly relevant to the proposals as no housing or other services are provided. However, the checklist refers to the provision of the open space buffer allowing access to open space, access to public transport and the inclusion of footpaths and cycleways encouraging active travel.

17.4 Impacts in relation to air pollution, dust, noise and vibration are referred to and these are assessed in more detail within the Environmental Statement.

17.5 Subject to conditions detailed elsewhere within this report it is considered that the development complies with policy HS2.

18.0 Protected Species and Biodiversity

18.1 Policy NE1 refers to biodiversity and states that designated species will be protected and that significant harm to biodiversity should be avoided, mitigated or compensated for.

18.2 Policy NE2 states existing the Green and Blue Infrastructure should be protected and retained and new Green and Blue Infrastructure corridors should be provided to link into the existing network. The provision of a continuous Green and Blue Infrastructure corridor linking to adjacent networks and specifically between Cawston Spinney and Cock Robin Wood is also required by policy DS8 and the SPD.

18.3 Guidance within the NPPF also refers to the need to minimise impacts on and provide gains for biodiversity, including by establishing ecological networks. This goes on to state that where significant harm to biodiversity resulting from a development cannot be avoided, mitigated for or as a last resort, compensated for, then planning permission should be refused.

18.4 Most of the application site is currently in agricultural use. Information within the SPD assesses the current Baseline Habitat values for use in Biodiversity Net Gain calculation. The majority of the site is shown as low value for biodiversity with the area between Daru House and the northern boundary and the adjacent field to the west shown as medium value. The trees and hedgerows within the site have additional value for biodiversity.

18.5 Cock Robin Wood to the east of the site is a Local Nature Reserve.

18.6 The Environmental Statement submitted with the application included information regarding biodiversity and a range of ecological surveys and assessments of the site were carried out, these included a Phase 1 Extended Habitat Survey, Badger, Bat, Dormouse, Great Crested Newt, Reptile and Breeding Bird Assessments. An Ecological Mitigation Strategy was also provided.

18.7 The closest Site of Special Scientific Interest is Draycote Meadows located around 2.6km to the south west of the site. This comprises 2 ridge and furrow meadows which support 17 species of butterfly. The Environmental Statement concludes there will be no significant adverse impact on the SSSI and this was not disputed by the statutory consultees.

18.8 Natural England advised they had no comments on the proposals.

18.9 The County Ecologist commented on application and advised that the measures detailed within the Ecological Mitigation Strategy would prevent indirect impacts on Cock Robin Wood Local Nature Reserve and Local Wildlife Sites, subject to a condition to secure these measures within a Construction Environmental Management Plan (condition 14).

18.10 The County Ecologist requested an updated bat survey of the building to be demolished at Cherry Tree Farm. This was provided and it was concluded that this is not currently being used as a bat roost.

18.11 In relation to habitats the County Ecologist commented that extensive green infrastructure is included within the buffer area. They refer to 2 pinch points where this corridor narrows, at the east adjacent to Cock Robin Wood and where the road crosses the Northampton Lane right of way. In relation to the last at the east this area is outside of the current application site and additional planting will be required as part of future development proposals for this land. Where the road crosses the right of way the County Ecologist requested further details of bat hop overs and wildlife crossings/culverts.

18.12 The proposals include the provision of 3 wildlife culverts in the vicinity of the eastern roundabout, and in the west of the site to the north and south of Northampton Lane. Detailed plans showing the location of the hop-overs, culverts and their associated fencing and how they fit in with the detailed layout and planting scheme were provided. The County Ecologist commented that the updated culvert details now include details to allow badgers to cross the roundabout in the east. The revised bat hop-over details better align the crossing point on the southern arm of the roundabout with the retained tree lines and bring the high fence in line with the edge of the woodland canopy. An additional crossing has also been added to the north of Daru House.

18.13 Based on the amended plans the County Ecologist raised no objection to the proposals subject to conditions relating to bat mitigation measures, Construction Environmental Management Plan, Landscape and Ecological Management Plan and bats & lighting (conditions 13, 14, 15 & 16).

18.14 A Biodiversity Impact Assessment was submitted with the application. This showed the existing site has 58.92 area units and 38.76 hedgerow units. The proposals will result in 76.56 units and 66.13 hedgerow units. This is a gain of 17.64 (29.94%) area units and 27.34 (70.64%)

hedgerow units. The County Ecologist is therefore satisfied that a biodiversity net gain can be achieved. A condition for a Landscape and Ecological Management Plan is requested to secure the long-term habitat management (condition 15).

18.15 Policy NE1 states that development will be expected to deliver a net gain in biodiversity and the NPPF refers to minimising impacts on and providing net gains for biodiversity.

18.16 As detailed above the proposals involve biodiversity gains of 29.94% area units and 70.64% hedgerow units. This is a large gain and exceeds that required by policies. If future applications for the overall South West Rugby development involve a biodiversity loss they may seek to offset this against some of the gain forming part of the current application. This will be assessed in relation to these applications at the relevant time.

18.17 Subject to the proposed conditions it is considered that the impact on protected species will be mitigated and any loss of biodiversity on the site will be compensated for within the development. This is in accordance with policy NE1 and the NPPF.

18.18 The proposed landscape buffer will link into the existing Green Infrastructure network and contribute to a corridor between Cawston Spinney and Cock Robin Wood is in accordance with policies NE2, DS8 and the SPD.

19.0 Drainage

19.1 Policy SDC5 states that a sequential approach will be taken to development based on the Environment Agency's flood zones to steer development to areas with the lowest probability of flooding. The site is located within Flood Zone 1, which has the lowest likelihood of flooding and in accordance with this policy.

19.2 Policy SDC6 states that Sustainable Drainage Systems are required on major developments and that these should be provided on-site or, where this is not possible, close to the site.

19.3 The application included details of the proposed surface water drainage. This shows that surface water would run to a range of drainage ponds and swales which would be provided within the area of the landscape buffer. The proposals will also result in changes to watercourses and ditch alignments and culverts will be provided at watercourse crossings.

19.4 The Environment Agency made no comment on the proposals. However, the Lead Local Flood Authority, Warwickshire County Council, initially objected to the application as additional information was required regarding the operation of the surface water drainage system and proposed ditch diversions.

19.5 This information was provided and Lead Local Flood Authority raised no objection to the proposals, subject to conditions requiring a detailed surface water drainage scheme, a surface water maintenance plan, details of watercourse alterations and a verification report for the drainage to be agreed (condition 24 - 27). This is in accordance with policy SDC6.

20.0 Climate Change

20.1 Policy SD1 states that development will demonstrate high quality, inclusive and sustainable design.

20.2 In addition NPPF paragraph 157 refers to the planning system supporting the transition to a low carbon future and states it should shape places in ways that contribute to radical reductions in greenhouse gas emissions.

20.3 The Council declared a climate emergency in July 2019 and following this produced a Climate Change and Sustainable Design & Construction SPD. This includes reference to a range of topics addressed elsewhere in this report such as flood risk, sustainable drainage, green infrastructure, landscape and biodiversity. Reference is also made to encouraging active travel.

20.4 This SPD also includes a Sustainability Checklist which is required to be submitted with new planning applications. Although the current application was submitted prior to the adoption of this SPD a checklist has been provided. Many questions relating to built development are not relevant to this application. However, this refers to providing access to facilities, including on foot, cycle and by public transport, landscaping provision, biodiversity, sustainable drainage and impact on heritage assets. In relation to embodied carbon this refers to ensuring waste is diverted from landfill where possible, with excavated soils and materials from demolition reused within the development wherever possible.

20.5 The Environmental Statement refers to the impacts of the proposals on climate change in terms of greenhouse gas (GHG) emissions. These will relate to the construction of the development such as embodied emissions connected to use of materials, construction vehicles and transport to the site. Emissions will also be generated at the operational phase of development.

20.6 The Environmental Statement refers to measures incorporated into the design of the proposals to reduce GHG such as the use of building materials that are recycled or have lower embodied energy, the design of the drainage system reducing the requirements for kerbs, drains and pipes and cut and fill of on-site material to avoid excavation waste. This also refers to the use of LED street lighting and lighting to signage and the provision of pedestrian and cycle links as part of the development.

20.7 As the application is for the construction of a road GHGs will be emitted from vehicles using the road itself. However, the link road does not form a destination in its own right and if the road were not provided the vehicles would be using other roads in order to reach their destination.

20.8 The proposed link road will reduce the distance travelled in some journeys by linking into existing networks and providing connectivity into the South West Rugby allocation. This will therefore lead to a reduction in carbon emissions when compared with vehicles utilising existing routes. This reduction exceeds the GHGs connected to the construction phase of the development.

21.0 Other matters

21.1 Policy GP5 states that neighbourhood level documents, such as Parish Plans, are a material consideration in determining planning applications. Parts of the application site fall within Dunchurch Parish, however Dunchurch does not have a Neighbourhood Plan, Parish Plan or Village Design Statement.

21.2 The NPPF refers to agricultural land and states that the economic and other benefits of the best and most versatile (grades 1, 2 and 3a) agricultural land must be recognised and that where significant development of agricultural land is necessary areas of poorer quality land should

be preferred. This also states that the availability of agricultural land used for food production should be considered when deciding what sites are most appropriate for development.

21.3 The Environmental Statement details that the proposals involve the development of 21.95ha of existing agricultural land. Agricultural Land Classification mapping shows the land within the site as Grade 2 and Grade 3. Grade 3 includes grades 3a (good quality agricultural land) and 3b (moderate quality agricultural land) but this is not divided further in the mapping. On this basis the agricultural land within the site could all fall within grades 2 and 3a and therefore constitute the best and most versatile land. The proposals would therefore involve the loss of 21.95ha of the best and most versatile agricultural land. This carries some weight against the proposals.

21.4 However, this matter was considered by the Local Plan Inspector in allocating land at South West Rugby and they stated, *“The loss of very good quality agricultural land would not be mitigated, but it has been demonstrated that the development requirements of the borough cannot be met without building on greenfield sites. Most greenfield land on the edge of Rugby is in agricultural use, and classed as good quality agricultural land or better. I am satisfied that it would not be possible to use any poorer quality areas of agricultural land to meet the development needs of the borough in a more sustainable location. Although a large area of agricultural land, its loss would be modest in comparison to the overall resource of agricultural land in the borough.”*

21.5 A geoenvironmental desk study was produced and site walkovers carried out to assess the potential for contaminated land within the site. This identified the potential for contamination at the farm yard and buildings at Cherry Tree Farm and associated with the agricultural activities carried out across the site and recommended further site investigation. Environmental Health agreed with these findings and recommended a site investigation condition (condition 7).

22.0 Planning Obligations

22.1 Paragraphs 55, 57 and 58 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.

22.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

22.3 The SPD identifies the infrastructure requirements associated with the South West Rugby Allocation and policy DS9 sets out the requirements in relation to the provision of the spine road network.

22.4 It is considered that in this case planning obligations will be required to secure the provision, management and adoption of the buffer and to ensure landscaping is retained and maintained. These requirements would accord with policies HS4 and NE1.

22.5 Heads of Terms

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

Obligations	Requirement	Trigger
Provision, management and adoption of landscape buffer with the option for this to be transferred to the Council	To secure the suitable provision and retention of the buffer. Maintenance contribution of £912,000.	Landscaping provision to be phased between 1 st and 3 rd planting season following the road being first brought into operational use. On satisfactory completion of the landscaping this can be transferred to the Council, subject to the payment of the maintenance contribution.
Biodiversity net gain	Acknowledgement that gain in biodiversity units may be used to off-set requirements on other sites within South West Rugby allocation.	Ongoing
Monitoring contribution	Contributions to Rugby Borough Council of £1000 to contribute towards the cost of monitoring the implementation and compliance with the legal agreement	On completion of s106 agreement

22.6 If the committee resolves to approve the proposal, this will be subject to the completion of an agreement by way of a section 106 covering the aforementioned heads of terms. In relation to the detail quoted above, these are subject to further negotiation and finalisation prior to the completion of the s106 agreement.

22.7 In relation to any financial contributions or commuted sums sought through a s.106 agreement, the financial contributions or commuted sums set out in this report will be adjusted for inflation for the period from resolution to grant to completion of the s.106 agreement. In addition, any financial contributions or commuted sums sought through a s.106 agreement will be subject to indexation from the completion of the s.106 agreement until the date that financial contribution or commuted sum falls due. Interest will be payable on all overdue financial contributions and commuted sums.

22.8 Subject to the completion of a section 106 agreement the development would be in accordance with Policy D3 of the Local Plan.

23.0 Objections Received

23.1 As detailed earlier in this report objections to the proposed development have been received from Dunchurch Parish Council and 30 local residents.

23.2 These include comments regarding the principle of the South West Rugby allocation and the provision of the spine road network, However, the overall principle of this allocation was established by the adoption of the Local Plan.

23.3 Objections related to highway safety, transport information, impact on heritage assets, trees, hedgerows, biodiversity and neighbouring residents are addressed earlier in this report.

23.4 Comments refer to the location of the landscape buffer and refer to specific buffer dimensions required by the Planning Inspector. The Inspectors report did not include a specific dimension but referred the requirements of the policy preventing coalescence between Rugby and Dunchurch in order to maintain the distinct identity of Dunchurch.

23.5 An objection from a local resident refers to the proposals resulting in changes to their access which are not agreed. This is a private matter to be agreed between the relevant landowners and does not impact on the determination of the planning application.

24.0 Planning Balance and Conclusion

24.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

24.2 Policy GP1 of the Local Plan outlines that the Council will determine applications in accordance with the presumption of sustainable development set out in the Framework. Paragraph 11 of the Framework sets out that for decision-taking this has two parts. The first part (paragraph 11(c)) means “approving development proposals that accord with an up-to-date development plan without delay”. The Local Plan was adopted in June 2019 and is therefore considered to be an up-to-date development plan.

24.3 Paragraph 10 of the NPPF states that sustainable development should be pursued in a positive way and that the NPPF contains a presumption in favour of sustainable development. The question as to whether a particular proposal constitutes sustainable development is not simply a matter of location. Paragraph 8 of the NPPF refers to three overarching objectives of sustainability which are interdependent. These are the economic, social and environmental objectives.

Economic objective

24.4 The NPPF details that the coordination and provision of infrastructure contributes to the economic objective. The proposals will result in the delivery of a key part of the South West Rugby Spine Road network, as set out in policy DS9 which is necessary to allow housing development to help meet the Borough’s housing needs as set out in policy DS1.

24.5 The proposed development would provide the infrastructure required to allow the development of the South West Rugby allocation. This would lead to money being invested in construction in terms of jobs, materials and new residential development with household economic spending which may increase the viability of nearby retail uses, services and businesses. This would have a positive impact on the local economy and weighs in favour of the proposal.

24.6 Other economic benefits would include the creation of construction jobs and associated in-direct jobs and businesses being supported.

24.7 It is considered that the clear economic benefits outlined above should carry very substantial weight in favour of the proposed development.

Social objective

24.8 The social objective in the NPPF refers to the need to provide homes to meet the needs of current and future generations and the need for accessible services and open spaces.

24.9 The provision of the spine road network will allow the provision of housing allocated by policy DS8 and will also allow the provision of a school and other community facilities within the South West Rugby Allocation.

24.10 The proposals will include a footpath/cycleway and routes within the buffer which will contribute to a high quality, safe convenient walking and cycling network allowing access to homes, employment development and facilities within the allocation and wider area. The landscape buffer will form accessible natural/semi-natural open space.

24.11 It is considered that the clear social benefits outlined above should carry substantial weight in favour of the proposed development.

Environmental objective

24.12 The NPPF refers to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use resources prudently, minimise waste and pollution and adapt to climate change.

24.13 As detailed above the development will have an impact on the character of the area and wider landscape. The development of the allocated site will also result in the loss of best and most versatile agricultural land.

24.14 The development could also cause less than substantial harm to the setting of designated heritage assets. This carries weight against the proposals which must be weighed against the public benefits of the proposals.

24.15 Whilst trees are to be retained where possible the development will involve the loss of areas of hedgerow and trees, including trees covered by Tree Preservation Orders.

24.16 These factors carry weight against the proposals.

24.17 However, the proposals will incorporate large amounts of landscaping and tree planting and will provide biodiversity gain on site.

24.18 The development will provide pedestrian and cycle linkages to the wider area encouraging sustainable transport methods.

24.19 The proposed road will contribute to the eventual rerouting of traffic away from the Dunchurch crossroads which will lead to environmental benefits to this area.

24.20 These are considered to be positive environmental benefits that should be afforded weight in favour of the scheme.

24.21 It is therefore concluded that the benefits of the proposed development outweigh the factors against the proposals. The proposed development would comply with the Development Plan and no material considerations have been identified which indicate that the development should not be approved. Indeed, the proposal would result in a number of positive economic, social and environmental benefits.

24.22 The proposal would also not result in any other significant and detrimental environmental harm. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal would comply with policy GP1.

24.23 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the Framework, it is considered that the application should be approved subject to a s106 agreement, conditions and informatives.

25.0 Recommendation

1. Planning application R22/0928 be approved subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chair) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

DRAFT DECISION

REFERENCE NO:
R22/0928

DATE APPLICATION VALID:
08-Sep-2022

APPLICANT:

Ben Frodsham, Homes England, Richborough Estates and Taylor Wimpey Homes England,
One Friargate, Coventry, CV1 2GN

AGENT:

Chris Sharp, Homes England Homes England, One Friargate, Coventry, CV1 2GN

ADDRESS OF DEVELOPMENT:

LAND NORTH OF DUNCHURCH, SOUTH OF BILTON, RUGBY

APPLICATION DESCRIPTION:

Full planning application for the delivery of an all-traffic single carriageway link road (the Homestead Link Road), including 2m verge, 2m footway and 3m cycleway on the development side of the carriageway, a Pegasus crossing, new junctions with the B4429 Coventry Road, Cawston Lane, Alywn Road, the A426 Rugby Road and to adjacent land allocated for residential development, plus realigned side road accesses to several existing residential properties. A new junction off Alwyn Road, its partial re-alignment and construction of a future 'spine road' (part only) that will provide access to other land allocated for residential development at SW Rugby. Associated works including street lighting, landscaping, surface water drainage infrastructure, utility diversions and ground remodelling, plus demolition of existing agricultural buildings. Creation of a landscaped buffer between the Homestead Link Road and Dunchurch, to include informal footpaths, new and enhanced ecological habitats, plus the same combination of features on land west of the Link Road.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION: 1

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

REASON:

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

CONDITION: 2

The development shall be carried out in accordance with the plans and documents detailed below. The plans may be amended by Road Safety Audit or Detailed Design or Section 278 Agreement where such documents have been approved by Warwickshire County Council and a copy provided to the Local Planning Authority.

Alwyn Road Existing & Proposed Catchment Areas - 42400-ARC-XX-050-DR-C-0073/P03

Pond 8 Sections - 42400-ARC-XX-050-DR-C-0070/P03

Pond 8 drainage calculations

Received 05/02/2024

Standard drainage details sheet 3 - 42400-ARC-XX-050-DR-C-05/P01

Received 24/01/2024

Landscape Masterplan Written Statement - 7507.28.011/V3
Arboricultural Impact Assessment - 9195.001/6.0
Including: Tree Constraints Plans - D9195.001-005
Tree Works Plan (Overview) - D9195.006/C
Tree Works Plans - D9195.007-010/C
AMS Heads of Terms Plan - D9195.011/C
Arboricultural Survey Data Sheets - X9195.001
Appendix B Survey method – Rev H

Landscape Proposals Masterplan - 750728-TEP-XX-X-DR-L-0005/PA4
Landscape Proposals Eastern Area - 750728-TEP-XX-X-DR-L-0006/PA4
Landscape Proposals Central Area - 750728-TEP-XX-X-DR-L-0007/PA4
Landscape Proposals Western Area - 750728-TEP-XX-X-DR-L-0008/PA4
Planting Masterplan - 750728-TEP-XX-X-DR-L-0009/PA4
Planting Plan Eastern Area Detail 1 - 750728-TEP-XX-X-DR-L-0010/PA4
Planting Plan Eastern Area Detail 2 - 750728-TEP-XX-X-DR-L-0011/PA4
Planting Plan Central Area Detail 1 - 750728-TEP-XX-X-DR-L-0012/PA4
Planting Plan Central Area Detail 2 - 750728-TEP-XX-X-DR-L-0013/PA4
Planting Plan Western Area Detail 1 - 750728-TEP-XX-X-DR-L-0014/PA4
Planting Plan Western Area Detail 2 - 750728-TEP-XX-X-DR-L-0015/PA4
Planting Plan Western Area Detail 3 - 750728-TEP-XX-X-DR-L-0016/PA4
Hard Landscaping Masterplan - 750728-TEP-XX-X-DR-L-0017/PA5
Hard Landscaping Eastern Area - 750728-TEP-XX-X-DR-L-0018/PA4
Hard Landscaping Central Area - 750728-TEP-XX-X-DR-L-0019/PA4
Hard Landscaping Western Area - 750728-TEP-XX-X-DR-L-0020/PA4
Bat Hop Over Details-Sheet 1 - 750728-TEP-XX-X-DR-L-0023/PA3
Bat Hop Over Details-Sheet 2 - 750728-TEP-XX-X-DR-L-0024/PA3

Drainage Strategy - 2400-ARC-XX-050-RP-C-0001/PA4
Junction & FSSD Visibility Sheet 6 - 42400-ARC-LR-070-DR-C-0011/PA4
General Arrangement Layout Overview - 42400-ARC-XX-010-DR-C-0001/PA8
Potential Phasing Plan - 42400-ARC-XX-010-DR-C-0019/PA5
General Arrangement Sheet 2 - 42400-ARC-XX-010-DR-C-0023/PA7
Proposed Drainage Layout Sheet 2 - 42400-ARC-XX-050-DR-C-0004/PA5
Alwyn Road Ditch Diversion - 42400-ARC-XX-050-DR-C-0039/PA3
Vehicle Tracking Sheet 6 - 42400-ARC-XX-071-DR-C-0015/PA5
Street Lighting Layout Sheet 6 - 42400-ARC-XX-130-DR-C-0006/PA5
Received 21/12/2023

Coventry Road Junction Visibility Splays - 42400-ARC-LR-070-DR-C-0014/PA1
Received 11/12/2023

Pond 7 General Arrangement Sheet 1 - 42400-ARC-XX-050-DR-C-0023/PA2
Alwyn Road Roundabout General Arrangement - 42400-ARC-XX-070-DR-C-0046/PA1
Received 23/11/2023

Pond 7 Sections Sheet 1 - 42400-ARC-XX-050-DR-C-0071/P01
Pond 7 Sections Sheet 2 - 42400-ARC-XX-050-DR-C-0072/P01
Received 17/11/2023

Tree Removal Information - SWR-HLR001/V2

Local Speed Limit Layout - 42400-ARC-XX-010-DR-C-0066/P02
Received 10/11/2023

Environmental Statement Addendum - V2
Received 31/10/2023

Traffic Modelling - National Highways Model Audit Response - 431.000200.0000/01

General Arrangement Sheet 1 - 42400-ARC-XX-010-DR-C-0022/PA5
General Arrangement Sheet 3 - 42400-ARC-XX-010-DR-C-0024/PA7
Junction & FSSD Visibility Sheet 1 - 42400-ARC-LR-070-DR-C-0006/PA3
Junction & FSSD Visibility Sheet 2 - 42400-ARC-LR-070-DR-C-0007/PA3
Junction & FSSD Visibility Sheet 3 - 42400-ARC-LR-070-DR-C-0008/PA3
Junction & FSSD Visibility Sheet 4 - 42400-ARC-LR-070-DR-C-0009/PA3
Junction & FSSD Visibility Sheet 5 - 42400-ARC-LR-070-DR-C-0010/PA3
Junction & FSSD Visibility Sheet 7 - 42400-ARC-LR-070-DR-C-0012/PA5
Junction & FSSD Visibility Sheet 8 - 42400-ARC-LR-070-DR-C-0013/PA6
Proposed Longsections Sheet 1 - 42400-ARC-XX-071-DR-C-0001/PA2
Proposed Longsections Sheet 2 - 42400-ARC-XX-071-DR-C-0002/PA2
Proposed Longsections Sheet 3 - 42400-ARC-XX-071-DR-C-0003/PA2
Proposed Longsections Sheet 4 - 42400-ARC-XX-071-DR-C-0004/PA3
Proposed Longsections Sheet 5 - 42400-ARC-XX-071-DR-C-0005/PA2
Proposed Longsections Sheet 6 - 42400-ARC-XX-071-DR-C-0006/PA2
Proposed Longsections Sheet 7 - 42400-ARC-XX-071-DR-C-0007/PA2
Proposed Longsections Sheet 8 - 42400-ARC-XX-071-DR-C-0008/PA2
Proposed Longsections Sheet 9 42400-ARC-XX-071-DR-C-0019/PA1
Proposed Longsections Sheet 10 42400-ARC-XX-071-DR-C-0020/PA1
Proposed Longsections Sheet 11 42400-ARC-XX-071-DR-C-0021/PA1
Proposed Longsections Sheet 12 42400-ARC-XX-071-DR-C-0022/PA1
Vehicle Tracking Sheet 1 - 42400-ARC-XX-071-DR-C-0010/PA3
Vehicle Tracking Sheet 2 - 42400-ARC-XX-071-DR-C-0011/PA3
Vehicle Tracking Sheet 3 - 42400-ARC-XX-071-DR-C-0012/PA3
Vehicle Tracking Sheet 4 - 42400-ARC-XX-071-DR-C-0013/PA3
Vehicle Tracking Sheet 5 - 42400-ARC-XX-071-DR-C-0014/PA3
Vehicle Tracking Sheet 7 - 42400-ARC-XX-071-DR-C-0016/PA3
Vehicle Tracking Sheet 8 - 42400-ARC-XX-071-DR-C-0017/PA4
Vehicle Tracking Sheet 9 - 42400-ARC-XX-071-DR-C-0018/PA6
Typical Sections Sheet 1 - 42400-ARC-XX-072-DR-C-0001/PA1
Typical Sections Sheet 2 - 42400-ARC-XX-072-DR-C-0002/PA1
Cross Sections-Sheet 1 - 42400-ARC-XX-072-DR-C-0003/PA2
Cross Sections-Sheet 2 - 42400-ARC-XX-072-DR-C-0004/PA2
Cross Sections-Sheet 3 - 42400-ARC-XX-072-DR-C-0005/PA2
Cross Sections-Sheet 4 - 42400-ARC-XX-072-DR-C-0006/PA2
Cross Sections-Sheet 5 - 42400-ARC-XX-072-DR-C-0007/PA2
Cross Sections-Sheet 6 - 42400-ARC-XX-072-DR-C-0008/PA2
Cross Sections-Sheet 7 - 42400-ARC-XX-072-DR-C-0009/PA2
Cross Sections-Sheet 8 - 42400-ARC-XX-072-DR-C-0010/PA2
Cross Sections-Sheet 9 - 42400-ARC-XX-072-DR-C-0011/PA2
Cross Sections-Sheet 10 - 42400-ARC-XX-072-DR-C-0012/PA3
Cross Sections-Sheet 11 - 42400-ARC-XX-072-DR-C-0013/PA3
Cross Sections-Sheet 12 - 42400-ARC-XX-072-DR-C-0014/PA2
Cross Sections-Sheet 13 - 42400-ARC-XX-072-DR-C-0015/PA2

Cross Sections-Sheet 14 - 42400-ARC-XX-072-DR-C-0016/PA2
Cross Sections-Sheet 15 - 42400-ARC-XX-072-DR-C-0017/PA2
Cross Sections-Sheet 16 - 42400-ARC-XX-072-DR-C-0018/PA2
Cross Sections-Sheet 17 - 42400-ARC-XX-072-DR-C-0019/PA2
Cross Sections-Sheet 18 - 42400-ARC-XX-072-DR-C-0020/PA2
Cross Sections-Sheet 19 - 42400-ARC-XX-072-DR-C-0021/PA2
Cross Sections-Sheet 20 - 42400-ARC-XX-072-DR-C-0022/PA2
Cross Sections-Sheet 21 - 42400-ARC-XX-072-DR-C-0023/PA2
Cross Sections-Sheet 22 - 42400-ARC-XX-072-DR-C-0024/PA2
Cross Sections-Sheet 23 - 42400-ARC-XX-072-DR-C-0025/PA2
Cross Sections-Sheet 24 - 42400-ARC-XX-072-DR-C-0026/PA2
Cross Sections-Sheet 25 - 42400-ARC-XX-072-DR-C-0027/PA2
Street Lighting Layout Sheet 1 - 42400-ARC-XX-130-DR-C-0001/PA4
Street Lighting Layout Sheet 2 - 42400-ARC-XX-130-DR-C-0002/PA4
Street Lighting Layout Sheet 3 - 42400-ARC-XX-130-DR-C-0003/PA4
Street Lighting Layout Sheet 4 - 42400-ARC-XX-130-DR-C-0004/PA4
Street Lighting Layout Sheet 5 - 42400-ARC-XX-130-DR-C-0005/PA4
Street Lighting Layout Sheet 7 - 42400-ARC-XX-130-DR-C-0007/PA4
Street Lighting Layout Sheet 8 - 42400-ARC-XX-130-DR-C-0008/PA6

Indicative Cross-sections Sheet 1 - 750728-TEP-XX-X-DR-L-0021/PA3
Indicative Cross-sections-Sheet 2 - 750728-TEP-XX-X-DR-L-0022/PA3

Bridleway & PRow Layout - 42400-ARC-XX-010-DR-C-0020/PA3
Site Clearance Sheet 1 - 42400-ARC-XX-020-DR-C-0002/PA3
Site Clearance Sheet 2 - 42400-ARC-XX-020-DR-C-0003/PA3
Site Clearance Sheet 3 - 42400-ARC-XX-020-DR-C-0004/PA4
Site Clearance at Cherry Tree Farm-Layout - 42400-ARC-XX-020-DR-C-0005/PA2

Technical note: Response to National Highways' Recommendation - 806666-WOOD-XX-XX-TN-OT-00003_A_P01
Received 26/10/2023

Proposed Drainage Layout Sheet 1 - 42400-ARC-XX-050-DR-C-0003/PA4
Proposed Drainage Layout Sheet 3 - 42400-ARC-XX-050-DR-C-0005/PA5
Daru House Ditch Diversion - 424

CONDITION: 3

No walls, fences or gates shall be provided unless and until full details, including location, design and elevations, 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:

In the interest of visual amenity.

CONDITION: 4

No above ground works shall commence unless and until details of ground levels of the landscaping areas 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.

Environmental

CONDITION: 5

No development shall commence unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details relating to:

- (i) Hours of demolition, construction and deliveries;
- (ii) The control of noise and vibration emissions from construction/demolition activities including groundworks, plant/generators and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the construction/demolition phase;
- (iii) The control of dust including arrangements to monitor dust emissions from the development site during the construction/demolition phase;
- (iv) Any temporary site compound, including buildings/structures, lighting, fencing and storage provision;
- (v) The parking of vehicles of site operatives and visitors during the demolition/construction phase;
- (vi) Measures to prevent deleterious material being carried onto the highway network; &
- (vii) Heavy Goods Vehicle construction/demolition routing plan;
- (viii) A piling risk assessment;

Development shall not be carried out other than in accordance with the approved construction method statement / management plan.

REASON:

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

CONDITION: 6

No development shall commence unless and until full details, including position, design and specification, of the noise barriers proposed at Daru House and Cherry Tree Farm have been submitted to and approved in writing by the Local Planning Authority.

These barriers shall be provided in accordance with the approved details before the first operational use of the link road and shall be retained in perpetuity.

REASON:

In the interest of residential amenity.

CONDITION: 7

Development other than that required to be carried out as part of an approved scheme of remediation must not commence 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 in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons

and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

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

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

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

REASON:

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

Landscaping

CONDITION: 8

The first phase of the landscaping scheme, as detailed on the approved plans, and identified on the Phase 1 Landscape Masterplan – 750728-TEP-XX-XX-DR-L-0025 received by the Council on 14/11/2023, shall be implemented no later than the first planting season following the first operational use of the link road. The remaining landscaping, as detailed on the approved plans, shall be implemented no later than the third planting season following the first operational use of the link road. If within a period of 10 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning

Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place.

REASON:

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

CONDITION: 9

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 BS3998:2010 (Recommendations for Tree Work) and shall be carried out before the commencement of any works.

REASON:

In the interest of visual amenity.

CONDITION: 10

No works, demolition or development shall take place until a further arboricultural method statement and tree protection plan for the protection of the retained trees (such method statement and plan to be in accordance with sections 5.5 & 6.1 of BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) has been submitted to and approved in writing by the Local Planning Authority. This arboricultural method statement and tree protection plan must include details and positioning of tree protection fencing, any ground protection measures to create construction exclusion zones and an auditable system of monitoring. The approved arboricultural method statement and tree protection plan shall be implemented in full prior to any works, demolition or development taking place. Protective measures must remain in place until the completion of all construction works. 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. Prior to any works, demolition or development taking place, a site meeting between the applicant, the Local Planning Authority arboricultural officer and designated arboricultural consultant responsible for the site will take place to inspect tree protection measures.

REASON:

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

CONDITION: 11

Notwithstanding the details shown on the approved landscape plans, the approved paths within the landscape buffer shall not be provided unless and until full details of the proposed surfacing, have been submitted to and approved in writing by the Local Planning Authority.

These paths shall be provided in accordance with the approved details no later than the third planting season following the first operational use of the link road.

REASON:

To allow suitable connections to be provided in order to promote sustainable travel and use of the landscape buffer.

CONDITION: 12

- No temporary site security fencing may be erected on or within 1m of any public right of way (unless closed by legal order).

- Any new vegetation must be planted at least one metres away from the edge of any public right of way to help ensure that mature growth will not encroach onto the public right of way.

REASON:

To protect existing Public Rights of Way and in order to promote sustainable travel.

Ecology

CONDITION: 13

The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, toolbox talk, replacement roost details, to include type, location, and timetable for installation, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

REASON:

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

CONDITION: 14

No development shall commence unless and until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of pre-commencement checks for protected species (badger, bats, reptiles, breeding birds) and appropriate working practices and safeguards for retained habitats and for wildlife that are to be employed whilst works are taking place on site.

The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

REASON:

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

CONDITION: 15

No development shall commence unless and until a landscape and ecological management plan (LEMP) has been submitted to, and be approved in writing by, the Local Authority
This shall include the following:

- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implantation of the plan.
 - h) Ongoing monitoring and remedial measures.
 - i) A copy of the Defra Biodiversity Metric which corresponds with the LEMP and indicates a biodiversity net gain.
 - j) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

REASON:

To ensure that protected species are not harmed by the development and a net biodiversity gain in accordance with NPPF.

CONDITION: 16

i) No lighting shall be installed unless and until a lighting strategy for biodiversity has been submitted to and approved in writing by the Local Planning Authority.

The lighting strategy shall:

a) Identify those areas/features on site that are sensitive for bats and other nocturnal species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory and;

b) Show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications).

c) Restrict lighting adjacent to the landscape corridor on the northern side of the development and keep lighting to a minimum at night across the whole site to minimise impact on emerging and foraging bats.

ii) Prior to the installation of any external lighting, full details of the design and appearance of the lighting columns, fixtures and fittings, together with their associated angle, fall, spread and intensity, in accordance with the approved lighting strategy, shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the approved details and specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

REASON:

To ensure that protected species are not harmed by the development, to prevent unnecessary light pollution and in the interests of the amenities of the area.

Archaeology

CONDITION: 17

No development, in any phase of the development, shall take place until an Archaeological Mitigation Strategy document for that phase (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This shall detail a strategy to mitigate the archaeological impact of the proposed development and shall be informed by the results of the archaeological evaluation. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

REASON:

In the interest of archaeology and to protect non-designated heritage assets.

Highways

CONDITION: 18

Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CTMP shall include:

- the phasing and duration of the construction of the Homestead Link Road, including details of access routes to/from the construction site (by phase if appropriate).

- the routing and timing (avoiding peak periods) of delivery and other construction traffic to/from the proposed development and the measures by which this is to be managed and

monitored, including signage and information that will be provided to contractors and delivery companies.

- the hours of loading/unloading material, construction traffic arrival and departure times.
- measures to prevent mud and debris on the public highway, including wheel washing facilities and the methods to be used to keep the public highway clear of any mud, debris and obstacles (in the event of spillage).
- suitable areas for the parking of contractors and visitors, including details of the capacity of the on-site staff/visitor/contractor car parking areas and confirmation of the assessment that this is sufficient to accommodate forecast demand and thereby avoid vehicles having to park off site on the public highway network.
- layout of compound(s) and the swept path analysis of the expected largest type of delivery vehicle when entering, leaving and turning within the site. This is needed to confirm that vehicles can enter and leave the site (from and to the public highway) safely, in a forward gear and without obstructing the public highway, and if not, what safety precautions will be implemented.
- suitable areas for the unloading and storage of materials off the public highway.
- the traffic management plan to be implemented during the period of construction of the HLR. No construction HGV or delivery traffic shall be permitted during the hours of 07:30-09:00 and 16:30-18:30 that route via Dunchurch Crossroads or the Rugby Gyrotory. All construction activity shall be undertaken in full accordance with the approved details.

REASON:

To ensure that the A45 Trunk Road and M45 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of highway safety.

CONDITION: 19

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

REASON:

In the interest of highway safety.

CONDITION: 20

No built construction shall commence unless and until the detailed design drawings for the proposed highway, public transport and active travel infrastructure and associated Stage 2 Road Safety Audit(s) and Designer Response(s) have been submitted to and approved in writing by the Local Planning Authority.

These shall address the following elements:

- a) HLR/B4429 (Coventry Road) junction (HLR 'Junction 1'), including the provision of a signal controlled crossing for pedestrians and cyclists of the Coventry Road arm.
- b) Old Coventry Road/The Elms, including the provision of a shared footway/cycle track between realigned B4429 and the closed section of Coventry Road for cyclists to/from the west.
- c) Community Spine Road Alwyn Road Spur West 2, including the provision of a priority crossing of access road for pedestrians and cyclists.
- d) Road Alignment Roundabout_2_North, including the provision of a parallel cycle crossing and segregated approach.
- e) Northampton Lane/A426, including the extension of the cycle track on north side of A426 Rugby Road to tie into the existing NCN41 along Northampton Lane.

f) Shared use footway/ cycle track along north side of A426, including the provision of a suitable buffer between the shared use footway/ cycle track and the A426.

g) 'Roundabout 1', including the provision of controlled crossings at the roundabout should these be required dependent upon scale and layout of adjacent developments accessed off this junction.

REASON:

In the interest of highway safety.

CONDITION: 21

The construction of the development, including footways, cycleways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.

REASON:

In the interest of highway safety.

CONDITION: 22

No built construction shall commence unless and until the detailed drawings for the proposed street lighting and any trees or landscaping within the highway have been submitted to and approved in writing by the Local Planning Authority.

These details shall include large scale plans showing the layout and specifications for the street lighting equipment and illumination levels, details for planting including species, and where appropriate method statements. Details should also be provided to demonstrate that any utilities equipment does not conflict with the proposed trees/landscaping.

REASON:

In the interest of highway safety.

CONDITION: 23

No built construction shall commence unless and until the detailed design drawings and associated technical assessments for the proposed drainage solution to be provided in the vicinity of 'Pond 8' adjacent to the junction between Alwyn Road and the Community Spine Road and associated Stage 2 Road Safety Audit(s) and Designer Response(s) have been submitted and approved in writing by to the Local Planning Authority.

REASON:

In the interest of highway safety and to secure the satisfactory drainage of the site.

Drainage

CONDITION: 24

No development shall commence unless and until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. 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; and to improve habitat and amenity.

CONDITION: 25

No development shall commence unless and until all details relating to the proposed watercourse alterations for the site have been submitted to and approved in writing by the Local Planning Authority. The proposals shall subsequently be implemented in accordance with the approved details before the development is completed.

The details to be submitted shall include:

1. Detailed drawings and cross sections of the proposed alterations to the watercourses on site including typical diverted sections, culverts and outfalls demonstrating application of best practise design principles.
2. Provide evidence that adequate erosion mitigation has been incorporated in to the designs to prevent damage to adjacent infrastructure.
3. Assessment of the potential risks from flood flow paths should the ordinary watercourses overtop.
4. Survey information demonstrating that the existing watercourses are in a suitable condition to accept discharge from the development and evidence any remedial works as necessary.

REASON:

To prevent the increased risk of flooding associated with the on-site ordinary watercourses.

CONDITION: 26

Within 12 months of the first use of the approved link road a Verification Report for the installed surface water drainage systems based on the listed approved plans shall be submitted to and approved in writing by the Local Planning Authority.

This report shall include:

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

REASON:

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

CONDITION: 27

The approved link road shall not be first brought into use unless and until a detailed, site specific maintenance plan for the affected watercourses and surface water infrastructure has been submitted to and approved in writing by the Local Planning Authority.

Such maintenance plan should:

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

REASON:

To ensure the future maintenance of the sustainable drainage structures.

INFORMATIVE: 1

This development is subject to a s106 legal agreement.

INFORMATIVE: 2

It is a legal requirement that all roads are named and in this respect you must apply for Street Naming and Numbering at the earliest opportunity.

To receive correct addressing please complete an application form for Street Naming and Numbering. The form can be accessed at:

https://www.rugby.gov.uk/info/20084/planning_control/76/street_naming_and_numbering .

INFORMATIVE: 3

The normal hours for construction sites within Rugby are Monday to Friday 07:30 to 18:00 and Saturday 08:30 to 13:00, with no noisy activity taking place outside of these times and or on Sundays or public/bank holidays. Works carried out by a statutory undertaker may take place outside these hours however Best Practicable Means (BPM) as defined within the Control of Pollution Act 1974 should still be employed to control noise and vibration in relation to this site. Reference should be made to the relevant Codes of Practice, including BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites, Part 1: Noise and Part 2: Vibration. No (noisy) works would be expected to take place on Christmas Day. Contact should be made with council once a methodology and work schedule is available to ensure compliance with the requirements of the Control of Pollution Act 1974.

INFORMATIVE: 4

The lighting strategy required by condition X shall restrict lighting adjacent to the landscape corridor and keep lighting to a minimum at night across the whole site to minimise impact on emerging and foraging bats.

This could be achieved in the following ways:

- Narrow spectrum lighting should be used to avoid the blue-white wavelengths
- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

INFORMATIVE: 5

Any external lighting should be installed to ensure there is no glare or excessive light spill that may affect any properties off site. Information can be obtained from the Institute of Lighting Professionals on types and positioning of lighting to minimise off site effects

INFORMATIVE: 6

Prior to commencing piling operations, a piling risk assessment document shall be submitted and agreed, as a separate document linked to the main construction (environment) management plan. Agreement of piling types, monitoring and if necessary, mitigation in advance should help avoid unplanned stopping of works once piling commences. It will also

help to reduce concerns from residents about the impact and disturbance of piling works upon them.

A desktop risk assessment shall include proposed boundary vibration limits, both as a trigger level for investigation and a stop level.

The risk assessment will need to show that Best Practicable Means (BPM) shall be employed to control noise and vibration in relation to this site. With reference to the relevant Codes of Practice, including 'BS 5228-1:2009+A1:2014' and 'BS 5228-2:2009+A1:2014' 'Code of Practice for noise and vibration control on construction and open sites, Part 1: Noise' and 'Part 2: Vibration' an initial boundary stop level of 5mm/s Peak component Particle Velocity should be calculated for.

Vibration monitoring shall be undertaken to demonstrate compliance with the relevant standards, it shall be ensured that any monitors are within calibration with a second monitor available to allow for readings to be taken both at the site boundary and within the curtilage of nearby properties in order to demonstrate that the levels of vibration are within the limits stated in BS 5228-2:2009+A1:2014 Part 2: Vibration table B.2.

Regard shall be had to the effects of vibration on people as per table B.1 in addition to Table B.2 for Transient vibration guide values for cosmetic damage (to buildings) and an advisory letter drop shall be undertaken to all surrounding properties in advance of the piling work.

INFORMATIVE: 7

- Public rights of way must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.
- If it is proposed to temporarily close any public right of way during works, then an application for a Traffic Regulation Order must be made to Warwickshire County Council well in advance.
- Any disturbance or alteration to the surface of any public right of way requires the prior authorisation of Warwickshire County Council, as does the installation of any new gate or other structure on the public right of way.
- Prior to commencement of any works involving disturbance of the surface of any public right of way the developer must contact Warwickshire County Council's Rights of Way team as Highway Authority to obtain any necessary consents and make any necessary arrangements for the protection of the public right of way and its users.
- The applicant must carry out remedial works to make good any damage or address any flooding on the surface of any public right of way caused by the works and any remedial works must be completed to the satisfaction of the Highway Authority prior to completion of works.

INFORMATIVE: 8

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

INFORMATIVE: 9

The surface water drainage scheme required by Condition 24 shall:

1. With the exception of Alwyn Road, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.4l/s/ha for the site in line with the approved surface water drainage strategy (ref: 42400-ARC-XX-050-RP-C-0001, revision PA1, dated July 2022). Surface water discharge from Alwyn Road shall be limited according to the proposed discharge rates set out in drawing 42400-ARC-XX-050-DR-C-00-P03.
2. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design. Particular consideration should be given to pond design to maximise biodiversity and water quality benefits.
3. Provide detail drawings including cross sections, of proposed features including, conveyance features, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
4. Provide plans and cross section drawings demonstrating that surface water drainage features and the watercourses on site have sufficient easements for access for maintenance taking in to consideration future parcels coming forward.
5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - a. Suitable representation of the proposed drainage scheme, and justification of such criteria where relevant.
 - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
 - e. Simulate and assess network performance in sensitivity test scenarios such as surcharged outfall(s).
6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
 - a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk. Particular consideration should be given to potential future properties adjacent to the highway to ensure they will not be at flood risk.
 - b. Consider finished floor levels and thresholds in relation to exceedance flows.
 - c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

INFORMATIVE: 10

The approved surface water drainage strategy should be treated as a minimum at this stage of the design. Further consideration should be given during the detailed design to incorporate additional, localised source control SuDS such as green roofs, rain-gardens and tree pits as part of a 'SuDS management train' approach to provide water quality, amenity and bio-diversity benefits and increase the resilience within the design.

At the 'discharge of condition' stage proposals for surface water drainage should be approaching a level of detail suitable for tender or construction. Documentation should show the drainage scheme including SuDS features, specific details (e.g. standard details or cross

sections) and demonstrate the performance and of the system through calculations and exceedance management respectively. Such scheme should be in line with the original planning application/permission and where significant changes are made, justification should be provided.

INFORMATIVE: 11

Section 23 of the Land Drainage Act 1991 requires that before the erection or alteration of any obstruction to the flow in an ordinary watercourse, a written consent is obtained from the Lead Local Flood Authority (LLFA) for the area. All the alterations and outfalls in to watercourses associated with this site will require consent. Guidance and application forms can be found at: <https://www.warwickshire.gov.uk/watercourse>.

INFORMATIVE: 12

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

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

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

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

INFORMATIVE: 13

The Highway Authority will require promoters of the individual development parcels within the South West Rugby Masterplan area to re-assess the highway network and individual junction performance when submitting planning applications. The scope of the assessments to be agreed in advance with the Highway Authority.

INFORMATIVE: 14

Section 39 of the Road Traffic Act 1988 requires local authorities to take such measures as appear to the Authority to be appropriate to reduce the possibilities of accidents when new or improved roads come into use. In submitting plans for the approval of reserved matters/discharge of planning conditions affecting layout the applicant/developer are advised that an independent Stage 2 safety audit of the proposals must be provided to satisfy the requirements of the Act.

INFORMATIVE: 15

Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the

County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with Warwickshire County Highways.

INFORMATIVE: 16

Section 96 of the Highways Act 1980 enables the Highway Authority to maintain and do anything expedient to maintain trees, shrubs and verges within publicly maintainable highways. Before the construction of the development is commenced the applicant should conclude a written agreement with the Highway Authority for the future maintenance of all trees, shrubs and verges to be effective upon the roads becoming maintainable at public expense.

INFORMATIVE: 17

The development for which planning permission is hereby permitted requires that public footpath WK/168/R169b be diverted by a Statutory Order made under Section 257 of the Town and Country Planning Act 1990. This permission does not authorise the diversion of the footpath or guarantee that it will be done. Before the development is commenced the applicant must apply to Rugby Borough Council for an Order to be made.

DRAFT

Reference: R23/0831

Site Address: FLECKNOE FARM STUD AND LIVERY, FLECKNOE VILLAGE ROAD, FLECKNOE, RUGBY, CV23 8AU

Description: Proposed conversion and partial demolition of former equestrian barn to a single residential dwelling (Use Class C3).

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/38563>

Recommendation-

- Planning application R23/0831 is recommended to be refused due to conflicts with policies SDC1 & D1.
- This is subject to the Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal as outlined in the draft decision notice.

1.0 Introduction

- 1.1- This application is being reported to planning committee in accordance with paragraph 5.2.3 (a) Requests by Councillors of the scheme of delegation. This application was called to be determined by the planning committee by Cllr Keeling during the 21-day statutory consultation period.

2.0 Description of the site

- 2.1- The application site is located outside of the settlement boundary of Flecknoe and within land classified as countryside in the local plan. Flecknoe village is situated about five miles west of Daventry and 10 miles south of Rugby town centre.

- 2.2- The agricultural enterprise includes 8.09 hectares of land within the ownership of the applicant, 7.28 hectares of which are used for grazing. The established equestrian centre has been operated by the applicant since 2005. Stabling within the existing building can accommodate a total of 27 horses. There is a vehicular access road which runs through the barn structure to provide access to the associated dwelling and the remainder of the site which are all located southwards of the barn.

- 2.3- A planning application to replace the equine building with a new barn, stables and outdoor arena was approved by the Council in February of 2019 under application ref. R18/0119. This allowed for the relocation of the existing barn, stables and outdoor arena to land south of the existing. Condition 9 attached to this approval notice was imposed in order to ensure that the existing barn structure was removed once the approved works had been completed. This condition stated the following;

The existing barn and arena and all associated hardstanding and materials shall be removed from the site within 3 months of the erection of the new barn and outdoor arena being completed.

- 2.4- The site is also subject to approved application R21/0573 which was for the conversion and partial demolition of the existing equestrian barn to three separate residential

dwellings. All dwellings were detached, single storey and were of acceptable size, floor plan and massing for a typical residential unit in a rural location. The existing access road to the rear of the site remained in its current form and the three dwellings were situated in appropriate locations around this. The residential units as approved can be broken down into the following;

- **Plot 1-** 168 m2 (Dwelling) 260m2 (including garden area)
- **Plot 2-** 166 m2 (Dwelling) 260m2 (including garden area)
- **Plot 3-** 124 m2 (Dwelling) 195m2 (including garden area)

3.0 Description of the Building

- 3.1- The equine barn is characterized as a steel frame building with corrugated fibre cement sheet roofing. The exterior of the structure comprises of metal and timber cladding and sits upon a concrete ground bearing slab. The building when viewed from Flecknoe Village Road comprises of a green exterior and is constructed in a three-bay arrangement.
- 3.2- A structural survey was submitted to accompany this application submission and detailed a visual inspection of the building. This report determined the present condition of the structure and whether the building was in a state that could be repaired (if required) and converted. This survey however was the same as which was submitted in application R21/0573 and was written to accompany this former proposal which was to convert the building to provide 3 dwellings.
- 3.3- Whilst this survey is not specifically related to this proposal for one larger dwelling, the findings related to the structural integrity and current condition of the building can still be taken into account.
- 3.4- The survey confirms that the buildings are made up of several steel portal frames, which appear to be structurally sound. When taking into consideration the age and use of the buildings there was only minor localised damaged observed to the structures. The report also confirm that the structure would be suitable for conversion to a residential use subject to suitable replacement roof coverings to meet domestic roof standards and localised repairs to the frame structures. The outcome of such survey was taken on board by the planning officer however was noted to not be tailored directly to this proposal.

4.0 Description of proposals

- 4.1- This application is for the proposed conversion and partial demolition of existing equestrian barn to form a single 4-bedroom residential dwelling (Use Class C3). This dwelling will be a length of circa 45m extending from the north of the site towards the rear of the existing structure in the south. The dwelling at its widest point will be circa 24m in width to accommodate the proposed garage, with the majority of the unit being circa 13m in width. The unit will comprise over two levels and will contain a floor plan of circa 855m2 of residential floor space, 640m2 will be at ground floor level.

- 4.2- The design seeks to re-use parts of the barn to create a dwelling of modern design, comprising of timber cladding and seam metal roofing throughout. However, substantial elements of the proposed will be newly built in order to provide an enclosed structure. A large proportion of the barn's existing massing is proposed to be removed.
- 4.3- The front elevation will contain a large section of glazing along with a car port and double garage. The dwelling will comprise of 4 en-suite bedrooms, a living room, a kitchen dining area and other living areas across the property. The ground floor will contain a terrace area and a balcony will be located at first floor. Both will be south facing.
- 4.4- Current areas of hard standing to the front and rear will be provided for private amenity space and landscaping associated to the proposed dwelling. The area to the front of the structure will include hard standing for residential parking along with an area of grass and landscaping to provide a front garden. To the rear will be a modest sized private garden space.
- 4.5- A new access road is also proposed from the Flecknoe village road. This will sit adjacent to the proposed dwelling and will also sit directly adjacent to an existing vehicular access and garage on neighbouring third-party land. The intention of this new access road is to provide vehicular access to the agricultural enterprise at the rear.

5.0 Planning History

R05/0387- Erection of a dwelling. **Refused**

R06/1543- Retention of an existing stable block. **Approved**

R07/0949- Retention of a ménage. **Approved**

R07/1429- Erection of a 2-storey side extension and provision of a ménage. **Approved**

R13/1053- Erection of bungalow, to replace existing residential mobile home. **Approved**

R16/0025- Erection of a replacement rural workers dwelling to replace existing temporary mobile home. **Approved**

R18/0119- Erection of a barn, stables, and outdoor area. **Approved**

R18/1542- Erection of four new dwellings (outline – all matters reserved). Refused- **Dismissed at appeal**

R21/0573- Proposed conversion and partial demolition of equestrian barns to three residential dwellings. **Approval**

6.0 Technical consultation responses

Warwickshire County Council (Highways)- Objection

Warwickshire County Council (Ecology)- No objection subject to condition

Rugby Borough Council (Environmental Services)- No objection subject to condition

Rugby Borough Council (Arboriculture Officer)- No objection

Rugby Borough Council (Work Services)- No comment

Seven Trent Water- No objection

7.0 Third party comments

Councillor Dale Keeling- Called the application into committee.

Wolfhampcote Parish Council- Stated the following points;

- The corner is sometimes taken at speed where drivers go straight on coming down the hill. There could be a serious accident on this corner resulting from the proposed access.
- There would also be a number of parking spaces lost with the new development which is currently used by the numerous horse owners visiting the livery and the neighbouring property.
- Our concerns with the revised application mirror our original concerns in R21/0573. The corner adjacent to the property is dangerous, with vehicles frequently assuming a right of way to continue straight on and across the blind bend when travelling east down Church Hill, endangering traffic coming south on Flecknoe Village Road and turning west up onto Church Hill.

Neighbours notified and a site notice has been displayed with the following points received:

- The site of the application is accessed on a right-angle bend with poor visibility. Drivers heading east into the bend to access the equestrian yard and other properties off the bend site frequently fail to give way to traffic with right of way proceeding around outside of the bend (heading south and turning west). Although the proposal may not significantly increase traffic, the addition of two additional access points on the outside of the bend significantly increases the complexity of traffic movements on the bend.
- Given the relatively narrow proposed road into the equestrian site, and sharp turn to the south to access the site, I am concerned that traffic may linger on the bend when turning into the site, waiting for vehicles leaving the equestrian yard to clear the route.

8.0 Relevant Planning Policies

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

8.2- Rugby Borough Local Plan 2011-2031, June 2019

Policy GP1: Securing Sustainable Development
Policy GP2: Settlement Hierarchy
Policy GP3: Previously Developed Land and Conversions
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets
Policy NE3: Landscape Protection and Enhancement
Policy SDC1: Sustainable Design
Policy SDC2: Landscaping
Policy SDC4: Sustainable Buildings
Policy SDC6: Sustainable Drainage
Policy SDC7: Protection of the Water Environmental and Water Supply
Policy SDC9: Broadband and Mobile Internet
Policy D1: Transport
Policy D2: Parking Facilities

8.3- National Planning Policy Framework, 2023 (NPPF)

8.4- Supplementary Planning Guidance

- Climate Change Sustainable Design and Construction SPD – 2023

9.0 Assessment of proposals

The main considerations in respect of this application are the following;

- Section 10 Principle of Development
- Section 11 Character, Layout & Sustainable Design
- Section 12 Impact on neighbouring Amenity
- Section 13 Highway considerations & safety
- Section 14 Biodiversity
- Section 15 Other matters
- Section 16 Planning Balance and conclusion

10.0 Principle of Development

10.1- The NPPF is clear that where there is an up-to-date development plan, applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that where a planning application conflicts

with an up-to-date development plan, permission should not usually be granted. As a starting point for the assessment of this scheme, the local plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.

- 10.2- Policy GP1 of the local plan outlines that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in section 2 paragraph 8 of the updated NPPF. This is assessed through three over-arching objectives, a social progress, an economic wellbeing and an environmental protection.
- 10.3- If the application were to be approved, it would result in the creation of a small number of short-term construction jobs. In the long-term, the dwelling would make council tax payments. However, as the scheme is only small scale it would result in somewhat minimal benefits to local services and facilities and therefore the economic benefit is limited. The proposal would also provide a family dwelling and boost the housing stock of the village which in turn would provide a social progress. Again, this would only be a minimal advantage due to the nature of the development. It is also worth noting that if approved and implemented, this scheme would carry a net loss of 2 dwellings on the site compared to that approved in R21/0573.
- 10.4- Policy GP2 of the local plan states that development will be allocated and supported in accordance with the settlement hierarchy, a sequential test used to determine the sustainability of development across various areas of the borough. The application site is located outside of the settlement boundary of Flecknoe within the countryside as defined in policy GP2. As such new development will be resisted; only where national policy on countryside locations allows will development be permitted. Countryside locations are ranked 4 out of 5 in the sequential test outlined in policy GP2. The Rural Sustainability Study for the borough carried out in 2015 ranks Flecknoe 16 out of 24 based on an assessment of service provision for rural villages.
- 10.5- Approved application R21/0573 secured permission for the partial demolition of the existing barn and the conversion of the remaining structure to form 3 modest single storey dwellinghouses. Therefore, the principle for residential use on this site has been established through application R21/0573. However, an assessment is required in order to determine whether the re-use of the application building to provide a single dwellinghouse of this design, scale and massing as shown in the submitted plans would accord with local plan policies GP3 and SDC1. This assessment will be detailed in section 11 of this report and will be appropriately weighted in the planning balance.
- 10.6- Furthermore Section 11 of the NPPF states that local planning authorities should make as much use of previously developed land as possible. This is reflected in local plan policy GP3, which aims to support the redevelopment of previously developed land where proposals are compliant with other policies within the local plan. Particular consideration will be given to the visual impact of the proposal on the surrounding landscape.

- 10.7- The application building is considered by the LPA to be previously developed due to its equine use classification. However, in order for this specific scheme to comply with policy GP3, proposals to re-use and adapt existing buildings in rural areas will be permitted subject to a list of specific criterion as follows:
- The building is of permanent and substantial construction.
 - The condition of the building, its nature and location, makes it suitable for re-use or adaptation.
 - The proposed use or adaptation can be accommodated without extensive rebuilding.
 - The proposal is of a high quality and sustainable design, retaining the external and/or internal features that contribute positively to the character of the building and its surroundings.
 - The appearance and setting of the building following conversion protects, and where possible enhances, the character and appearance of the countryside.
- 10.8- A structural survey has been submitted in support of the application. Whilst the survey was only a visual inspection, it confirms that the buildings are made up of several steel portal frames, which appear to be structurally sound. When taking into consideration the age and use of the buildings there was only minor localised damage observed to the structures. Therefore, the first aspect of the criteria in the policy is satisfied and the building is of a permanent and substantial construction. The second criteria is also satisfied as the nature and condition of the building is also acceptable.
- 10.9- However, the structural survey can only be used in order to distinguish whether the building is currently structurally sound. It cannot be used to determine whether the building can be converted to the proposed scheme without extensive re-building work as detailed in criteria 3 of the policy. This is due to the fact that the submitted document does not specifically relate to this scheme and instead relates to the three dwellings as proposed under R21/0573.
- 10.10- However, when assessing the proposal against criteria three of the policy, the case officer considers that the proposal requires significant elements of re-building work to provide an enclosed structure once the relevant aspects have been demolished. A large degree of the scheme is considered to be a 'fresh build' and therefore in this instance the proposal cannot be accommodated without extensive re-building and alteration of the existing structure.
- 10.11- An assessment of criteria 4 and 5 in the policy relating to the design and any impact on the wider countryside setting will be detailed in section 11 of this report. However, supporting text for this policy under paragraph 3.19. of the local plan states that the purpose of policy GP3 is to ensure that the conversion of buildings, in particular rural buildings, are done sympathetically to their surroundings. The buildings should be substantial and good quality buildings, which are capable of conversion with little change to their character, appearance and setting. The building should require little in the way of alteration, extension or rebuild for its conversion. Therefore, it is considered that the proposal does not fully accord with policy GP3 of the local plan.
- 10.12- Paragraph 3.20 then goes on to state that, policy GP3 must also be considered in context with other policies in the development plan.

- 10.13- Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The Rural Sustainability Study for the borough carried out in 2015 ranks Flecknoe 16 out of 24 based on an assessment of service provision for rural villages. As the Local Authority has over a five-year supply of land (6.1 years) and an adopted local plan, the tilted balance is not engaged. It is considered that in terms of access to facilities, there would be a heavy reliance on the private car in order for residents of the proposed to carry out day-to-day provisions. Therefore, the proposed development site is not considered to be within a sustainable location and does not meet requirements of Section 2 & 5 of the NPPF and policy GP1, GP2 & GP3 of the Local Plan.
- 10.14- However, due to application R21/0573, the principle for residential development on the site has already been established which needs to be considered in the planning balance. However, an assessment is required as to the level of impact the single dwelling in this proposal has on the surrounding countryside setting compared to that which was considered acceptable in R21/0573. This will be assessed in detail against local plan policy SDC1 in section 11 of this report and then will be appropriately weighted in the planning balance.

11.0 Character, Layout & Sustainable Design

- 11.1- Local plan policy SDC1 states that development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. It states that all development will demonstrate high quality, inclusive and sustainable design and that the proposal should aim to add to the overall quality of the areas in which they are located. Factors including the massing, height, landscape, layout, materials and access should also be a key consideration in the determination of planning applications against this policy. Decisions will be informed by local context of the area in terms of design considerations and local character. Proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 11.2- The updated NPPF (2023) under section 12 paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 135 (a) states that buildings will add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 135 (b) states that buildings are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph (d) states that development shall establish or maintain a strong sense of place using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 11.3- With reference to the Sustainable Design & Construction SPD (2023), it states that the council will consider the effect of the proposal on the scale and character of the existing

building and the surrounding area and the impact of the design on the amenity of existing and future occupiers.

- 11.4- The proposal seeks the partial demolition and conversion of the existing equine barn to a single residential unit. The proposal will be contained mainly over a ground floor level however there is a small first-floor aspect to the floor plan. The two levels will have a total floor area of circa 855m², with a ground floor footprint of 640m². The design is modern through the addition of timber cladding, grey aluminium windows and doors and dark grey seam metal roof cladding. Whilst large aspects of the existing building will be removed, the proposed design does appear to retain visual elements of the existing building through a proposed two-bay gable fronted design.
- 11.5- The Council has declared a 'Climate Emergency' pledging to take local action to contribute to national carbon neutrality targets; including recognising steps to reduce its causes and make plans to respond to its effects at a local level. Local plan policy SDC4 is read in conjunction with the Climate Change and Sustainable Design and Construction SPD, which sets out further guidance on how the development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.
- 11.6- Solar gain refers to the natural heating of a building from solar energy. The orientation of a building affects the amount of solar gain experienced which in turn effects the level of energy consumption required. The most frequently used rooms, such as the living room and main bedrooms, should be positioned on the south side of the dwelling. The southern elevation should incorporate a greater percentage of glazing than other elevations. Smaller glazing on Northern elevations will help minimise heat loss.
- 11.7- Due to the vast size and layout of the proposed, it is considered that insufficient natural light can be achieved across certain rooms in the proposed layout. The south of the dwelling where the living and kitchen dining area are located, benefit from a large, glazed section on the rear elevation in order to allow natural light into this part of the property. However, rooms on the northern aspect of the property rely heavily on roof lights in order to allow natural light into the living spaces due to the lack of side elevation windows proposed. As a result, a total of 32 roof lights are proposed across the roof space of the property and certain rooms will suffer from a lack of natural light provision which will impact on the amenities of the occupiers and also increase energy consumption long term. This aspect of the scheme therefore contradicts local plan policy SDC4.
- 11.8- As detailed in section 10 of this report, an assessment is required in order to determine whether the design and scale of the proposed would enhance the immediate setting of the site in accordance with criteria 4 & 5 of policy GP3. This are in place in order to ensure that the proposal is of high quality which positively contributes to the character and the appearance of the surrounding countryside. When taking this into consideration the nature of the dwelling through its size and massing and incongruous form for a residential unit, does not comply with these aspects.
- 11.9- On balance, the proposal aims to use suitable materials throughout, and the overall height of the structure will remain as existing. However, providing a residential dwelling of this vast size and massing with a ground floor layout of 640m², would create a development

which does not respond to the existing grain of residential built form in the area. This is particularly apparent when considering the nature of the permission already obtained on the site for 3 modest single storey dwellings.

- 11.10- For context, the combined floor plan of the three dwellings approved in R21/0573 totals 460m² of residential floor space with adequate spacing and an appropriate site layout which provides a proposal of high visual aesthetic. This is compared to the total of 640m² of ground floor residential floor space in this single unit alone. Therefore, the scale, density and overall design of the proposal is not considered to be acceptable in this instance. This proposal will not add to the overall quality of the areas in which they are located which policy SDC1 aims to achieve and would appear an incongruous addition when viewed against the neighbouring residential properties. The residential dwelling would be significantly larger than the neighbouring properties. This would therefore create a development which does not respond to the existing grain of residential development in the wider settlement of Flecknoe.
- 11.11- The development is therefore not in accordance with Policy GP3 & SDC1 of the Local Plan (2019), the second of which seeks to ensure that all development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. The proposal also conflicts with Section 12 of the National Planning Policy Framework (2023) and the Climate Change and sustainable Design and Construction SPD (2023).

12.0 Impact on neighbouring amenity

- 12.1- Policy SDC1 in the local plan states that proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded. Section 12, paragraph 135 (f) of the NPPF states decisions should ensure developments provide a high standard of amenity for existing and future users.
- 12.2- The building is already present with the scheme proposing a reduction of the existing massing and overall footprint of the structure in order to convert to residential purposes. The conversion hereby proposed and the required alterations necessary for the change of use, would not cause any additional loss of light, overbearing impact or privacy implications to the neighbouring properties to an unacceptable level above that already existing.
- 12.3- The massing of the existing structure has been reduced, with no material increase in the overall height to what is currently experienced. The following assessment was made in regard to the proposal with the immediate neighbouring buildings.

Underwood Cottage

- 12.4- This dwelling sits to the west of the application site. It is considered that the proposal will provide no material impact on the amenity or privacy due to the fact that the proposed

removal of the existing west section of the barn will significantly reduce any massing or overbearing impacts which are currently experienced.

Oxfields

- 12.5- This dwelling sits to the east of the existing site. It was considered that whilst this property sits close to the boundary, the curtilage which separates it from the barn comprises of landscaping which is mature and prominent. Therefore, the impact on privacy and amenity will not be intensified as a result of the development.

The Chopping Block

- 12.6- This business sits immediately north of the site next to the existing entrance to the equine business. It was considered that the proposal would provide no material impacts on its amenity and privacy to an unacceptable level.
- 12.7- On balance it is considered that this aspect of the assessment is therefore considered to be in accordance with this aspects of policy SDC1 of the local plan & Section 12 of the NPPF.

13.0 Highway considerations & safety

- 13.1- Local plan policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Local plan policy D2 also states that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the planning obligations SPD and appendix 5 of the local plan.
- 13.2- Section 9 paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 13.3- With reference to the local plan and its corresponding parking standards, a 4-bedroom dwelling in a low accessible area of the borough shall provide 3 off-road parking spaces. With reference to the submitted documentation, the required number of parking provision is complied with due to the extent of the hardstanding area to the front and the proposed garage and carport.
- 13.4- Warwickshire CC Highways were consulted with respect of the proposed conversion and proposed vehicular access. Following an assessment of the scheme by the highways specialists, an objection was given pending receipt of further information. The following observations were made;

The Highway Authority have no objection in principle to the application. The application requires a new access to be constructed and so a stage 1/2 RSA is required.

The new access is near neighbouring accesses and little information has been provided regarding the use of the access. Information regarding the type and size of vehicles to use the access is required. A swept path analysis should also be provided to demonstrate the largest vehicle can adequately enter and exit the site in a forward gear.

A Stage 1/2 Road Safety Audit (RSA) should be undertaken for the proposed access arrangements, in accordance with a brief to be agreed beforehand with the Highway Authority. Any swept path analysis undertaken as discussed above should be undertaken before the RSA, and its outputs should form part of the consideration of the RSA.

- 13.5- In response to this the applicant submitted an RSA dated 23rd August 2019 which was carried out during the assessment of refused application R18/1542 (erection of four dwellings). This RSA which was submitted to accompany the assessment of the new vehicular access in this scheme has a different layout to the proposed site plan and new vehicular access submitted in this current application and therefore could not be used in the assessment of this specific application.
- 13.6- The access proposed in this current application as shown in drawing no 2758/3 dated Feb 23, has a new access proposed and is near existing accesses on 3rd party land. The proposed coupled with the existing totals 4 access points in very close proximity to one another. As the RSA has not assessed the proposed development specifically and the difference does have a significant difference, the highway authority cannot use the provided RSA and supporting documents. Therefore, the objection stance remains.
- 13.7- The Highways authority had no concerns with the principle of the proposed residential development however the issue is with the proposed access. It has not been fully demonstrated by the applicant why an additional access is required and what it will be used for. Information regarding the type and size of vehicles to use the access is required. A swept path analysis should also be provided to demonstrate the largest vehicle can adequately enter and exit the site in a forward gear. Should the proposed access arrangements as shown in plan 2758/3 to be carried out in full, a total of four vehicular accesses will be located in close proximity to one another.
- 13.8- As existing there is a large vehicular access adjacent to the Chopping Block business which also serves the application site. A green wooden fence line then runs across the front of the equine barn. Elements of this existing fence line are to be removed in order to provide an enlarged vehicular access which will provide access for the proposed single dwelling. An additional access is then proposed directly adjacent to the garage at Underwood cottage in order to provide access to the agricultural enterprise to the rear.
- 13.9- This would mean that with the existing neighbouring accesses to the west and north of the site, should the proposal be carried out, there would be 4 access points immediately adjacent to one another, with little in the way of mutual visibility. This would result in a cluster of accesses which would increase the potential for conflict between accessing/egressing vehicles and other traffic on the adjacent public highway. Therefore, the RSA has been requested in this instance to assess any conflicts and the applicant has not provided such to the LPA.

13.10- Due to the location of the proposed vehicular access which is in close proximity to existing vehicular access points on Flecknoe Village road, this aspect of the proposal will pose an impact on highway safety. Insufficient information has been provided to the LPA which details the nature of the proposed access, in order to fully assess its impact on the surrounding highway. Therefore, the proposed access is considered to create an unacceptable impact on highway safety within the immediate vicinity at this time. The Applicant has therefore failed to demonstrate that any detrimental impacts from the proposed access on highway safety, can be mitigated, contrary to Paragraphs 114 and 115 of the National Planning Policy Framework (2023) and Policy D1 of the Local Plan (2019).

14.0 Biodiversity

14.1- Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The NPPF at section 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.

14.2- Policy NE1 of the local plan relates to the protection of designated biodiversity and geodiversity assets. Development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy. Policy NE3 states that new development which positively contributes to landscape character will be permitted. Development proposals will be required to demonstrate that they: Integrate landscape planning into the design of development at an early stage; & consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character, including tranquillity.

14.3- Local plan policy SDC2 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required. All proposals should ensure that in appropriate for planting within and around the perimeter of the site to minimise visual intrusion on neighbouring uses.

14.4- The application site is classified as previously developed land and therefore no elements of the site are classified as greenfield land. Landscaping is proposed to the front and rear of the site in order to provide a net gain of biodiversity as a result of the development. Warwickshire CC Ecology team were consulted with respect of the application. A stance of no objection was given and it was stated that the barn appears to be sub-optimal for bats. It may provide suitable nesting ledges for some nesting bird species. However, should an approval be forthcoming and in order to ensure that the proposal complies with both local and national policy, a pre-commencement condition was suggested in order for the applicant to provide a combined ecological and landscaping scheme prior to works commencing on site.

- 14.5- This application is therefore in accordance with Local plan policy NE1 & NE3 along with Section 15 of the NPPF.

15.0 Other matters

- 15.1- Section 15 of the NPPF states that proposals should be prevented from contributing to, being out at risk from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution. It also states that a site should be suitable for its proposed use by taking account of ground conditions and any risks arising from land instability and contamination.
- 15.2- Environmental Health have assessed the application and have no objections subject to condition. Their assessment stated that the proposed change of land use introduces new, more sensitive receptors to the development. Having regard to the current/historic uses as an agricultural building with storage of machinery, feed, livestock etc there is the potential for the land to be subject to contamination including hazardous ground gases. As per the guidance within the NPPF, it is appropriate to recommend a contaminated land assessment be undertaken pre-commencement to works being carried out on site. This is subject to an approval of the scheme. It was also stated that the corrugated sheeting as existing may incorporate asbestos.
- 15.3- Policy SDC4 of the local plan states that all new dwellings shall meet the Building Regulations requirement of 110 litres of water per person per day unless it can be demonstrated that it is financially unviable. A relevant condition can ensure that this is implemented.
- 15.4- Policy SDC9 of the local plan advises that all developers are expected to facilitate and contribute towards the provision of broadband infrastructure suitable to enable the delivery of broadband services across Rugby Borough. This is to ensure that the appropriate service is available to those who need it. Given that there are residential properties nearby, such services are likely to be obtainable and accessible. Nevertheless, a relevant condition can ensure that these provisions are put in place for future occupiers.

16.0 Planning Balance and Conclusion

- 16.1- Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. As mentioned, the Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust up-to-date evidence base.
- 16.2- Whilst the site is considered to be previously developed land, the proposal does not accord with local plan policy GP3 and its listed criteria. The proposal requires extensive re-building which falls outside of the intention of the policy to re-use existing building stock. In addition to this, the conversion of the building to a single residential dwelling of this size,

massing and floor plan is not sympathetic to the countryside location and is out of character with the neighbouring properties. The conversion would appear an incongruous residential addition to the vicinity and therefore cannot be supported by local plan policy GP3.

- 16.3- The case officers acknowledges that there is a principle for residential development on the site already established in application R21/0573. This heavily weighs in the applicants favour when establishing the principle for development in this application. However, a specific assessment related to this proposal is still required on its own merits. The proposed conversion of the equestrian barn to a single dwellinghouse (Use Class C3) would create a dwelling which due to the size, massing and floorplan of the individual unit, will not respond to the existing character of the area in which it is situated. A single dwellinghouse of this size would appear an incongruous addition when viewed against the neighbouring residential properties and would create a development which does not respond to the existing grain of residential development in the settlement of Flecknoe. The proposal would therefore detract from the overall quality of the area in which it is situated.
- 16.4- As detailed in section 11 of this report, due to the scale and nature of the proposed unit and its floor plan. The layout of the dwelling and the positioning of proposed windows throughout do not allow sufficient natural light throughout the property, whereby certain areas of the proposed layout will receive inadequate levels of natural light. This is at conflict with local plan policy SDC1 which aims to ensure that the living conditions of existing and future occupiers are safeguarded and section 12, paragraph 135 (f) of the NPPF which states decisions should ensure developments provide a high standard of amenity for existing and future users. This is also at conflict with local plan policy SDC4 relating to climate change and a reduction in carbon emissions. As the Council has declared a 'Climate Emergency' pledging to take local action to contribute to national carbon neutrality targets, this conflict weighs against the proposal in the planning balance.
- 16.5- The development is therefore not in accordance with policy SDC1 of the local plan (2019) which seeks to ensure that all development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. The proposal also conflicts with Section 12 of the National Planning Policy Framework (2023) and the Climate Change and sustainable Design and Construction SPD (2023).
- 16.6- Due to the location of the proposed vehicular access which is in close proximity to existing vehicular access points on Flecknoe Village road, this aspect of the proposal will pose an impact on highway safety. Insufficient information has been provided to the LPA which details the nature of the proposed access, in order to fully assess its impact on the surrounding highway. Therefore, the proposed access is considered to create an unacceptable impact on highway safety within the immediate vicinity at this time. The Applicant has therefore failed to demonstrate that any detrimental impacts from the proposed access on highway safety, can be mitigated, contrary to Paragraphs 114 and 115 of the National Planning Policy Framework (2023) and Policy D1 of the Local Plan (2019).

17.0 Recommendation

- Planning application R23/0831 is recommended to be refused due to conflicts with policies SDC1 & D1.
- This is subject to the Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal as outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:
R23/0831

DATE APPLICATION VALID:
08-Aug-2023

APPLICANT:
MR & MRS Murray FLECKNOE FARM STUD AND LIVERY

AGENT:
MR Mike Robinson, Oxford & Country Planning

ADDRESS OF DEVELOPMENT:
FLECKNOE FARM STUD AND LIVERY,
FLECKNOE VILLAGE ROAD,
FLECKNOE,
RUGBY,
CV23 8AU

APPLICATION DESCRIPTION:
Proposed conversion and partial demolition of former equestrian barn to a single residential dwelling (Use Class C3).

REASON FOR REFUSAL & RELEVANT DEVELOPMENT PLAN POLICIES:

REASON 1:

The proposed partial demolition and conversion of the equestrian barn to a single dwellinghouse (Use Class C3) would create a dwelling which due to the size, massing and floorplan of the individual unit, will not respond to the existing character of the area in which it is situated. A single dwellinghouse of this size would appear an incongruous addition when viewed against the neighbouring residential properties and would create a development which does not respond to the existing grain of residential development in the settlement of Flecknoe. The proposal would therefore detract from the overall quality of the area in which it is situated.

The development is therefore not in accordance with Policy SDC1 of the Local Plan (2019) which seeks to ensure that all development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. The proposal also conflicts with Section 12 of the National Planning Policy Framework (2023) and the Climate Change and sustainable Design and Construction SPD (2023).

REASON 2:

Due to the location of the proposed vehicular access which is in close proximity to existing vehicular access points on Flecknoe Village road, this aspect of the proposal will pose an impact on highway safety. Insufficient information has been provided to the LPA which details the nature of the proposed access, in order to fully assess its impact on the surrounding highway. Therefore, the proposed access is considered to create an unacceptable impact on highway safety within the immediate vicinity at this time. The Applicant has therefore failed to demonstrate that any detrimental impacts from the proposed access on highway safety, can be mitigated, contrary to

Paragraphs 114 and 115 of the National Planning Policy Framework (2023) and Policy D1 of the Local Plan (2019).

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Local Plan policies;

SDC1: Sustainable Design

D1: Transport

National Planning Policy Framework (2023)

Section 9- Promoting sustainable transport

Section 12- Achieving well-designed and beautiful places.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF, unfortunately it was not possible to reach agreement on this case.

Reference: R23/1197

Site Address: 136, HILLMORTON ROAD, RUGBY, CV22 5AL

Description: Outbuilding to rear (retrospective)

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/38972>

Recommendation

Planning application R23/1197 be approved subject to:

1. The conditions and informatives set out in the draft decision notice appended to this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

1. Introduction

1.1. This application is being reported to Planning Committee for determination in accordance with the scheme of delegation. In this case it would be point 5.2.3 (F) as this application was submitted by a current officer at the Council.

2. Description of site

2.1. The application dwelling is a two-storey semi-detached dwelling situated on Hillmorton Road and is situated approximately 1 mile south-east of Rugby Town Centre. The application dwelling is set back from the edge of Hillmorton Road by approximately 23m. The front of the property possesses a low-level brick wall which is under 1m in height. To the front of the property is a shared driveway with the adjacent property namely, No. 138 Hillmorton Road, the vehicular parking area is predominantly block paved. The dwelling itself is made up of orange brickwork with brown roof tiles. There is also a bay window at both ground and first floor level which is designed in a white render with a pitched roof at the top. There is a gradual level drop from the driveway access to the end of the rear amenity space. The rear amenity space can be considered elongated at a length of approximately 41m and is made up of both grass and gravel.

3. Description of proposals

3.1. This application seeks full retrospective planning permission for an incidental outbuilding to the rear of the property.

3.2. The maximum length of the outbuilding is 9.5m with a maximum width of 6.6m. The overall height of the outbuilding would be 3.36m.

3.3. Two windows have been implemented, one on the rear of the outbuilding and one also on the eastern elevation. Opening doors have been implemented on the rear elevation and consist of 4 panes of glass and are finished with a grey UPVC finish.

3.4. The materials used consist of a timber cladding and grey UPVC window finishes.

4. Planning History

4.1. No relevant planning history.

5. Relevant Planning Policies

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

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

Rugby Borough Local Plan 2011-2031, June 2019

GP2: Settlement hierarchy

SDC1: Sustainable design

SDC4: Sustainable buildings

Supplementary Planning Documents

Climate change Sustainable Design and construction SPD 2023

Material Considerations

National Planning Policy Framework, 2023 (NPPF)

The Town and Country Planning (General Permitted Development) (England) Order 2015

6. Technical consultation responses

6.1. None required.

7. Third party comments

7.1. None received.

8. Assessment of proposals

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

Section 9	Principle of development
Section 10	Character and design
Section 11	Impact on residential amenity
Section 12	Climate change and sustainable design
Section 13	Conclusion
Section 14	Recommendation

9. Principle of development

- 9.1. Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.
- 9.2. This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 9.3. Paragraph 11 of the NPPF states that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.
- 9.4. As this application was submitted before 19th December 2023 paragraph 76 of the NPPF (2023) is not a material consideration. The Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing. The latest Five Year Housing Land Supply Position Statement 2023-2028, published on 5th October 2023, confirms the council can currently demonstrate a 6.1 year supply of housing.
- 9.5. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.
- 9.6. Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy.
- 9.7. The application site is located within Rugby town. Policy GP2 states for developments within Rugby town that it is the main focus for all development in the Borough. Development permitted within existing boundaries and as part of allocated Sustainable Urban Extensions
- 9.8. This application is therefore considered to be in accordance with Policy GP2 of the Local Plan.

10. Character and Design

- 10.1. Policy SDC1 in the Local Plan states that development should demonstrate high quality, inclusive and sustainable design and that proposals will only be supported where the scale, density and design respond to the character of the area in which they are situated. Factors including the massing, height, landscape, layout, materials and access are a key consideration in the determination of planning applications.

- 10.2. Whilst permitted development can achieve a height of up to 3 metres under Class E it can be considered that the maximum height of the proposal which is 3.3 metres would not be sufficient enough to warrant a refusal. This is due to the matter that if the outbuilding were to possess a pitched roof it would under permitted development, be able to achieve a height of 4 metres. From this it can be considered that the extra 0.3m of what is currently present would not be a sufficient reason to warrant a refusal.
- 10.3. With regard to the character of the area, it can be stated that there is a gradual level drop from the entrance to the property to the rear amenity space where the retrospective building is situated. Whilst the outbuilding can still be seen from the street scene, the impact can be considered not significant due to the large distance of approximately 55 metres from the street itself and the gradual level drop it can be further considered that that there is no detrimental harm to the character of the area in which the outbuilding responds to.
- 10.4. There is a material consideration that there is a fall-back position of 4m, if the proposal were to have a pitched roof it could achieve a height of up to 4m in height under Class E permitted development rights. The extra 0.3m above what would be classed as permitted development is not considered significant enough to warrant a refusal. The reasoning for the added height not being considered significant in relation to character and design is that there is no significant impact on the street scene as the retrospective outbuilding is situated approximately 55m away from the street. This would therefore mean that there would be no significant impact on the character of the area then what could be done under permitted development.
- 10.5. Whilst there is already another outbuilding present at the property it can be considered that the retrospective outbuilding would fall under permitted development in terms of the total area of ground coverage within the curtilage of the property not exceeding 50% of the total area. This therefore means that the positioning and scale of the retrospective outbuilding can be considered to conform to permitted development and deemed not an expedient matter under planning control.
- 10.6. Overall, it is considered that the extra 0.3m in height over what could be classed as permitted development would not be a sufficient enough reason to warrant a refusal for this application in relation to character and design. This is mainly due to the retrospective outbuilding being situated a significant distance away from the street scene along with the gradual level drop, meaning that this proposal would not have a detrimental impact on the character of the area.
- 10.7. It can be considered that this proposal will conform to Policy SDC1 of the Local Plan in the sense that the proposal will demonstrate high quality, inclusive and sustainable design and that the retrospective development will respond to the character of the area in which it is situated.

11. Impact on residential amenity

- 11.1. Policy SDC1 of the Local Plan and the SPD states that proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

- 11.2. The neighbouring properties most affected by the proposal are those that are to the east of the application dwelling. These properties are 138 and 140 Hillmorton Road. It can be considered that the design of the outbuilding means that the lowest point would be facing the neighbours and measures at 3.1m. Due to the orientation of the outbuilding it would mean that there would be a minimal chance for any of loss of light for the properties to the east of the application dwelling. There is a distance of approximately 23 metres separating the outbuilding and the adjacent neighbour to the east at No.138. From this it can be considered that the proposal would not act as overbearing to the adjacent neighbours or contributing to a loss of light. It can further be noted that there would be no breach of the 45-degree line in terms of loss of light. There are no windows in the eastern elevation of the retrospective outbuilding which means that there would be no significant chance for any overlooking into the adjacent properties to the east of the application dwelling. The impact to the adjacent neighbour to the west of the application dwelling can be considered insignificant due to a separation of approximately 25 metres of the retrospective outbuilding to No.134 Hillmorton Road.
- 11.3. It is considered that the impact on neighbouring properties in relation to light and privacy is acceptable. This application is therefore considered to be in accordance with both policy SDC1 of the Local Plan and section 12 of the NPPF.

12. Climate Change and Sustainable Design

- 12.1. The Council has declared a 'Climate Emergency' pledging to take local action to contribute to national carbon neutrality targets; including recognising steps to reduce its causes and make plans to respond to its effects at a local level.
- 12.2. Local Plan Policy SDC4 read in conjunction with the Climate Change and Sustainable Design and Construction SPD, which sets out further guidance on how the development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.
- 12.3. The application is accompanied by a sustainability checklist which provides details of how the development has been designed to ensure sustainable outcomes. These include, using appropriately insulated materials, conforming to the aesthetic appearance of the street scene, and the consideration of incorporating natural light into the dwelling.
- 12.4. It is considered that the applicant has demonstrated how energy efficiency and sustainability has been incorporated within the development and therefore the development complies with Policy SDC4.

13. Planning Balance and Conclusion

- 13.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 13.2. In conclusion, the principal of this development is acceptable, and it is noted that the proposal would respect the scale and character of the existing dwelling, the character of the

immediate area and would not adversely affect the amenities of the neighbouring properties. The sustainability checklist which accompanies the application, details how the proposal will incorporate sustainable amenities and meet targets set out in Policy SDC1 of the local plan to ensure that the council's sustainability targets are being contributed to. This proposal would also conform to both section 2 and section 12 of the NPPF in relation to achieving well designed places and achieving sustainable development. The application is to be in accordance with both the NPPF and the local plan. This proposal is therefore recommended for approval subject to conditions.

14. Recommendation

Planning application R23/1197 be approved subject to:

1. The conditions and informatives set out in the draft decision notice appended to this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:
R23/1197

DATE APPLICATION VALID:
19-Dec-2023

APPLICANT:

Mr K Giles, C/O Simple Planning Solutions Ltd C/O Simple Planning Solutions Ltd, C/O Agent, CV5 8GX

AGENT:

Ms Michelle Hill, Simple Planning Solutions Ltd Simple Planning Solutions Ltd, 136 Lincroft Crescent, Coventry, CV5 8GX

ADDRESS OF DEVELOPMENT:

136, HILLMORTON ROAD, RUGBY, CV22 5AL

APPLICATION DESCRIPTION:

Outbuilding to rear (retrospective)

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION: 1

This permission shall be deemed to have taken effect on 06/03/2024.

REASON: 1

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

CONDITION: 2

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

Application Form, received by Council, 06/12/2023.

Sustainability Checklist, received by Council, 01/12/2023.

Plans and Elevations, Drawing No. Po1, received by Council, 01/12/2023.

Roof Plan, Drawing No. Po2, received by Council, 06/12/2023.

Site Location Plan, received by Council, 01/12/2023.

Site Block Plan, received by Council, 01/12/2023.

REASON: 2

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

CONDITION: 3

The facing materials to be used on the external walls and roof shall be as specified on the application form, received by the Council on 01/12/2023.

REASON: 3

To ensure a satisfactory external appearance and for the avoidance of doubt.

CONDITION: 4

The outbuilding hereby approved shall not be used for any purpose other than incidental to the residential use of 136 Hillmorton Road.

REASON: 4

In the interest of residential amenity.

INFORMATIVE: 1

This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining landowner.

INFORMATIVE: 2

The applicant is reminded of the provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information regarding the provisions of 'The Act' should be obtained from an appropriately qualified professional with knowledge of party wall matters. This document can be viewed at <https://www.gov.uk/party-wall-etc-act-1996-guidance>

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions - 18 January 2024 to 14 February 2024
Name of Committee:	Planning Committee
Date of Meeting:	6 March 2024
Report Director:	Chief Officer - Growth and Investment
Portfolio:	Growth and Investment
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Chief Officer - Growth and Investment
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	No
Corporate Priorities:	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024 <input type="checkbox"/> This report does not specifically relate to any Council priorities but
(C) Climate (E) Economy (HC) Health and Communities (O) Organisation	
Summary:	The report lists the decisions taken by the Head of Growth and Investment under delegated powers.
Financial Implications:	There are no financial implications for this report.
Risk Management Implications:	There are no risk management implications for this report.

Environmental Implications:	There are no environmental implications for this report.
Legal Implications:	There are no legal implications for this report.
Equality and Diversity:	There are no equality and diversity implications for this report.
Options:	
Recommendation:	The report be noted.
Reasons for Recommendation:	To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers.

Planning Committee - 6 March 2024

Delegated Decisions - 18 January 2024 to 14 February 2024

Public Report of the Chief Officer - Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 6 March 2024

Subject Matter: Delegated Decisions - 18 January 2024 to 14 February 2024

Originating Department: Growth and Investment

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

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Delegated

8 Weeks Advert

Applications Approved

R23/1162 8 Weeks Advert Approval 19/01/2024	210, Frobisher Road, Rugby, Warwickshire, CV22 7JF	Advertisement consent for installation of 2 no. internally illuminated (letters and logo only) fascia signs and 1 no. internally illuminated projecting sign.
--	---	---

R23/1177 8 Weeks Advert Approval 31/01/2024	Starbucks, Avon Mill, Newbold Road, Rugby, CV21 1DH	5No. EV Hub and directional signs: 2no. 'High Power' information signs; 1no. 'Accessible Parking' sign; 2no. Directional signs
--	--	--

R23/1050 8 Weeks Advert Approval 07/02/2024	30-31, SHEEP STREET, RUGBY, CV21 3BX	Non illuminated fascia and projection signs, and window graphics/ vinyls
--	---	--

8 Weeks PA Applications

Applications Refused

R23/1136 8 Weeks PA Refusal 02/02/2024	The Holgate, Wolston Grange, Rugby, CV23 9HJ	Demolition of a timber framed bungalow and construction of a larger 2-bedroom brick/blockwork bungalow.
---	---	--

Delegated

8 Weeks PA Applications

Applications Refused

R23/0978 8 Weeks PA Refusal 09/02/2024	Heritage Close, Cawston, Rugby	Erection of retail unit (Use Class E).
---	--------------------------------	--

R23/1064 8 Weeks PA Refusal 09/02/2024	Land adj to 3 Main Street Stretton Under Fosse Rugby CV23 0PF	Construction of 1 no. Residential Dwelling
---	--	--

R24/0004 8 Weeks PA Refusal 14/02/2024	15, PERKINS GROVE, RUGBY, CV21 4HU	Two storey side extension and demolition of garage.
---	---------------------------------------	---

Applications Approved

R23/1113 8 Weeks PA Approval 18/01/2024	24, Fareham Avenue, Rugby, Warwickshire, CV22 5HS	Single storey rear extension and conversion of integral garage to bedroom
--	--	---

R23/0424 8 Weeks PA Approval 19/01/2024	51, ASHLAWN ROAD, RUGBY, CV22 5ET	Replacement dwelling
--	--------------------------------------	----------------------

Delegated

8 Weeks PA Applications Applications Approved

R23/0415 8 Weeks PA Approval 22/01/2024	MANOR COTTAGE, DRAYCOTE ROAD, DRAYCOTE, RUGBY, CV23 9RB	Replacement dwelling
R23/1165 8 Weeks PA Approval 22/01/2024	6, Spruce Close, Rugby, CV21 1UP	Single storey rear extension
R23/1200 8 Weeks PA Approval 22/01/2024	145, TOWNSEND LANE, LONG LAWFORD, RUGBY, CV23 9DF	Proposed to convert loft space into a bedroom with dormer on rear elevation and build a front porch.
R23/1130 8 Weeks PA Approval 23/01/2024	97, High Street, Ryton-On- Dunsmore, Coventry, CV8 3FJ	Single storey ground floor extensions to front sides and rear
R23/1184 8 Weeks PA Approval 23/01/2024	51, Gibson Drive, Rugby, CV21 4LJ	Erection of a single storey front extension
R23/1144 8 Weeks PA	Station House, Stretton-under- Fosse, Rugby, CV23 0PU	Two storey side extension

Delegated

8 Weeks PA Applications Applications Approved

Approval
24/01/2024

R23/0438 8 Weeks PA Approval 25/01/2024	ST GEORGE'S CHURCH, ST JOHNS AVENUE, RUGBY, CV22 5HR	Installation of six air to air heat pumps
--	--	--

R23/1005 8 Weeks PA Approval 25/01/2024	7, HUDSON ROAD, RUGBY, CV22 6DF	Proposed single storey front extension
--	------------------------------------	---

R23/0536 8 Weeks PA Approval 26/01/2024	SHELFORD FARM, HINCKLEY ROAD, BURTON HASTINGS, NUNEATON, CV11 6RD	Application for approval of reserved matters following outline approval ref R20/0320 for "Outline application for a replacement farmhouse with all matters reserved except for access" approved 11th March 2021
--	---	--

R23/0977 8 Weeks PA Approval 30/01/2024	THE HONEY POT, MAIN STREET, BOURTON-ON- DUNSMORE, RUGBY, CV23 9QS	Single storey rear extension to replace existing conservatory
--	--	--

Single Storey Side & Rear

Delegated

8 Weeks PA Applications Applications Approved

		Extension
R23/1002 8 Weeks PA Approval 30/01/2024	27, Lower Street, Rugby, CV21 4NP	
R23/1267 8 Weeks PA Approval 30/01/2024	Units 6 and 7, Swan Centre, Chapel Street, Rugby, CV21 3EB	Full Planning Application for the change of use of Unit 7 from Betting Office (Sui Generis) to Amusement Centre (Sui Generis) and merging Units 6 and 7 to create a single unit
R23/1103 8 Weeks PA Approval 31/01/2024	Fosse Farm, Fosse Way, Monks Kirby, COVENTRY, CV7 9LR	Demolition of existing dwelling. Construction of replacement dwelling, with car parking and amenity space
R23/1171 8 Weeks PA Approval 31/01/2024	The Wheeltapper, 123, Railway Terrace, Rugby, Warwickshire, CV21 3EY	Conversion/change of use of first and second floors from a residential flat and 11 lettable rooms to Use Class C1 comprising 10 lettable rooms.
R23/1211 8 Weeks PA Approval 31/01/2024	Aspen Road Allotments, Aspen Road, Rugby, CV21 1TA	Erection of timber building for communal meeting room and store

Delegated

8 Weeks PA Applications Applications Approved

R23/1128 8 Weeks PA Approval 01/02/2024	1, Wessex Mews, Cawston, Rugby, Warwickshire, CV22 7UW	Single storey rear extension
R23/0840 8 Weeks PA Approval 02/02/2024	41, PARK ROAD, RUGBY, CV21 2QU	Single storey shopfront extension
R23/1217 8 Weeks PA Approval 02/02/2024	19, BILTON ROAD, RUGBY, CV22 7AG	New roof to outbuilding (Retrospective)
R23/1242 8 Weeks PA Approval 05/02/2024	5, Kirkby Road, Rugby, CV21 4HP	Installation of external wall insulation.
R23/1196 8 Weeks PA Approval 06/02/2024	34, LARCHFIELDS, WOLSTON, COVENTRY, CV8 3JL	First floor side extension.
R23/1150 8 Weeks PA		

Delegated

8 Weeks PA Applications

Applications Approved

Approval

08/02/2024

Land To The Rear Of 58,
Leamington Road, Ryton-on-
dunsmore, Warwickshire, CV8
3FN

PROPOSED SINGLE STOREY
FRONT EXTENSIONS TO
DWELLING AND ROOF
ALTERATION.

R23/1183
8 Weeks PA
Approval
08/02/2024

3, Elstop Avenue, Rugby, CV23
0GQ

2 replacement front dormer
windows and replacement side
gate (retrospective)

R23/1025
8 Weeks PA
Approval
09/02/2024

The Dragon, Rugby Road,
Dunchurch, Rugby, CV22 6PW

Installation of electric gates with
brickwork pier and curved wall,
and 1.5m high timber fencing to
front boundary to face highways.

R23/1195
8 Weeks PA
Approval
12/02/2024

56, SOUTH ROAD, CLIFTON
UPON DUNSMORE, RUGBY,
CV23 0BZ

Single storey rear extension, new
front porch, replacement roof with
increased height and rear
dormer. Re-configuration of
windows and doors

R23/1007
8 Weeks PA
Approval
13/02/2024

120, RUGBY ROAD, BINLEY
WOODS, COVENTRY, CV3 2AX

Retrospective application for
garden fence panels.

Delegated

Certificate of Lawfulness Applications

Applications Refused

R23/0730 Certificate of Lawfulness Refusal 18/01/2024	LAND ADJACENT TO 11, WATLING CRESCENT, NEWTON	Lawful development certificate for an existing use – use of the land to site a caravan for residential occupation throughout the year
---	---	--

R23/1125 Certificate of Lawfulness Refusal 02/02/2024	THURLASTON MEADOWS CARE HOME, MAIN STREET, THURLASTON, RUGBY, CV23 9JS	Certificate of lawfulness for proposed alteration of existing service access from 3.9m wide to 5.5m wide (increase in width by 1.6m). Height of pillars and wall to be same as existing. Materials also to match existing. The proposed works is a minor operation approved by Class A & B, Part 2, Schedule 2 of the GPDO 2015. The wall height and the pillar height will not increase in accordance with criterion A.1(c).
---	---	--

Applications Approved

R23/1180 Certificate of Lawfulness Approval 22/01/2024	THE HOLLIES, MOAT LANE, WOLVEY, HINCKLEY, LE10 3HP	Lawful Development Certificate - To define area as within the residential curtilage of THE HOLLIES, MOAT LANE, WOLVEY.
--	---	--

Proposed certificate of lawfulness

Delegated

Certificate of Lawfulness Applications Applications Approved

R23/1182 Certificate of Lawfulness Approval 23/01/2024	97, High Street, Ryton-On- Dunsmore, Coventry, CV8 3FJ	for a detached outbuilding.
R23/0809 Certificate of Lawfulness Approval 30/01/2024	22, SHUTTLEWORTH ROAD, CLIFTON UPON DUNSMORE, RUGBY, CV23 0DB	Lawful Development Certificate (proposed) - Service accommodation Holiday Lettings
R23/1135 Certificate of Lawfulness Approval 31/01/2024	The Bungalow, Orton's Farm, Barnacle, Coventry, CV7 9LE	Lawful Development Certificate (existing) Continued lawful residential occupation of dwelling.
R23/1143 Certificate of Lawfulness Approval 05/02/2024	33, Carlton Road, Rugby, CV22 7PD	Certificate of Lawfulness for a change of use from Class C3 (a) (a single person or by people to be regarded as forming a single household) to C3 (b) (not more than six residents living together as a single household where care is provided for residents).

Delegated

Conditions

Applications Approved

R23/1249 Conditions Approval 19/01/2024	PLOT 5, ANSTY AERODROME (PROSPERO ANSTY), COMBE FIELDS ROAD, COOMBE FIELDS, COVENTRY, CV7 9JR	Application for approval of details relating to condition 19 (Water Supplies and Fire Hydrants) of R21/0525 (Plot 5, Prospero Ansty) for the erection of a building and use for Class B8 (Storage and Distribution)
--	--	---

R23/0489 Conditions Approval 23/01/2024	PLOT 3, ANSTY AERODROME (PROSPERO ANSTY), COMBE FIELDS ROAD, COOMBE FIELDS, COVENTRY, CV7 9JR	Application for approval of details relating to conditions 6 (part 2) (Management of Off-Site Biodiversity Management Plan), 10 (Materials), 11 (Hard Surfacing), 16 (Electric Vehicle Charging Points), 18 (Access Road and Traffic Signal Junction), 19 (Freight Management Plan) and 20 (Closure of Northern Rolls-Royce Access) of R22/0485 (Plot 3, Prospero Ansty) for the erection of one commercial unit for flexible use within Use Classes B2 (General Industrial) and B8 (Storage and Distribution)
--	--	--

R23/1269 Conditions Approval 23/01/2024	PLOTS 6 AND 7, ANSTY AERODROME (PROSPERO ANSTY), COMBE FIELDS ROAD, COOMBE FIELDS, COVENTRY, CV7 9JR	Application for approval of details relating to condition 12 (Roof- Mounted Photovoltaic (PV) Panels) of R22/0491 (Plots 6 and 7, Prospero Ansty) for the erection of two commercial units
--	--	---

Delegated

Conditions Applications Approved

for flexible use within Use
Classes B2 (General Industrial)
and B8 (Storage and Distribution)

R23/0888
Conditions
Approval
24/01/2024

PLOTS 6 AND 7, ANSTY
AERODROME (PROSPERO
ANSTY), COMBE FIELDS
ROAD, COOMBE FIELDS,
COVENTRY, CV7 9JR

Application for approval of details
relating to conditions 9 (Summer
Overheating) and 21 (BREEAM)
of R22/0491 (Plots 6 and 7,
Prospero Ansty) for the erection
of two commercial units for
flexible use within Use Classes
B2 (General Industrial) and B8
(Storage and Distribution)

R23/1186
Conditions
Approval
24/01/2024

Mickle Hill Farm, Fosse Way,
Wolston, RUGBY, CV8 3GD

Approval of Conditions 4
(Materials) and 10 (Bat and bird
box provision) of R21/0089
(Demolition of existing dwelling
including rear projection, and
erection of replacement dwelling
with associated parking area and
landscaping.)

R24/0022
Conditions
Approval
24/01/2024

Land North of Stocks Lane to
rear of Acorn Cottage, Stocks
Lane, Thurlaston

Approval of Conditions 9 parts B
& C (Archaeology - part
discharge) of R18/0873 (Outline
planning permission - Erection of
1no. Dwellinghouse, all matters
reserved except access)

Delegated

Conditions

Applications Approved

COOMBE ABBEY PARK LTD,
BRINKLOW ROAD, COOMBE
FIELDS, COVENTRY, CV3 2AB

R24/0049
Conditions
Approval
24/01/2024

Approval of condition 4
(landscaping) imposed on
planning permission R23/0637 for
new toilet block

R24/0051
Conditions
Approval
24/01/2024

LAND NORTH OF COVENTRY
ROAD, COVENTRY ROAD,
THURLASTON

Details for condition 25: Pegasus
crossing of R16/2569 (Outline
application for Use Class B8
buildings with associated
infrastructure)

R23/1108
Conditions
Approval
26/01/2024

Land to the rear of 1 and 3 Bilton
Lane, Edmondson Close,
Dunchurch, CV22 6PY

Approval of details in relation to
conditions 3 (external surfaces
materials), 4 (proposed fences
and gates), 5 (hard surfaces), 9
(drainage - foul sewage), 10 (air
quality), 13 (surfacing, drainage
and levels of the access, car
parking and manoeuvring areas)
and 17 (planting) attached to
R22/1337 – Erection of two new
detached dwelling,
vehicular/pedestrian access,
associated parking and works.

R23/0513
Conditions

WOLVEY CAMPUS, LEICESTER
ROAD, Wolvey Heath

Delegated

Conditions

Applications Approved

Approval
02/02/2024

Approval of details related to:
Condition 22 - Bus stop arrangement, Condition 28 - Water supply layout and Condition 31 - Sustainable Building Statement - R20/0968 - Outline application with all matters reserved except access for the demolition of existing buildings and the erection of residential dwellings (Use Class C3), including the retention and amendment of the existing vehicular access off Leicester Road and associated infrastructure, public open space, and landscaping

R23/0949
Conditions
Approval
05/02/2024

REAR OF, LODGE FARM,
OXFORD ROAD, RYTON-ON-
DUNSMORE, COVENTRY, CV8
3EJ

Approval of details in relation to conditions 3 and 5 for R22/0615

R23/1201
Conditions
Approval
06/02/2024

Land to the rear of 1 and 3 Bilton Lane, Edmondson Close, Dunchurch, CV22 6PY

Approval of details in relation to conditions 18 (schedule of habitats and species mitigation and enhancement measures) and 19 (nesting birds) attached to R22/1337 – Erection of two new detached dwelling,

Delegated

Conditions Applications Approved

vehicular/pedestrian access,
associated parking and works.

Discharge of Conditions Applications Approved

R22/1337 Land to the rear of 1 and 3 Bilton
Lane, Edmondson Close,
Dunchurch

26/01/2024

Erection of two new detached
dwelling, vehicular/pedestrian
access, associated parking and
works.

R22/1337 Land to the rear of 1 and 3 Bilton
Lane, Edmondson Close,
Dunchurch

06/02/2024

Erection of two new detached
dwelling, vehicular/pedestrian
access, associated parking and
works.

Listed Building Consent Applications Applications Approved

R23/1087 19, BILTON ROAD, RUGBY,
Listed Building Consent CV22 7AG

Approval
02/02/2024

Upgrade glazing to Sash
Windows

69-70, THE HEATH,
DUNCHURCH, RUGBY, CV22

Delegated

Listed Building Consent Applications Applications Approved

6RJ

R23/0326
Listed Building Consent
Approval
06/02/2024

Listed Building consent for the retrospective installation of gas boiler with external balanced flue and condensate pipework.

Prior Approval Applications Prior Approval Applications

R23/1121
Telecoms Prior
Approval
Withdrawn by
Applicant/Agent
29/01/2024

Telecommunications Site, Fosse
Way, Princethorpe

Erection of a 30m lattice mast, including a base station, 2.4m high palisade fencing, 6 no. operator cabinets, 1 no. meter cabinet, 2 no. dishes, 6 no. antennas, and ancillary development thereto.

R24/0082
Agriculture Prior
Approval
Not Required
06/02/2024

Land to the North East of A45,
Willoughby,

Prior Approval: General Purpose
Agriculture Building

R23/1254
Prior Approval change
of use
Withdrawn by
Applicant/Agent
07/02/2024

Stearn Meadows Barns, London
Road, Willoughby, Rugby

Prior approval change of use of
2no. agricultural barns to
dwellings.

Committee

Withdrawn Applications

Applications Withdrawn

R22/0478	ANSTY GOLF CLUB,	38 timber clad lodge style
Major Application	BRINKLOW ROAD, ANSTY,	caravans
Withdrawn by	COVENTRY, CV7 9JL	
Applicant/Agent		
09/02/2024		
